



REPUBLIC OF KENYA

TWELFTH PARLIAMENT – THIRD SESSION

THE SENATE

VOTES AND PROCEEDINGS

THURSDAY, MAY 16, 2019 AT 2.30 P.M.

1. The Senate assembled at thirty minutes past Two O'clock.
2. The Proceedings were opened with prayer said by the Speaker.
3. **COMMUNICATIONS FROM THE CHAIR**

The Speaker issued the following communications from the Chair: -

a) Visiting Students from Salient Mixed Secondary School, Nyandarua County

“Honourable Senators,

I would like to acknowledge the presence, in the Public Gallery this afternoon, of visiting students and teachers from Salient Mixed Secondary School, Nyandarua County.

On behalf of the Senate and on my own behalf, I welcome you to the Senate and wish you well for the remainder of your stay.

I thank you.”

b) Visiting delegation from Mandera County Assembly

“Honorable Senators,

I would like to acknowledge the presence, in the Speaker’s Gallery this afternoon, of visiting members of County Assembly Public Accounts and Investments Committee from Mandera County Assembly who are on a study visit in the Senate.

They are:

- | | |
|--------------------------------|--------------|
| 1. Hon. Bishar M. Abdullahi | -Chairperson |
| 2. Hon. Abdullahi Yunis Guliye | -Vice Chair |
| 3. Hon. Abdinoor Dakane Rafat | -Member |
| 4. Hon. Fatuma Omar Kasai | -Member |
| 5. Hon. Abass Abdille Mohamed | -Member |
| 6. Hon. Hussein Adan Haji | -Member |
| 7. Hon. Khalif Hussein Hassan | -Member |

On behalf of the Senate and on my own behalf, I welcome them to the Senate and I wish them well for the remainder of their stay.

I thank you.”

c) Visiting Students from Miathene Boys High School, Meru County

“Honourable Senators,

I would like to acknowledge the presence, in the Public Gallery this afternoon, of visiting students and teachers from Githiani Boys High School, Meru County.

On behalf of the Senate and on my own behalf, I welcome you to the Senate and wish you well for the remainder of your stay.

I thank you.”

d) Visiting Students from Moi Primary School, Nakuru County

“Honourable Senators,

I would like to acknowledge the presence, in the Public Gallery this afternoon, of visiting students and teachers from Moi Primary School, Nakuru County.

On behalf of the Senate and on my own behalf, I welcome you to the Senate and wish you well for the remainder of your stay.

I thank you.”

4. **PETITIONS**

- (i) Pursuant to Standing Order 230(2)(b), the Speaker reported to the Senate a petition by Benard Wachira Waheire and Jacqueline Namuye Mutere concerning the implementation of the Truth, Justice and Reconciliation Commission Report.

Pursuant to Standing Order 231, the Speaker invited Senators to comment on the Petition and, subsequently, committed it to the Standing Committee on Justice, Legal Affairs and Human Rights, pursuant to Standing Order 232(1).

- (ii) Pursuant to Standing Order 230(2)(b), the Speaker reported to the Senate a petition by Residents of Barwaqo Area concerning unlawful encroachment and forceful occupation of Barwaqo plots within Bulla Mpya Ward, Mandera East Constituency-Mandera County.

Pursuant to Standing Order 231, the Speaker invited Senators to comment on the Petition and, subsequently, committed it to the Standing Committee on Land, Environment and Natural Resources, pursuant to Standing Order 232(1).

5. PAPERS

The following Papers were laid on the Table of the Senate: -

- a) Report of the Auditor-General on the Financial Statements of Kirinyaga County Executive Car Loan and Mortgage Fund for the Year ended 30th June 2018;
- b) Report of the Auditor-General on the Financial Statements of Kirinyaga County Health Sector Service Fund for the Year ended 30th June 2018;
- c) Report of the Auditor-General on the Financial Statements of the Kirinyaga County Executive Emergency Fund for the Year ended 30th June 2018;
- d) Report of the Auditor-General on the Financial Statements of Kirinyaga County Executive Bursary Fund for the Year ended 30th June 2018;
- e) Report of the Auditor-General on the Financial Statements of Nyeri Water and Sewerage Company Limited for the Year ended 30th June 2018;
- f) Report of the Auditor-General on the Financial Statements of Elgeyo Marakwet County Assembly Car and Mortgage Revolving Fund for the Year ended 30th June 2018;
- g) Report of the Auditor-General on the Financial Statements of Gatanga Community Water Scheme for the Year ended 30th June 2018;
- h) Report of the Auditor-General on the Financial Statements of Karuri Water and Sanitation Company Limited for the Year ended 30th June 2018; and
- i) Report of the Auditor-General on the Financial Statements of Kilifi County Ward Scholarship Fund for the Year ended 30th June 2018;
- j) Report of the Auditor-General on the Financial Statements of Mombasa Water Supply and Sanitation Company Limited for the Year ended 30th June 2018;
- k) Report of the Auditor-General on the Financial Statements of Tavevo Water and Sewerage Company Limited for the Year ended 30th June 2018; and

- 1) Statement of the business of the Senate for the week commencing Tuesday, 21st May, 2019.

(The Senate Majority Leader)

6. **STATEMENTS**

(i) Statements pursuant to Standing Order 47(1)

Nominated Senator (Sen. Abshiro Halake, MP) made a statement on operationalization of the Menstrual Hygiene Management Policy (MHM).

In the statement, the Senator informed the House that the Ministry of Health developed the National Menstrual Hygiene Management Policy and Strategy, in early 2017. The policy examines the prevailing social, economic, cultural and demographic context of MHM for women and girls including its implications for the consequences to their health and development. As a complement to sector-specific policies and programs, it defines structures and key components of MHM to facilitate its mainstreaming in all sectoral planning activities.

The Senator concluded by expressing her concern that policies, laws and strategies are developed in this country but honoured more in breach than in practice, a trend she hopes will not adversely affect this policy.

(ii) Statements Pursuant to Standing Order 48(1)

- a) Nominated Senator (Sen. Judith Pareno, MP) sought a Statement from the Standing Committee on Education regarding the interdiction of 58 teachers for alleged opposition to the Competency Based Curriculum (CBC).

- b) The Senator for Kisumu County (Sen. Fred Outa, MP) sought a Statement from the Sessional Committee on County Public Accounts and Investments regarding the closure of Bank Accounts of the Kisumu Urban Projects.

(iii) Statement pursuant to Standing Order 52(1)

The Senate Majority Leader issued a statement on the business of the Senate for the week commencing Tuesday, 21st May, 2019.

7. **THE ELECTION LAWS (AMENDMENT) (NO. 2) BILL (SENATE BILLS NO. 37 OF 2018)**

Order for Second Reading read;

Motion made and Question proposed-

THAT, the Election Laws (Amendment) (No. 2) Bill (Senate Bills No. 37 of 2018) be now read a Second Time.

(The Senate Majority Leader – 14.5.2019)

Debate interrupted on Wednesday, 15th May, 2019 resumed;

There being no other Senator wishing to contribute;

Mover replied;

Raising a point of order the mover (Sen. Agnes Zani) requested the Temporary Speaker (Sen. (Dr.) Ltumbesi Lelegwe) to defer putting of the Question to a later date pursuant to Standing Order 61(3).

And the Temporary Speaker (Sen. (Dr.) Ltumbesi Lelegwe) acceding to her request deferred putting of the Question to a later date.

8. **THE ELECTION LAWS (AMENDMENT) BILL (SENATE BILLS NO. 33 OF 2018)**
(Sen. Ledama Olekina, MP)

(Second Reading)

(Resumption of debate interrupted on Tuesday, 14th May, 2019)
(Division)

Order deferred.

9. **MOTION - ADOPTION OF THE REPORT OF THE MEDIATION COMMITTEE ON THE WAREHOUSE RECEIPT SYSTEM BILL (SENATE BILLS NO. 10 OF 2017)**
(Chairperson, Mediation Committee)

THAT, the Senate adopts the Report of the Mediation Committee on the Warehouse Receipt System Bill (Senate Bills No. 10 of 2017) laid on the Table of the Senate on Tuesday, 14th May, 2019 and pursuant to Article 113 of the Constitution and Standing Order 161 (3) of the Senate Standing Orders approves the mediated version of the Bill.

(Resumption of debate interrupted on Wednesday, 15th May, 2019)
(Division)

Order deferred.

10. **MOTION - THE REALIZATION OF GENDER EQUITY IN ELECTIVE AND APPOINTIVE POSITIONS IN KENYA**

Motion made and Question proposed-

AWARE THAT, the Constitution of Kenya recognizes dignity, economic, social and cultural rights, education, housing and the right to health including reproductive health; and that the principle of equality and non-discrimination is established as a core value of leadership and the national values and principles of governance include human dignity, equity, social justice, inclusiveness, equality, human rights, nondiscrimination and protection of marginalized groups, among others;

FURTHER AWARE THAT, the Constitution of Kenya has very progressive articles that indicate commitment to the international and regional obligations arising from treaties and conventions and other Commitments signed or ratified;

COGNIZANT that Kenya has ratified the Convention on Elimination of all forms of discrimination against Women and the Protocol to the African Charter on Human and People's Rights of the Right of Women which are international instruments that are key to promoting women's rights;

RECALLING that policy framework to enhance gender equality has also been developed, and include the National Gender and Development Policy 2000, the Kenya Vision 2030, Sessional paper No. 2, of 2006, the National Land Policy, the National Policy for Response to Gender Based Violence, and the National Policy for the Abandonment of Female Genital Mutilation;

NOTING THAT, despite there being sound constitutional provisions and elaborate policy framework to realise gender equity, both national government and county governments have not done enough to realise the achievement of gender equality;

CONCERNED that women in Kenya experience hardships when it comes to elective offices, and are underrated by society with most opportunities for elective and appointive offices being awarded to men;

NOW THEREFORE THE SENATE RESOLVES

1. that Parliament fast track the enactment of the law that shall give effect to the one third gender rule; and
2. that pursuant to Article 81 of the Constitution both the National and County governments observe the principle of equality, and empowers the female gender by increasing the appointive position to at least fifty per cent.

(Sen. (Canon) Naomi Waqo Jilo, MP)

Debate arising;

And there being no other Senator wishing to contribute;

Mover replied;

Before the Question was put and pursuant to Standing Order 79, the Temporary Speaker (Sen. Judith Pareno) ruled that the Motion did not affect counties.

Question put, agreed to.

RESOLVED ACCORDINGLY

AWARE THAT, the Constitution of Kenya recognizes dignity, economic, social and cultural rights, education, housing and the right to health including reproductive health; and that the principle of equality and non-discrimination is established as a core value of leadership and the national values and principles of governance include human dignity, equity, social justice, inclusiveness, equality,

human rights, nondiscrimination and protection of marginalized groups, among others;

FURTHER AWARE THAT, the Constitution of Kenya has very progressive articles that indicate commitment to the international and regional obligations arising from treaties and conventions and other Commitments signed or ratified;

COGNIZANT that Kenya has ratified the Convention on Elimination of all forms of discrimination against Women and the Protocol to the African Charter on Human and People's Rights of the Right of Women which are international instruments that are key to promoting women's rights;

RECALLING that policy framework to enhance gender equality has also been developed, and include the National Gender and Development Policy 2000, the Kenya Vision 2030, Sessional paper No. 2, of 2006, the National Land Policy, the National Policy for Response to Gender Based Violence, and the National Policy for the Abandonment of Female Genital Mutilation;

NOTING THAT, despite there being sound constitutional provisions and elaborate policy framework to realise gender equity, both national government and county governments have not done enough to realise the achievement of gender equality;

CONCERNED that women in Kenya experience hardships when it comes to elective offices, and are underrated by society with most opportunities for elective and appointive offices being awarded to men;

NOW THEREFORE THE SENATE RESOLVES

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2. that pursuant to Article 81 of the Constitution both the National and County governments observe the principle of equality, and empowers the female gender by increasing the appointive position to at least fifty per cent.

And the time being thirty minutes past Six O'clock, the Temporary Speaker (Sen. Judith Pareno) adjourned the Senate without Question put, pursuant to the Standing Orders.

11. **SENATE ROSE** – at thirty minutes past Six O'clock.

MEMORANDUM

*The Speaker will take the Chair on
Tuesday, May 21, 2019 at 2.30 p.m.*

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