



REPUBLIC OF KENYA  
TWELFTH PARLIAMENT – (THIRD SESSION)

THE SENATE

**ORDER PAPER**

TUESDAY, MAY 28, 2019 AT 2.30 PM

**PRAYERS**

1. Administration of Oath
2. Communication from the Chair
3. Messages
4. Petitions
5. Papers
6. Notices of Motion
7. Statements (as listed in the Appendix)
8. **\*THE NATIONAL MUSEUM AND HERITAGE (AMENDMENT) BILL (SENATE BILLS NO. 7 OF 2019)**  
(Sen. (Dr.) Alice Milgo, MP)  
*(First Reading)*
9. **\*THE CANCER PREVENTION AND CONTROL (AMENDMENT) BILL (SENATE BILL NO. 9 OF 2019)**  
(Sen. (Dr.) Abdullahi Ali, MP)  
*(First Reading)*
10. **\*THE NATIONAL COHESION AND PEACE BUILDING BILL (SENATE BILLS NO. 35 OF 2018)**  
(Sen. Judith Pareno, MP)  
*(Second Reading)*  
***(Resumption of debate interrupted on Wednesday, 22<sup>nd</sup> May, 2019)***
11. **\*THE MENTAL HEALTH (AMENDMENT) BILL (SENATE BILLS NO. 32 OF 2018)**  
(Sen. (Arch.) Sylvia Kasanga, MP)  
*(Second Reading)*

...../Bill

- 12. **\*THE KENYA MEDICAL SUPPLIES AUTHORITY (AMENDMENT) BILL (SENATE BILLS NO. 38 OF 2018)**  
(Sen. Mary Seneta, MP)  
*(Second Reading)*
  
- 13. **\*\*\*\*THE COUNTY HALL OF FAME BILL (SENATE BILLS NO. 39 OF 2018)**  
(The Senate Majority Leader)  
*(Second Reading)*
  
- 14. **\*THE PERSONS WITH DISABILITIES (AMENDMENT) BILL (SENATE BILLS NO. 1 OF 2019)**  
(Sen. Aaron Cheruiyot, MP and Sen. Isaac Mwaura, MP)  
*(Second Reading)*
  
- 15. **COMMITTEE OF THE WHOLE**  
**\*\*THE IMPEACHMENT PROCEDURE BILL (SENATE BILLS NO. 15 OF 2018)**  
(Chairperson, Standing Committee on Justice, Legal Affairs and Human Rights)
  
- 16. **COMMITTEE OF THE WHOLE**  
**\*THE PREVENTION OF TERRORISM (AMENDMENT) BILL (SEN. BILLS NO. 20 OF 2018)**  
(Sen. (Canon) Naomi Jilo Waqo, MP)
  
- 17. **COMMITTEE OF THE WHOLE**  
**\*\*\*THE COUNTY GOVERNMENTS (AMENDMENT) BILL (SENATE BILLS NO. 11 OF 2017)**  
(The Senate Majority Leader)  
*(Consideration of National Assembly Amendments)*
  
- 18. **COMMITTEE OF THE WHOLE**  
**\*THE PRESERVATION OF HUMAN DIGNITY AND ENFORCEMENT OF ECONOMIC AND SOCIAL RIGHTS BILL (SENATE BILLS NO. 27 OF 2018)**  
(Sen. Abshiro Halake, MP)
  
- 19. **MOTION - ADDRESSING THE PLIGHT OF STREET FAMILIES IN URBAN CENTRES**  
(Sen. Beatrice Kwamboka, MP)

**AWARE THAT** the Street Families Rehabilitation Trust Fund (SFRTF) was established on 11<sup>th</sup> March, 2003 by the then Ministry of Local Government to address the concerns of all homeless, destitute and vulnerable persons in urban areas, and was registered as a body Corporate in August, 2010 under the Trustees (perpetual succession) Cap 164, Laws of Kenya;

**FURTHER AWARE THAT** the mandate of SFRTF includes coordinating rehabilitation activities for street families; conducting public education on street families issues; mobilizing resources and fundraising as well as receiving donations

...../Motion

and funding street families rehabilitation programmes; managing donations for the rehabilitation of street families through a trust fund; monitoring expenditure and disbursement of donations; and advising the government and other relevant agencies on matters relating to rehabilitation of street families;

**NOTING THAT** Article 43 (1) of the Constitution of Kenya provides for the right to every person to the highest attainable standard of health, accessible and adequate housing, adequate food of acceptable quality, clean and safe water in adequate quantities, education, and social security;

**CONCERNED THAT** the street family phenomenon has persisted despite the existence of the SFRTF and street families do not enjoy the rights enshrined in the Constitution due to lack of a national policy on the rehabilitation of street families, with women and children being the primary victims;

**COGNIZANT THAT** the Ministry of Devolution and ASAL Areas through the SFRTF supports children and youth through charitable and community based organizations which are vetted and approved for funding under the rescue, rehabilitation and reintegration of street families programme;

**NOTING THAT** both the National and County Governments have a role to play in addressing the plight of street families across the Country;

**NOW THEREFORE** the Senate resolves that Ministry of Devolution and ASAL Areas in collaboration with the Council of Governors-

- 1) conducts a census of street families in all urban centres in the country to determine their numbers and demographics;
- 2) develops a clear policy on street families rehabilitation and reintegration at county level; and
- 3) tables an audit report of how funds allocated to the SFRTF have been utilized since the Fund was established, indicating the impact of the rehabilitation exercise.

***(Resumption of debate interrupted on Thursday, 23<sup>rd</sup> May, 2019)  
(Balance of Time – 2 hours 30 minutes)***

**20. MOTION - COMPLETION OF ALL STALLED PROJECTS UNDER COUNTY GOVERNMENTS THROUGH BUDGETARY MANAGEMENT**

(Sen. Charles Reubenson Kibiru, MP)

**THAT, AWARE THAT** Kenya has had a development blueprint of Vision 2030 since 2008 which has guided planning and development for the last decade, with a focus to making Kenya an industrialized middle income economy with a higher per capita income for its citizens;

**FURTHER AWARE THAT**, the development planning of the country is funded from the Consolidated Fund through the annual budget whereby revenues generated by Kenyans through taxes, levies, and fees that are supplemented with support of development partners in the form of outright loans, conditional loans, grants and/or unconditional grants to support growth and development across the country;

**...../Motion**

**COGNIZANT THAT**, any diversion from the Vision 2030 blueprint as well as the President’s “Big Four” Agenda, would negatively impact the development trajectory that seeks to ensure a long term microeconomic stability resulting in a revision of targets on the goals for socio-economic, cultural, environmental, technological and political transformation;

**NOTING THAT**, whereas the National Government’s Budget is based on Vision 2030 and “Big Four” Agenda, the County Governments’ Budgets are based on their respective County Integrated Development Plans, (CIDPs) which are expected to dovetail with the overall national development blueprint;

**CONCERNED THAT**, there are glaring discrepancies in progress made in development among counties, particularly among the 14 devolved functions caused by lack of accountability, integrity, professionalism and remaining a blemish on the successes of devolution;

**ACKNOWLEDGING**, the tribulations, ridicule, pecuniary embarrassment and negative socio-economic impact that pending bills have had on the local business community who supplied or undertook a service for the county governments, and the attendant slowdown in actual project completion, the rise in stalled projects dotting counties, with County Governors prioritizing new projects instead of the completion of those which have stalled;

**FURTHER ACKNOWLEDGING THAT**, the National Treasury in its circular No. 9/2018 detailed the five hundred and forty five (545) projects which have stalled in the 47 Counties, and their status of completion, collectively amounting to an estimated project cost of three hundred and sixty six (366) Billion Kenya shillings;

**NOW THEREFORE**, the Senate recommends that the National Treasury in partnership with the Controller of Budget, Commission on Revenue Allocation, the Council of Governors and the County Assemblies Forum to-

1. Ensure that all the County Integrated Development Plans (CIDP’s) and Annual Development Plans (ADP’s) are aligned to Vision 2030 with an implementation, monitoring, and evaluation framework in place;
2. Address Pending Bills by prioritizing their payment, creating clear timeframes for payment and publishing a schedule of payment of the same; and
3. Prioritize the completion of stalled development projects prior to undertaking or funding new projects.

21. **MOTION - ESTABLISHMENT OF NATION-WIDE CENTRES AND SATELLITE CLINICS FOR SICKLE CELL DISEASE AT COUNTY, SUB-COUNTY AND WARD LEVELS.**

(Sen. Naomi Masitsa Shiyonga, MP)

**THAT, AWARE THAT** Article 43(1)(a) of the Constitution provides that every person has the right to the highest attainable standard of health, which includes the right to health care services, including reproductive health care;

...../Motion

**NOTING THAT**, Parliament enacted the Health Act (2017) whose objects encompass the need to establish a national health system at the national and county levels, as well as to facilitate, in a progressive and equitable manner, the highest attainable standards of health services;

**ACKNOWLEDGING THAT** Sickle Cell Disease, a severe hereditary form of anaemia in which a mutated form of haemoglobin distorts the red blood cells into a crescent shape at low oxygen levels, and is prevalent amongst those of African descent, has been acknowledged by World Health Organization (WHO) as a major public health priority which has had devastating effects on populations in many parts of Kenya;

**FURTHER ACKNOWLEDGING** the lack of comprehensive information and care programs for Sickle Cell Disease is occasioned by the poor public awareness, unavailability of routine health data and nationally recognised treatment guidelines;

**CONCERNED** by the lack of national screening programmes for Sickle Cell Disease despite the serious health problems it causes, and its contribution to childhood deaths in Kenya;

**NOW, THEREFORE**, the Senate urges the National and County Governments to establish nation-wide screening at existing medical centres and satellite clinics, and the provision of counselling on the management of sickle cell disease, a lifelong medical condition that has no cure, at the county, sub-county and ward levels.

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**NOTICE**

The Senate resolved on 13<sup>th</sup> February, 2019 as follows:-

**THAT**, pursuant to Standing Order 106 (1), the Senate resolves that debate on a Motion not sponsored by the Majority or Minority Party or a Committee shall be limited in the following manner:-

A maximum of three hours with not more than twenty minutes for the Mover, twenty minutes for the Majority Party Official Responder, twenty minutes for the Minority Party Official Responder and fifteen minutes for each other Senator speaking and that fifteen minutes before the time expires, the Mover shall be called upon to reply.

**KEY**

**\*\*\*\*** - Denotes a Majority /Minority Party Bill

**\*\*\*** - Denotes a National Assembly Bill

**\*\*** - Denotes a Committee Bill

**\*** - Denotes any other Bill

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**A. \*\*THE IMPEACHMENT PROCEDURE BILL (SENATE BILLS NO. 15 OF 2018)**

(Chairperson, Standing Committee on Justice, Legal Affairs and Human Rights)

**NOTICE** is given that Sen. Samson Kiprotich Cherarkey, Chairperson to the Standing Committee on Justice, Legal Affairs and Human Rights, intends to move the following amendments to the Impeachment Procedure Bill, Senate Bills No. 15 of 2018, at the Committee Stage—

**CLAUSE 4**

**THAT** clause 4 of the Bill be amended—

(a) by deleting subclause (1) and substituting therefor the following new subclause—

(1) A member of the National Assembly who intends to move a motion for the removal of the President by impeachment shall submit a copy of the proposed motion to the Clerk of the National Assembly together with a list of the members of the National Assembly who support the motion.

(b) by inserting the following new subclause immediately after the new subclause (1)—

(1A) The list of members under subclause (1) shall be in the form prescribed in the Schedule.

**CLAUSE 9**

**THAT** clause 9 of the Bill be amended—

(a) by deleting subclause (2) and substituting therefor the following new subclause—

(1) A member of the National Assembly who proposes a motion for the removal of a Cabinet Secretary under subsection (1) shall submit to the Clerk of the National Assembly a copy of the proposed motion for the removal of the Cabinet Secretary together with a list of the members of the National Assembly who support the motion.

(b) by inserting the following new subclause immediately after the new subclause (2)—

(2A) The list of members under subclause (1) shall be in the form prescribed in the Schedule.

**CLAUSE 10**

**THAT** clause 10 of the Bill be amended in subclause (1) by deleting the word “afford” appearing at the beginning of paragraph (b)(i) and substituting therefor the word “accord”.

**CLAUSE 11**

**THAT** clause 11 of the Bill be amended in paragraph (a) by deleting the word “promptly” appearing immediately after the words “the speaker shall” and substituting therefor the words “within three days,”.

**CLAUSE 14**

**THAT** clause 14 of the Bill be amended—

(a) by deleting subclause (1) and substituting therefor the following new subclause—

(1) A member of a county assembly who intends to move a motion under section 13 shall submit to the Clerk of the county assembly the motion together with a list of the members of the county assembly who support the motion.

(b) by inserting the following new subclauses immediately after the new subclause (1)—

(1A) The list of members under subclause (1) shall be in the form prescribed in the Schedule.

(1B) The Clerk of the county assembly shall confirm that the proposed motion—

(a) specifies the grounds and particulars upon which the proposed motion is made;

(b) is signed by the member; and

(c) is signed in support by at least a third of all the members of the county assembly.

(1C) The Clerk of the county assembly shall, within three days of receipt of the proposed motion, submit the motion to the Speaker advising the Speaker of the determination made under subclause (1B).

(c) in subclause (2) by inserting the words “in writing” immediately after the words “for the refusal” appearing in paragraph (b); and

(d) in subclause (6) by deleting the word “five” appearing immediately after the words “the governor within” in paragraph (b) and substituting therefor the word “seven”.

**CLAUSE 17**

**THAT** clause 17 of the Bill be amended in subclause (2) by deleting the words “appointment of a special committee” appearing immediately after the words “days of the” and substituting therefor the words “determination of the special committee under section 16 (2) that section 14 was complied with”.



**CLAUSE 28**

**THAT** clause 28 of the Bill be amended—

(a) by deleting subclause (1) and substituting therefor the following new subclause—

(1) A member of a county assembly who intends to move a motion under section 27 shall submit to the Clerk of the county assembly the motion together with a list of the members of the county assembly who support the motion.

(b) by inserting the following new subclauses immediately after the new subclause (1)—

(1A) The list of members under subclause (1) shall be in the form prescribed in the Schedule

(1B) The Clerk of the county assembly shall confirm that the proposed motion—

- (a) specifies the grounds and particulars upon which the proposed motion is made;
- (b) is signed by the member; and
- (c) is signed in support by at least a third of all the members of the county assembly.

(1C) The Clerk of the county assembly shall, within three days of receipt of the proposed motion, submit the motion to the Speaker advising the Speaker of the determination made under subclause (1B).

**CLAUSE 33**

**THAT** the Bill be amended by deleting clause 33.

**B. \*THE PREVENTION OF TERRORISM (AMENDMENT) BILL (SENATE BILLS NO. 20 OF 2018)**

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

**NOTICE** is given that Sen. Mohamed Yusuf Haji, the Chairperson of the Standing Committee on National Security, Defence and Foreign Relations, intends to move the following amendments to the Prevention of Terrorism (Amendment) Bill (Senate Bills No. 20 of 2018) at the Committee Stage –

**CLAUSE 3**

**THAT** clause 3 of the Bill be amended –

- (a) in the introductory clause by deleting the number “12D” appearing immediately after the words “after section” and substituting therefor the number “40C”;
- (b) in the proposed new section 12E by –
  - (i) renumbering it as section “40D”;
  - (ii) deleting the marginal note and substituting therefor the following new marginal note –
 

Responsibility of the institution regulator.
  - (iii) deleting the introductory clause and substituting therefor the following new clause –
 

(1) The institution regulator shall -
  - (iv) deleting paragraph (b) and substituting therefor the following new paragraph –
 

(b) ensure that a standardized awareness module on counter radicalization approved by the Centre is taught in all educational institutions;
  - (v) deleting the words “publicly owned venues” appearing immediately after words “ensure that” in paragraph (e) and substituting therefor the words “educational institutions”; and
  - (vi) deleting paragraph (f) and substituting therefor the following new paragraph –
 

(f) in collaboration with the Cabinet secretary, the Centre, the National Police Service and other relevant stakeholder, design appropriate rehabilitation and reintegration programmes to cater for students who have undertaken successful disengagement from radicalization.

...../Amendments

- (c) in the proposed new section 12F by –
  - (i) renumbering it as section “40E”;
  - (ii) deleting paragraph (a) and substituting therefor the following new paragraph –
    - (a) implement measures approved by the Centre to detect, prevent or report radicalization of students;
  - (iii) deleting paragraph (c) and substituting therefor the following new paragraph –
    - (c) in collaboration with persons accredited by the Centre, ensure that all staff in the institution are well trained to recognize and respond appropriately to vulnerable students likely to be drawn into radicalization;
  - (iv) deleting the words “inappropriate studies and curriculum related to radicalization” appearing immediately after the words “dissemination of” in paragraph (e) and substitute therefor the words “extremist literature”.
- (d) in the proposed new section 12G by –
  - (i) renumbering it as section “40F”;
  - (ii) by deleting paragraph (a) and substituting therefor the following new paragraph –
    - (a) provide parental care, protection and guidance at all times;
  - (iii) deleting paragraph (b) and substituting therefor the following new paragraph –
    - (b) immediately report to the Centre, the institution regulator and the institution administrator a case of a missing student where there is reason to believe that such a student is likely to be involved in terrorism acts or to have been radicalized;
- (e) in the proposed new section 12H –
  - (i) renumbering it as section “40G”;
  - (ii) in sub-clause (1) by deleting paragraph (b) and substituting therefor the following new paragraph –
    - (b) notify the institution regulator and the nearest police station of the missing child within twenty four hours;

- (iii) in sub-clause (2) by –
  - (a) deleting paragraph (b) and substituting therefor the following new paragraph –
    - (b) immediately notify the institution regulator and the nearest police station of the missing student;
  - (b) deleting the words “Inspector General of Police” appearing immediately after the words “the parent, the” in paragraph (c) and substituting therefor the words “National Police Service and the Centre”; and
- (iv) in sub-clause (3) by deleting the words “County Education Board and the Inspector General of Police” appearing immediately after the words “in collaboration with the” in the introductory clause and substituting therefor the words “institution regulator or the institution and the Centre”

**NEW CLAUSE 2A**

**THAT** the Bill be amended by inserting the following new clause immediately after clause 2 –

**2A.** Section 40B of the principal Act is amended in subsection (2) by inserting the following new paragraph immediately after paragraph (e) –

- (f) in collaboration with the county governments, develop and implement county action plans to prevent violent extremism and radicalization.

**CLAUSE 2**

**THAT** clause 2 of the Bill be amended by –

- A.** deleting the definition of the word “County Education Board”; and
- B.** inserting the following new definitions in their proper alphabetical sequence –

“educational institution” means a public or private institution established under law to provide education and it includes a school, college, university or training centre; and

“institution regulator” means an entity whose function is to regulate basic education, university education, or technical and vocational education training or any other entity mandated to regulate training or learning in the country;

**C. \*\*\*THE COUNTY GOVERNMENT (AMENDMENT) BILL (SENATE BILLS NO. 11 OF 2017)**

(The Senate Majority Leader)

***(Consideration of the National Assembly Amendments)***

***Schedule of amendments as passed by the National Assembly to the Bill on Wednesday, 6<sup>th</sup> March, 2019***

**CLAUSE 8 -**

**THAT**, Clause 8 of the Bill be amended in the proposed amendment to section 25 in the new subsection (2) by deleting the words “and the county Gazette” appearing immediately after the words Kenya Gazette.

**CLAUSE 11 -**

**THAT**, Clause 11 of the Bill be amended in the proposed amendments to section 31 by deleting the proposed new paragraph (a) and substituting therefor—“(a) may dismiss a county executive member, if the governor considers appropriate and shall give reasons for dismissal”

**CLAUSE 15 -**

**THAT**, the Bill be amended by deleting clause 15 and substituting therefor—

Amendment to section 44 of No. 17 of 2012.

15. Section 44 the principal Act is amended by-  
**A.** deleting subsection (2) and substituting therefor—

“(2) A person shall be qualified for appointment as a county secretary under subsection (1), if that person —

- (a) is a citizen of Kenya;
- (b) holds a degree from a university recognized in Kenya;
- (c) has at least ten years relevant professional experience;
- (d) has at least five years’ experience in a leadership position at senior management level in a public service or private sector organization; and
- (e) meets the requirements of leadership and integrity as prescribed in Chapter Six of the Constitution.

**B.** inserting the following new subsections immediately after subsection (2)–

(2A) The Governor shall, for the purpose of competitive recruitment of a county secretary under subsection (2), constitute a selection panel.

(2B) The selection panel shall consist of the following persons–

- (a) a chairperson, not being a public officer;
- (b) one person from the private sector;
- (c) an Advocate of the High Court of Kenya, who is a member of the Law Society of Kenya;
- (d) an accountant who is a member of the Institute of Certified Public Accountants of Kenya; and
- (e) one person from an association representing workers.

(2C) The provisions of section 58A shall, with such modification as shall be necessary apply to the recruitment of a county secretary.

(2D) Upon interviewing the applicants for the position of county secretary–

- (i) the selection panel shall submit to the governor the names of two applicants who qualify for appointment as county secretary; and

...../Amendments

(ii) the governor shall submit the name of one applicant to the county assembly for approval for appointment as county secretary by the governor.

(2E) The county secretary shall hold office for a term of five years and shall be eligible for re-appointment once.

(2F) The county secretary shall be an *ex officio* member of the County Executive Committee with no voting rights.

**C.** inserting the following new subsection immediately after subsection (3) –

(3A) The county secretary may be removed from office on the following grounds—

- (a) inability to perform functions of the office arising out of physical or mental infirmity;
- (b) incompetence;
- (c) gross misconduct;
- (d) bankruptcy; or
- (e) violation of the Constitution.

(3B) Before removal under subsection (3A), the county secretary shall be informed, in writing, of the reasons for the intended removal, and shall be given an opportunity to put a defence against any such allegations, either in person or through a representative.

(3C) Subject to subsection (3A), (3B) and conditions of appointment, a county secretary may be dismissed by the governor.

**D. \*THE PRESERVATION OF HUMAN DIGNITY AND ENFORCEMENT OF ECONOMIC AND SOCIAL RIGHTS BILL (SENATE BILLS NO. 27 OF 2018)**  
(Sen. Abshiro Halake, MP)

**NOTICE** is given that Sen. Samson Cherarkey, Chairperson of the Standing Committee on Justice, Legal Affairs and Human Rights, intends to move the following amendments to the Preservation of Human Dignity and Enforcement of Economic and Social Rights Bill, Senate Bills No. 27 of 2018, at the Committee Stage-

**CLAUSE 5**

**THAT** the Bill be amended by deleting clause 5.

**CLAUSE 6**

**THAT** clause 6 of the Bill be amended –

- (a) in subclause (1) by inserting the words “Articles 43(1) and 53(1)(c) of immediately after the words “set out under”;
- (b) in subclause (2) by deleting the words “in such infrastructure” appearing immediately after the words “promote investment in” in paragraph (h);
- (c) in subclause (3) by inserting the words National government and” immediately after the words “minimum standards that”.

**CLAUSE 8**

**THAT** clause 8 of the Bill be amended –

- (a) in subclause (1) by deleting the word “periodically” appearing at the beginning of paragraph (f) and substituting therefor the word “annually”;
- (b) in subclause (3) by deleting the word “First” appearing immediately after the words “out under the”.

**CLAUSE 9**

**THAT** clause 9 of the Bill be amended –

- (a) by deleting subclause (2);
- (b) in subclause (4) by deleting the words “Part VII” appearing immediately after the words “in accordance with” and substituting therefor the words “section 21 of this Act and section 115 of the County Governments Act”.



**CLAUSE 13**

**THAT** clause 13 of the Bill be amended in –

- (a) subclause (1) by deleting the words “The county executive committee member responsible for planning within the county” appearing at the beginning of the subclause and substituting therefor the words “The respective county governor”;
- (b) subclause (2) by deleting the words “The county executive committee member shall” appearing at the beginning of the subclause and substituting therefor the words “The county governor”.

**CLAUSE 15**

**THAT** clause 15 of the Bill be amended in subclause (2) by deleting the words “act on the recommendation” appearing immediately after the words “the Senate shall” and substituting therefor the words “take into account the recommendation in the implementation of economic and social rights in the subsequent year”

**CLAUSE 19**

**THAT** clause 19 of the Bill be amended in subclause (1) by inserting the words “county executive committee members responsible for finance” immediately after the words “responsible for finance”.

**NEW CLAUSE**

**THAT** the Bill be amended by inserting the following new clause immediately after clause 24 –

Amendmen  
t to No. 17  
of 2012

**25.** (1) The County Governments Act is amended –

- (a) in section 107(1) by inserting the following new paragraph immediately after paragraph (d) –
- (e) county strategic plans for the realization of economic and social rights under Part IV of the Preservation of Human Dignity and Enforcement of Economic and Social Rights Act.

(2) In the performance of its functions under this Act the Commission shall be guided by the national values and principles set out under the Constitution.

**SCHEDULE**

**THAT** the Bill be amended by deleting the Schedule and substituting therefor the following new Schedule –

**SCHEDULE (s. 8(3))**

**CRITERIA FOR THE REALISATION OF SOCIAL AND ECONOMIC RIGHTS**

The indicators for the assessment, by the Commission, of the effort of a county government in the implementation of Article 43 of the Constitution shall include—

- (a) whether or not it has allocated tasks and responsibilities to the different levels of government;
- (b) whether or not it has ensured that sufficient human and financial resources are made available for its implementation;
- (c) whether or not it is capable of facilitating the realisation of the rights in question;
- (d) whether or not its plan or programme is reasonable in its conception and implementation;
- (e) whether or not its plan or programme is balanced and flexible enough to among other things, respond to unforeseeable circumstances;
- (f) whether or not it is inclusive or excludes a significant segment of the populace, leading to unfair discrimination;
- (g) whether or not it balances short, medium, and long-term needs;
- (h) whether or not it has sufficient safety nets such as cash transfers to vulnerable groups and other social assistance; and

- (i) whether or not its plan or programme responds to the needs of the vulnerable and those in crisis situations.

**CLAUSE 2**

**THAT** clause 2 of the Bill be amended –

- (a) by inserting the following new definition immediately after the definition of the word “county strategic plan” –

“economic and social rights” means the rights accruing to every person specified under Articles 43(1) and 53(1)(c) of the Constitution including the right to –

- (a) the highest attainable standards of health which includes the right to health care services including reproductive health care services and emergency treatment;
  - (b) accessible and adequate housing;
  - (c) reasonable standards of sanitation;
  - (d) be free from hunger and to have adequate food of acceptable quality;
  - (e) basic nutrition for children;
  - (f) clean and safe water in adequate quantities;
  - (g) social security and social assistance; and
  - (h) education.
- (b) in the definition of the word “subsidy programme” by inserting the words “the National government or” immediately after the words “programme established by”;
  - (c) in the definition of the word “vulnerable persons” by deleting the words “people with disabilities, sick persons with chronic diseases such as HIV/AIDS” and substituting therefor the words “persons with disability, such persons which chronic illness”

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APPENDIX

STATEMENTS

**(i) Pursuant to Standing Order No. 48(1)**

Nominated Senator (Sen. Rose Nyamunga, MP) to seek a statement from the Standing Committee on Energy on the status of Gas Yetu – “The Mwananchi Gas Project”, a government project initiated by the Ministry of Petroleum and Mining.

**(ii) Pursuant to Standing Order No. 51(1)(b)**

- a) The Chairperson, Standing Committee on Devolution and Intergovernmental Relations to issue a statement relating to the activities of the Committee;
- b) The Chairperson, Standing Committee on Education to issue a statement relating to the activities of the Committee;
- c) The Chairperson, Standing Committee on Energy to issue a statement relating to the activities of the Committee;
- d) The Chairperson, Standing Committee on Finance and Budget to issue a statement relating to the activities of the Committee;
- e) The Chairperson, Standing Committee on Health to issue a statement relating to the activities of the Committee; and
- f) The Chairperson, Standing Committee on Information and Technology to issue a statement relating to the activities of the Committee;

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