

# NATIONAL ASSEMBLY

## OFFICIAL REPORT

Wednesday, 25<sup>th</sup> September 2019

The House met at 9.30 a.m.

*[The Temporary Deputy Speaker (Hon. Christopher Omulele) in the Chair]*

### PRAYERS

**The Temporary Deputy Speaker** (Hon. Christopher Omulele): I direct that the quorum Bell be rung for 10 minutes.

*(The Quorum Bell was rung)*

Hon. Members, we have sufficient quorum. We can now commence business for the day.

### NOTICE OF MOTION

#### INTRODUCTION OF SEX EDUCATION IN SCHOOL CURRICULUM

**Hon. (Ms.) Elsie Muhanda** (Kakamega CWR, ODM): Hon. Temporary Deputy Speaker, I beg to give notice of the following Motion:

THAT, aware that in Kenya about 11 per cent of teenagers are engaging in sex before their 15<sup>th</sup> birthday with an estimated 47 per cent of teens already sexually active before the age of 18 years, which is the legal age of consent; further aware that Kenya's adolescent birth rate is 96 per 1000 women, with 15 per cent of all adolescent women having already given birth with 3 per cent being pregnant with their first child; concerned that the sexual activity is encouraged by the proliferation of the internet and mobile phones, poverty and the conservative attitudes combined with traditional values which tend to have parents shying away from discussing sex with their young ones while other traditional cultures encourage early marriages; acknowledging that young persons in the country do not get sex education to make sexual choices; and recognising the need for a comprehensive and age appropriate sex education from the age of six years, this House urges the national Government, through the Ministry of Education, in collaboration with other relevant actors, to introduce, institutionalise and entrench sex education in both primary and secondary school curriculum and ensure that it is beyond policy and legal framework, and encourage the development and building of more boarding schools, especially for girls.

**The Temporary Deputy Speaker** (Hon. Christopher Omulele): Next Order.

**ORDINARY QUESTIONS**

*Question No.409/2019*

**REHABILITATION OF GILGIL-NYAHURURU ROAD**

**Hon. Michael Muchira** (Ol Jorok, JP): Thank you, Hon. Temporary Deputy Speaker. I beg to ask Question No.409/2019 to the Cabinet Secretary for Transport, Infrastructure, Housing and Urban Development:

Are there plans to rehabilitate Gilgil-Nyahururu Road, which is in a very bad condition and which may have led to an increase in the number of motor vehicle accidents on the road in the recent past?

**The Temporary Deputy Speaker** (Hon. Christopher Omulele): This Question will be replied to before the Departmental Committee on Transport, Public Works and Housing.

The next Question is by Hon. Martha Wangari, the Member for Gilgil.

*Question No.411/2019*

**IMPLEMENTATION OF HARMONISED SALARIES FOR GRADUATE POLICE OFFICERS**

**Hon. (Ms.) Martha Wangari** (Gilgil, JP): Hon. Temporary Deputy Speaker, I beg to ask the following Question:

What measures are in place to ensure implementation of the harmonised salaries for 1,774 graduate police officers in the country in line with the Declarations and Orders in Petition No.122 of 2018, dated 17<sup>th</sup> May 2019 by the Employment and Labour Relations Court sitting in Nairobi?

**The Temporary Deputy Speaker** (Hon. Christopher Omulele): This Question will be replied to before the Departmental Committee on Administration and National Security by the Cabinet Secretary for Interior and Coordination of National Government.

Next is the Question by Hon. Simon King'ara, Member for Ruiru.

*Question No.412/2019*

**ISSUANCE OF TITLE DEEDS TO LAND OWNERS IN RUIRU**

**Hon. Simon King'ara** (Ruiru, JP): Hon. Temporary Deputy Speaker, on behalf of the people of Mwhoko Ward, Ruiru, I beg to ask Question No.412/2019 directed to the Cabinet Secretary for Lands and Physical Planning.

(i) What is the registration status of land under LR numbers RUIRU/KIU BLOCK 4/1205, 1378, 1380, 1381, 1382, 1389, 1390, 1391, 1397, 1168, 1169, 1170, 1171, 1172, 1198, 1203, 1371, 1372, 1375, 1376, 1377, 1379, 1407, 1408 located in Ruiru Constituency?

(ii) What measures are in place to ensure that the rightful land owners are expeditiously issued with title deeds upon registration to safeguard the land against grabbing and double allocations?

**The Temporary Deputy Speaker** (Hon. Christopher Omulele): This Question will be replied to before the Departmental Committee on Lands by the Cabinet Secretary for Lands and Physical Planning.

The next Question is by Hon. Jonah Mburu, who has informed the Speaker that he is out of the jurisdiction. This Question, therefore, stands deferred until such a time that Hon. Jonah Mburu will be available to put it.

*Question No.413/2019*

STEPS TAKEN TO STOP HAWKING OF HARVESTED TEA LEAVES

*(Question deferred)*

Next is the Question by Hon. Alfah Miruka, Member for Bomachoge Chache.

*Question No.414/2019*

STATUS OF CONSTRUCTION OF OGEMBO-RONGO ROAD

**Hon. Alfah Ondieki** (Bomachoge Chache, KNC): Hon. Temporary Deputy Speaker, I beg to ask Question No.414/2019 to the Cabinet Secretary for Transport, Infrastructure, Housing and Urban Development:

(i) What is the status of the construction of the Ogembo-Rongo Road, particularly the section between Ogembo and Tabaka being implemented by Kenya National Highways Authority (KeNHA) under Lot Number 1, Isibania-Ahero Road project?

(ii) What measures are in place to ensure that the said road is completed on time?

(iii) When will casual workers involved in the construction of the road be paid for work done, which has been in arrears for the last six months?

**The Temporary Deputy Speaker** (Hon. Christopher Omulele): Hon. Miruka, the Question should be asked as it is on the Order Paper. This Question will be replied to before the Departmental Committee on Transport, Public Works and Housing by the Cabinet Secretary for Transport, Infrastructure, Housing and Urban Development.

Hon. Members, I wish to bring to your notice that we have guests in the Public Gallery; members of the National Government Constituencies Development Fund (NG-CDF) Committee from Ikolomani Constituency, Kakamega County. They are welcome to observe the proceedings of the House. We also have students from Iqra Kindergarten and Primary School from Starehe Constituency, Nairobi County. They are welcome to observe the proceedings of the House.

Next Order.

**BILLS**

*First Reading*

THE KENYA INFORMATION AND COMMUNICATIONS (AMENDMENT) BILL

*(Order for First Reading read – Read the First Time and*

*ordered to be referred to the relevant Departmental Committee)*

*Second Reading*

THE BANKING (AMENDMENT) BILL

*(Hon. Jude Njomo on 11.9.2019)*

*(Resumption of Debate interrupted  
on 18.9.2019 – Morning Sitting)*

**The Temporary Deputy Speaker** (Hon. Christopher Omulele): Hon. Jude Njomo.

**Hon. Jude Njomo** (Kiambu, JP): Thank you, Hon. Temporary Deputy Speaker.

From the outset, I want to thank the Members of this august House for the support they have rendered to this proposed Bill. There was overwhelming support. I sat through the discussions. Apart from one Member who expressed reservations, all the Members who participated supported the Bill. I thank them very much for that. They support this Bill because of the obvious, namely, it is supporting the people who sent us here. It is supporting the *wananchi* of Kenya. It is supporting the businesspeople of Kenya to do business. Members can see how our greedy banks want to suck every profit our businesspeople make from their businesses.

It has come out very clearly that the argument the banks and the Kenya Bankers Association (KBA), including the National Treasury, have been putting forward is that the introduction of capping is restricting credit or making credit unavailable to our Small and Medium Enterprises (SMEs). That is happening, but it is not the capping that is making credit not available to SMEs. It is the banks which sat down somewhere one evening and decided to arm-twist the Government. The only way they can arm-twist the Government is by withholding credit from *mwananchi*, so that it affects our economy. Thus, the Government will be forced to look for ways and means of making this House change this law. We called that State capture when we were discussing this. We are not going to allow this House to be used by businesspeople and business institutions to make rules that are going to benefit their businesses to the detriment of *Wanjiku* and the *wananchi* who sent us here.

We remember very well that a law was brought here because there was over Kshs255 billion in banks whose owners are deceased and their relatives do not know about it. We enacted a law to protect that kind of money and every bank was supposed to collect details of the next of kin. This was taken to court because banks do not want to do clean business. They want to retain money of the deceased, so that they can make profits with it without involving their relatives. They went to court and that was brushed aside.

I also remember that when we were debating the Finance Bill last year, the Kenya Bankers Association pleaded with this House to, at least, remove the interest cap, so that a customer would negotiate with a bank on the interest to be charged when one deposits money in it. They persuaded us that by removing the interest cap, they would have enough capital to give more money to SMEs. It is over one year and we have not seen any difference in the amount of money they are lending to SMEs. The banks were not sincere with this Parliament.

During public participation, there was overwhelming support from the public, institutions such as the Institute of Certified Public Accountants of Kenya (ICPAK) and those that protect

the consumer like Consumers Federation of Kenya (COFEK) and many other institutions. They came out and said that we need to retain the caps until we get a sober arrangement from banks. So, by passing this Bill, we are just doing what the public wants us to do. What we are doing here are the corrections that the courts of law found fault in law. On the sections of the law that the courts said we need to rectify we have sat down and done the corrections which are before this House.

To conclude, I would like to urge Members to vote strongly on this Bill, so that we retain the interest rate caps and sanitise or do the corrections that were recommended by the courts. We were given 12 months within which to do this. If we do not do these corrections at the lapse of the 12 months, which is March next year, this law will be no more. If we do these corrections, this Bill will sanitise that act of law and this law will remain in force at the lapse of the time that we were given. After that, we will be able to use it.

Finally, I urge His Excellency the President not to invoke Article 115 of the Constitution that gives him power to bring this Bill back to this House. I urge him to listen to the cries of the people and the will of *Wanjiku* because we are doing what *Wanjiku* has asked us to do.

With those few remarks, I beg to reply.

**The Temporary Deputy Speaker** (Hon. Christopher Omulele): Hon. Jude is a man of rare passion and has shown it in pursuit of this matter. It is admirable.

Having certified that we have the requisite numbers to proceed with this, I will now put the Question.

*(Question put and agreed to)*

*(The Bill was read a Second time and committed to a Committee of the whole House tomorrow)*

Hon. Gikaria, Member for Nakuru East, what is out of order?

**Hon. David Gikaria** (Nakuru Town East, JP): Thank you, Hon. Temporary Deputy Speaker. I rise to seek your guidance. Hon. Jude Njomo has brought this amendment to the Banking Act. We have voted to retain the capping. However, the Chair of the Departmental Committee on Finance and National Planning brought another Bill just the other day. The same issue has been brought back. The Chair, in his amendment, was proposing to remove the cap. We need some guidance. Now that the Chair of the Departmental Committee on Finance and National Planning will be bringing his amendments under the Finance Bill and he has cited various Acts, and this is one them, we need guidance. We are surprised that it will come immediately after Hon. Jude Njomo's amendment.

**The Temporary Deputy Speaker** (Hon. Christopher Omulele): Hon. Gikaria, you may not have been in the House last week. The Speaker made a Communication with regard to exactly the question you are raising. There is a Communication in that regard. You may get in touch with the Table Office, so that they can guide you. Very well.

We will proceed.

*Second Reading*

THE EMPLOYMENT (AMENDMENT) BILL

*(Hon. (Ms.) Martha Wangari on 7.8.2019)*

*(Resumption of Debate interrupted on 18.9.2019 - Morning sitting)*

You will see from your Order Paper that we are resuming this debate. At the close of business when the matter was adjourned last time, the Member for Funyula was on his feet. He had a balance of eight minutes. If he is in the House and he wishes to proceed, he may do so. Is the Member for Funyula, Hon. (Dr.) Wilberforce Oundo, in the House?

*(Hon. (Dr.) Wilberforce Oundo not in the Chamber)*

He forfeits his time. He is not in the House. I will give a chance to the next interested Member on my list here, who is Hon. Maanzo Gitonga, the Member for Makueni.

**Hon. Daniel Maanzo** (Makueni, WDM-K): I seconded this matter. I am the one who seconded. I was keying in for the next one which is on anti-corruption.

**The Temporary Deputy Speaker** (Hon. Christopher Omulele): I think the Members on this side are very keen on debate in this House.

The next one on my list is Hon. Osotsi, nominated Member. Are you speaking to this, Hon. Osotsi?

**Hon. Godfrey Osotsi** (Nominated, ANC): I have put my card in this because I want to speak to the next item.

**The Temporary Deputy Speaker** (Hon. Christopher Omulele): Hon. Baya Yaa, Hon. Wachira Kabinga! You do not want to speak on this. Is it this one you want to speak to? Proceed.

**Hon. Peter Kimaru** (Mathioya, JP): Hon. Temporary Deputy Speaker, I stand to support this particular Bill. Sorry, Hon. Temporary Deputy Speaker, I wanted to speak to the next Motion.

**The Temporary Deputy Speaker** (Hon. Christopher Omulele): Hon. Members, any Member who wishes to speak on this one should press the intervention button, so that I can give them an opportunity. Hon. Dawood, proceed.

**Hon. Rahim Dawood** (North Imenti, JP): Thank you, Hon. Temporary Deputy Speaker. I want to congratulate Hon. Martha Wangari for bringing this Bill. I believe it is important that we give people who adopt young children of less than one year leave so that when they adopt, they can bond with them. At the moment, there is nothing like that. Even though adopting parents do not give birth to babies, it is important that when they adopt, the babies get a place to stay and bond with them. That is the only time they can bond. I wish the Departmental Committee on Labour and Social Welfare had agreed that the leave will be three months like for mothers who give birth. Nonetheless, one month is still good enough, so that both parents, the man and the woman can, at least, bond with the child. If this Bill is enacted to an Act of Parliament, we will get many children out of the children's homes where they do not get fatherly and motherly care. We will have more adoptions done. That way, babies will grow up better. That is the way to go.

Thank you.

**The Temporary Deputy Speaker** (Hon. Christopher Omulele): Hon. Paul Mwirigi.

**Hon. John Paul Mwirigi** (Igembe South, Independent): Thank you, Hon. Temporary Deputy Speaker. I rise to support this Bill. It will be good that when a person decides to adopt a

child below one year, he is given a duration of one month, so that he or she can go back home and take care of the child. He will familiarise himself with the child. As the child will be growing up, he or she will be in a good relationship with the person who has decided to take care of them. If this Bill is passed, it will help many Kenyans who wish to support children who are abandoned in children's homes without any support. They will be of good value to the small children. Therefore, it is good for the Government and employing entities to grant time to their employees, so that they can have time with the children. Their growth will be good and their bond will be strong. The adopting parents will have enough time to plan for the children. When you adopt a child, there are many things that will be required to take care of the young one. It will be good for employees to be given that duration of time to take care of the adopted child. Whether the adopting parent is a man or a woman, it is good that they are given a period of one month to take care and familiarise themselves with the child.

I beg to support.

**The Temporary Deputy Speaker** (Hon. Christopher Omulele): Hon. Members, before I give the Floor to the next Member, allow me to recognise, in the Public Gallery, students from the Good Samaritan Secondary School, Mwea Constituency, Kirinyaga County. They are welcome to observe the proceedings of the House and feel the warmth of the National Assembly.

*(Applause)*

The next Member to speak to this will be Hon. Cheruiyot Jesire, Member for Baringo.

**Hon. (Ms.) Gladwell Cheruiyot** (Baringo CWR, KANU): Thank you, Hon. Temporary Deputy Speaker. I rise to support this Bill by Hon. Martha Wangari. It is important to notice that adoption is real. There are people in this country who are in fear of adopting children just because they will not get enough time to bond with the children, take care of them and learn them. So, it becomes hard for them to go to the homes where children are kept and need the favour to be adopted. It is a well thought out Bill. We need to give people who have the will to adopt children time - called adoptive leave in this Bill - so that they can have time with their children that is acceptable for other mothers in this country. Once you adopt a child, you will definitely become a father and a mother. Even if you are not the biological father or mother, at that moment, you will be the mother and father of the child. It is important that the length of time is considered, so that it is not discriminative. This is adoption and it should not be given a shorter leave from that of birth.

When you adopt children, you do not know them. You are supposed to sit with them and have enough time to bond with them, learn them and budget for them. So, if this Bill goes through, the people who are willing to adopt children and have the fear of not getting enough time to bond with them, will have a longer period of bonding. Also, they will be free to adopt children. It is important to know that most people who adopt children could be parents who have stayed for long without getting children or they have never been blessed with one. They could also be those, who after some time, have thought that they cannot sire one more child and they adopt one. You will realise that such people do not have skills of bringing up a baby. So, they need time to learn. They can only learn when they have the baby with them. I am pleased and I am going to support this Bill fully, so that parents who adopt children can get enough time to bond with the children. By the time they get back to work, they will have learnt their babies and the babies will have learnt the parents. They will ensure that they bond and stay together well.

I beg to support. It is a well thought out Bill.

**The Temporary Deputy Speaker** (Hon. Christopher Omulele): Hon. ole Sankok.

**Hon. David ole Sankok** (Nominated, JP): Thank you, Hon. Temporary Deputy Speaker. From the outset, I support the Bill. I am a Member of the Departmental Committee on Labour and Social Welfare that discussed the Bill. Hon. Martha Wangari, as a mother, had suggested three months. However, as a Committee, we decided for a start, to reduce it to one month. We felt that it was adequate for the bonding session with the new comer in the family.

For a long time, parents who cannot sire their own children have been undergoing a lot of psychological trauma. This is a respite for them to, at least, get children. It is good and the best initiative for the Government to allow them a month to bond with the child, bearing in mind that the child is not a biological child of the family and it could have bonded with another family. It might have been breastfed by another mother. Maybe they had a lot of bonding with the previous family. A change of environment and parents require adequate time to bond. As a Committee, we decided not to throw away the suggestion by Hon. Martha Wangari, but to amend it to, at least, one month, so that it also does not become a burden to investors.

There are many unpaid leaves in our set-up and sometimes investors are scared to pay a lot of money for leaves when there is no man-hour contribution to the economic status of companies. So, one month for bonding is adequate for the new child irrespective of age.

I also want to caution members of the public not to use this law as a leeway or a loophole to pretend to be adopting children and use this one-month leave for child trafficking. Kenyans are very clever. Sometimes you may give them one month to bond with a child that they pretend they have adopted, but in that one month, the child finds its way to America or Europe in the child trafficking syndicate. So, members of the public are warned that this particular Bill is only meant to allow one to bond with the adopted child, but not for child trafficking to get quick money.

Thank you very much, Hon. Temporary Deputy Speaker. I support the Bill.

**The Temporary Deputy Speaker** (Hon. Christopher Omulele): Hon. Muchira Mwangi, Member for Ol Jorok.

**Hon. Michael Muchira** (Ol Jorok, JP): Thank you, Hon. Temporary Deputy Speaker. I support the Bill by Hon. Martha Wangari on child adoption. With the moratorium by the Government on international adoption, we are about to witness more local adoptions. As a matter of fact, the Government should offer incentives to the parents who are willing to adopt children and debunk the perception that adoption can only happen where the parents are not able to sire children. Even parents who have children should be encouraged to adopt a child. Every child must grow in a family set-up in order to do away with the social problems that we have like street children, the problem of drug abuse and the problem of early sex. These social problems can be traced to lack of parental care. Therefore, if we encourage adoption where each child grows in a family set-up, we will do away with such social problems that we have in our society.

Every child is equal, whether biological or adopted. Therefore, every child requires parental care. This Bill will help all children to grow up with parental care. If any child who is six months can be adopted, such a child requires parental care and the one-month maternity leave will give an opportunity to the mother who has adopted the child to bond with him. Paternity leave is also encouraged, because the adopting father should also bond with the child and show fatherly love to the child.

Hon. Temporary Deputy Speaker, I support. Thank you.

**The Temporary Deputy Speaker** (Hon. Christopher Omulele): Hon. Adan Sheikh, Member for Marsabit.

**Hon. (Ms.) Safia Sheikh** (Marsabit, JP): Thank you, Hon. Temporary Deputy Speaker. I want to support this Bill because it is very important. It is about our children. If adoption is accepted, then there is need for the new parent to be with the new child and bond. But before we give our children to any parent for adoption, it is important for us to check their criminal background, whether they are capable of raising the child and whether their intention is to raise the child or take it somewhere else. So, it is very important for the concerned department to make sure that they check the criminal background of the parents willing to adopt children.

Thank you.

**The Temporary Deputy Speaker** (Hon. Christopher Omulele): Hon. Mutunga Kanyuithia, Member for Tigania West.

**Hon. John Mutunga** (Tigania West, JP): Thank you, Hon. Temporary Deputy Speaker, for the opportunity to contribute to this Bill by Hon. Martha Wangari. The relationship between a child and parents is built at a very tender age. The age below a year is when a child requires to know who the parents are and to feel the parents' presence. If parents are given the opportunity to stay home with their child around this time, they will definitely build a relationship between the child and themselves. They will first of all understand the child and the child will also understand and know them. It is a process of unlearning and learning because the child will have been used to some other different people, namely, their biological parents. They will have been used to different hands. There is need, therefore, to concentrate and learning is about emphasis. At this stage of brain development, a lot of emphasis creates assurance. This is what is needed at this particular stage. I find the Bill very relevant and it is necessary that we approve it.

So, I support it.

In the creation of a family unit, there is need for both parents to stay with their children. During maternity leave, the parent stays with her child and gets to know how to handle and manage the child. Let us say the adopting parents have not had or handled children before, they will need time to go through the process of managing the child. That is why it is necessary for us to create this particular time for them. It is not necessarily true that people who have not been gifted with children should be the ones we are talking about here. It is anybody who would like to adopt a child. It is becoming a reality today that it is necessary for parents who are of child-bearing age to adopt children. I am looking at a situation where there are other children in the house and, therefore, the need for the entire family to be together to build the bonds that are necessary, so that the older or the biological children will also have time to create a relationship with the adopted child and be able to treat them as their sibling. I find the Bill very relevant.

Therefore, I support.

**The Temporary Deputy Speaker** (Hon. Christopher Omulele): Let us have Hon. Jaldesa Dida, Member for Isiolo.

**Hon. (Ms.) Rehema Jaldesa** (Isiolo CWR, JP): Thank you, Hon. Temporary Deputy Speaker for giving me an opportunity to also add my voice to this very noble Bill. At the outset, I join my colleagues in congratulating Hon. Martha for bringing this Bill. I support it for several reasons. Adopting a child is giving an opportunity to the future leaders of Kenya. So, I appreciate the Departmental Committee on Labour and Social Welfare to consider that aspect before bringing it here for debate. It is only a Member who is a mother who can think of bringing such a Motion to the House.

Hon. Temporary Deputy Speaker, I know it breaks your heart and that of many in this Chamber that every other day we wake up to a sad story of a minor who has been defiled hitting the media headlines. Defilement of minors is so rampant that it is breaking our hearts, especially

us mothers. Last week, a five-year old girl was defiled. If that child was adopted by a stable family, she would be protected from such barbarism. Cases of drug abuse have increased because of absentee parents and lack of opportunities due to poverty. So, we will have less of such if families can adopt such a child.

Hon. Temporary Deputy Speaker, I support hoping that the Committee will allow the three months that the Hon. Member is asking for bonding. This is because bonding is an important aspect of adoption. Those of us with adopted children can tell you that the initial stages of welcoming a child into a family plays a significant role.

With those remarks, I support.

**The Temporary Deputy Speaker** (Hon. Christopher Omulele): Let us have Hon. Obo Mohamed, Member for Lamu.

**Hon. (Ms.) Ruweida Obo** (Lamu CWR, JP): Asante, Mheshimiwa Naibu Spika wa Muda kwa kunipatia nafasi hii niweze kuchangia na kumuunga mkono Mheshimiwa Martha.

Hili ni jambo la maana sana. Kama alivyosema Mheshimiwa Jaldesa, ni mama pekee anayeweza kufikiria jambo kama hili. Lakini pia ninawashukuru wale Waheshimiwa wanaume ambao wameunga mkono kwa sababu wameusikia ule uchungu wa mama. Kunahitajika muda wa kukaa na mtoto anapojikuta kwenye mazingira mapya. Kuna mambo mengi ambayo yule mama anahitaji kumuhudumia yule mtoto vizuri. Anastahili atafute shule nzuri na amkaribishe nyumbani. Kuna mambo chungu nzima yanayohitaji muda. Akipewa nafasi hiyo ataweza kuungana na yule mtoto vizuri. Kwa hiyo, ninaunga mkono hapo.

Pili, ninaomba mashirika yanayohusika na jambo hili yawe yanafuutilizia kwa makini wahakikishe kwamba Watoto hao wameingia kwenye mikono mizuri yenye usalama. Nchi nyingine huchukulia masuala ya watoto kwa uzito mkubwa. Kwa mfano, kuna mtoto ambaye alizaliwa nje ya nchi, na amekuja Kenya. Tulishangaa kuona serikali ya kigeni ilimtuma afisa wa watoto kusafiri mpaka Chundwa, ambayo iko Lamu Kusini, kuja kuangalia kama yule mtoto yuko kwenye mazingira mazuri. Lakini, sisi Kenya hatufanyi jitihada zozote za kufuutiliza na kujua iwapo mtoto kama huyo yuko salama. Yule mtoto alikuwa ni wa Uingereza. Afisa wa watoto alitumwa kuja kuhakikisha kama mtoto yule anakaa vizuri huku Kenya au la. Kwa hivyo, ninaomba Serikali yetu pia ichukue majukumu kama hayo ihakikishe kwamba huyo mtoto yuko kwenye mazingira mazuri.

Watoto wa Kenya tunawapenda lakini kuna wengi ambao wana matatizo mbalimbali. Mimi nimesomea Lamu Kusini. Serikali imesema watoto wakitoka shule ya msingi waende wote kwenye shule za sekondari lakini kuna sehemu nyingine kule Lamu Kusini, kama wadi ya Basuba, ambako hakuna shule.

Tulipopiga kelele, shule moja ndiyo imefunguliwa. Shule nne mpaka sasa hazijafunguliwa kwa miaka minne sasa, ilhali watoto wa Kenya wanalindwa na Katiba lakini bado wana matatizo mengi.

Dadangu Mheshimiwa Jaldesa pia amegusia suala la madawa ya kulevyo. Inafaa atoe mfano wa Lamu. Katika nchi hii, Lamu ndiyo imeathirika zaidi kutokana na utumizi wa madawa ya kulevyo. Watoto wenye umri wa miaka 11 wanatumia madawa ya kulevyo. Wanadanganywa. Mara nyingi hawajiingizi kwenye matumizi ya dawa za kulevyo kwa hiari yao. Kuna maneno ambayo nikiyasema watu hapa wataniangalia mara mbilimbili. Hata hivyo, watu wengine huwadanganya watoto wanaojulikana kama *lover boys*; kwamba madawa hayo yatawasaidia kuongeza nguvu za kiumu ilhali ni uongo. Kwa hivyo, wanazitumia mwishowe wanajipata wako hapo bila kusaidika. Ni muhimu kuwachunga watoto wetu wote. Kuna changamoto nyingi ambazo bado hatujazishughulikia. Serikali ikitaka itaweza kuzifikia.

Serikali ilisema watu waache kutumia mifuko ya plastiki na hivi sasa hatutumii mifuko hiyo. Mtu akifanya hivyo anafanya kwa siri sana. Inafaa tukijitolea tufanye hivyo pia kuhusu ulanguzi na matumizi ya madawa ya kulevya. Tujisukume zaidi ili tuwachunge watoto wetu.

Ahsante.

**The Temporary Deputy Speaker** (Hon. Christopher Omulele): Hon. Members, before I give the Floor to the next speaker to contribute, I recognise the presence of students from Heri Junior Primary School from Dagoretti South Constituency in Nairobi County. They are welcome to observe the proceedings of the National Assembly.

The next Member to contribute to debate is Hon. Abdi Yusuf, Member for Kamukunji.

**Hon. Yusuf Hassan** (Kamukunji, JP): Thank you, Hon. Temporary Deputy Speaker for giving me this chance. I support our colleagues' request to have an extension for parents who are interested in adopting children.

First of all, I want to look at why we have this problem. We have the problem of children being placed in adoption homes because of failure in our parenting and cultures. Adoption offers the best chance for a child to be placed with a family that may help him to grow and develop into a productive citizen who can help himself as well as the family that has taken care of him. They may also contribute to their country's development.

So, one of the most difficult journeys one can make is to choose a child from a different culture, perspective and history. This requires time, energy and investment from both the foster homes and the persons who are interested in taking up a child. It makes a lot of sense for a new parent to be given a chance to learn more about the child she intends to adopt so that she can understand him. This will offer an opportunity for developing the means to adopt themselves to the needs of that child. It will also allow that child to become part of that family if it has other children as well. I think the idea that an adopting parent should be given a chance to learn more and bond with that child is welcome. Three months may be the minimum. I suggest a longer period to ensure that the adoption exercise eventually succeeds and becomes a more permanent relationship for the benefit of both the child and the adopting parents. I support the Member's proposition to extend that period, in order to give opportunity for the adoption arrangement to be successful for the foster parents and the child.

Thank you, Hon. Temporary Deputy Speaker.

**The Temporary Deputy Speaker** (Hon. Christopher Omulele): Very well spoken, Hon. Yusuf. Let us have Hon. Noor Sophia, Member for Ijara. I gave Hon. Yusuf an opportunity before her because I am always impartial towards him. When he walks in, I know the difficulties he undergoes to get here. So, I always try to give him the first opportunity when I can. So, kindly allow me to do that. But proceed, Member for Ijara.

**Hon. (Ms.) Sophia Noor** (Ijara, PDR): Thank you, Hon. Temporary Deputy Speaker. I am happy that you gave the Member a chance before me. I respect him. He is a good brother and a very resourceful person. I congratulate him and he always has my respect at any given time.

I want to support the Employment (Amendment) Bill (National Assembly Bill No.15 of 2019) by Hon. Martha and congratulate her for bringing it. She saw the many challenges facing children and because of this, she took it upon herself as a mother and brought this very important Bill to the House. There are many reasons why children are adopted. Some of them include poverty, drug abuse, failure of our traditional systems and cultures and neglect by parents. Our Government system has failed to look into some of the underlying factors why children are adopted. The Government should look into this properly and put systems in place to help our children.

As much as I appreciate that every child should live with their parents, under difficult circumstances, we must accept to go with the adoption system. Just as Hon. Martha's Bill states, the principal objective is to amend the Bill to give leave to parents who adopt children to bond. It is very important for a father, mother and child to bond and know each other. The child is coming into a new environment and homestead and does not know the parents. So, it is important for the child to be given adequate time to know the parents. One month is not adequate for the parents and child to know and bond with each other. An ideal situation is to give three months to the parents so that they can know and accommodate each other.

When my sister Rahma was contributing, she said adopting a child is giving an opportunity to the future president of this nation. It is an opportunity we are giving to the Kenyan children, so that they can have a future and bright opportunities in a different environment. This will give a child an opportunity to get the basic needs like education and health, which are guaranteed in our Constitution. Our Government is not giving children their rights. So, if a person opts to support its efforts, it is important for the Government to give that person incentives for taking its responsibility in order to cater for a child in need.

By giving that incentive to the working-class parents, they will accommodate more children. I am a founder of an orphanage with over 250 children and I know they are there, not because they love it, but because of the problems they face. We have failed as a system. Our traditional system structures and the Government have failed to take care of the children. That is why we see some people giving themselves the responsibility of taking care of these children. So, any Kenyan who takes this kind of responsibility should be given an incentive including tax exemption, so that we can take care of the children of this country.

With those few remarks, I support this Bill 100 per cent.

**The Temporary Deputy Speaker** (Hon. Christopher Omulele): Well spoken Member for Ijara. We shall now have Hon. (Dr.) Otiende.

**Hon. (Dr.) Otiende Amollo** (Rarieda, ODM): Thank you, Hon. Temporary Deputy Speaker. I congratulate Hon. Martha Wangari for bringing this Bill. The industry to bring this kind of Bill is not given to all Members of Parliament. Having congratulated my friend, I find myself in the unfortunate position obviously in the minority of opposing it.

This Bill must be looked at against the two reality checks. One, that by law, we live in a country that allows polygamy and some regions define the maximum number and in other circumstances, there is no maximum number. We also live in a country that does not limit the number of children you can either bear or adopt. This means that whenever we grant certain privileges or rights as contemplated here in Clause 29, we must know that there are circumstances when those rights can be pushed to the outer limits.

Once there lived a man called Akuku Danger in my part of the world, who had over 80 wives and over 300 children. If he were to enjoy this privilege, he would have gone through his entire working life without stepping into the office, but being paid on a day to day basis. In other words, when we grant these privileges and especially in the context of public service, and having worked there I can tell you there are people who were blessed by the Lord., men and women who every year would bear a child and using Clause 29 would go through almost five months of every year without coming to work, but being paid. In 10 years, their productivity would be a third.

Therefore, I am conscious on extending these benefits which we already have recognised for child bearing to adoption under the proposed sections. Secondly, it must be noted that the wording of the clause is "three consecutive months". This gives problems in law. Presently, the

wording in Section 29 is just three months and the way the three months are calculated is on the basis of working days. Usually, you either say three months, in which case, it is working days or three calendar months, in which case, you do not extend it. When you say three consecutive months, it is confusing between calendar months and working days and that brings utter confusion.

Thirdly, I think that this proposal perpetuates an unconstitutional provision already existing in the Employment Act. Section 29 as it exists in the Employment Act is, in fact, unconstitutional. It creates a distinction on the basis of sex, that for women it is three months and for men it is two months. I can tell you that I have seen situations of my friend whose wife, unfortunately, passed away during child birth but who was only given two weeks on the basis of Section 29. Under Article 24 of the Constitution, we cannot perpetuate this kind of discrimination.

So, I find myself in the unfortunate position of opposing my friend, Hon. Martha Wangari.

With that, I oppose.

**The Temporary Deputy Speaker** (Hon. Christopher Omulele): Hon. Otiende, you have spoken very profoundly, but I believe that your concerns can be addressed if you sat down with Hon. Wangari so that you can iron them out. I have been in this court. Sometimes the tallying of the time in terms of months and calendar months and weeks and days brings problems. I think this is one that you, together with the advocates in Hon. Wangari and Hon. Maanzo here, can be able to nail down for us. The unconstitutional bit about the discrimination between the genders is a matter of concern that can be dealt with. I have enjoyed your contribution. Thank you very much. We shall now have Hon. Tecla and then Hon. Millie in that order.

**Hon. (Dr.) Tecla Tum** (Nandi CWR, JP): Hon. Temporary Deputy Speaker, I rise to support this Motion. There is need to give time to parents who have adopted children. Character development is important at this particular time when the new parents get new children in their homes. We know culture is not universal. It is specific. Maybe these children come from different cultures and they need to learn the culture of the new parents. The Bible says raise a child the way he should go and when the child is old, he will not depart from it. So, during this time of parental leave, the children will be taught character. We know when children are in school, the problematic children are the ones who have not bonded with their parents, especially the young ones. They need to learn manners and many things.

If we look at the word of God in 1Corinthians 10:31, it says that whatever you do, whatever you eat and whatever you drink, do it all for the glory of God. So, children have to be brought up in the right ways. When the parents are Christians, they need to be taught the word of God. When they are Muslims, they need to be taught the Quran and this is the right time for a child who is growing. Maybe the parents of this child passed on when the child was one month old. Even if the children are with these parents, there is need for social workers and officers from the Children Department to visit them because in our country, we have seen many adopted children being mistreated. So, we should not leave these children alone with the new parents.

We also need to take care of these children as a nation. That is the why parents are given three months when they get their own children and fathers are given some days to go and take care of the children. There is need for the two parents to be given three months so that the adopted children are brought up in a conducive environment.

I support this Bill. Thank you.

**The Temporary Deputy Speaker** (Hon. Christopher Omulele): Hon. (Dr.) Otiende, just before you leave, the word I was looking for was reckoning of time. Do you know reckoning of time? That is the term I was looking for. So, together with Hon. Wangari, you may want to tie up so that when we make the amendments, they will not have problems in the courts.

Next is Hon. Millie and finally, we shall have Hon. Makau, the Member for Mavoko and then the Mover to reply.

**Hon. (Ms.) Odhiambo-Mabona** (Suba North, ODM): Thank you, Hon. Temporary Deputy Speaker. Let me take this opportunity to congratulate Hon. Martha for bringing this Bill. I think it is very timely. People say that great minds think alike. I currently have the Reproductive Healthcare Bill that has almost exactly the same provisions. The reason why I made the provisions under the Reproductive Healthcare Bill is because when you have people who are adopting children, they will actually be the real parents by law and psychologically. These will be the real parents of the child, but you cannot have a situation where you give other parents an opportunity to bond with the children and yet adoptive parents are not given that opportunity.

Under the Children's Act, they are given three months within which they are supposed to bond. Where do you get these three months? Those three months are actually the basis upon which the Children Officer will come and do an assessment and give a report back to court as to whether you are actually a fit parent or whether you can adopt. However, if you do not get that opportunity to bond and be with the child, then it becomes problematic. It is unfortunate that Hon. Otiende has left. He has raised a very significant issue on gender inequality that men are given two weeks paternity leave and women are given three months under the Employment Act, which he considers unconstitutional. Unfortunately, nature gave that bias.

Recently, I saw in one country that because of technology and because of issues of LGBT, men can physically give birth to children. However, that is not the situation in Kenya as we speak. So, there are no men giving physical birth. So, they are not then faced with the actual physical challenges that women go through. I recently had to learn a lot when I was dealing with the Reproductive Healthcare Bill, for example, postpartum issues like lochia and all that. So, the role of men is supposed to be supportive and also bond with the child. However, because of the way we are socialised, a lot of women are giving feedback that when their husbands are on leave for those two weeks; they end up taking care of two babies, the husband and the baby.

So, first we must reengineer the way our men think so that when they are now on paternity leave, they do not become the first big baby when the wife is also taking care of another baby. So, let the men first get used to the two weeks and they socialise their thinking so that they know that within these two weeks, they are supposed to provide social support to their wives and not vice versa. You find a man whose wife has just given birth asking the wife to go to the river and fetch water. It should now be vice versa. You are the one who should now help in getting the water, cooking and all the nice things. Let our men also learn to be romantic.

When Hon. Otiende talks about, for instance, Akuku Danger, you know our realities now dictates that if you are an Akuku Danger, you are an outlier. People can hardly cope with just one family; one man and a few children. What business do you have trying to marry too many wives so that you can have leave? That leave will not be of benefit to you. You will die of stress by having multiple partners. If AIDS does not catch up with you, you will die of stress. Very many people here, and even Members, can tell you that it is difficult taking care of small families that we have. I encourage Hon. Otiende Amollo that there is one issue that he has raised which is

actually important; that we have cases where a wife dies and the husband is suddenly left with a little child. I think we can bring an amendment.

I will link up with Martha and table a further amendment to ensure that in a case where the wife dies, the man gets an automatic three-month leave. This is because he becomes the substantive parent. In a case where nature has given women that nurturing role without choice such that we are the only ones who can bear a baby, Otiende cannot ask for equality. We can ask for equality in cases of jobs when I am not equally employed as my brothers are. Men cannot insist on equality. I can see my brother looking at me. He cannot have a baby even if he wanted to. Nature has dictated that in such cases, there is no equality. There can only be support. In this one, we have given them the one-third rule to support us by getting the two weeks which would be the equivalent of the one-third. Political representation is different. It is not about nature but about socialisation and changing our mind-set.

In conclusion, I encourage the House leadership that a lot of us bring very good and significant Bills then they just disappear. We are told that the Senate is doing a lot of good work but our Bills are just fizzling out here. I currently have three pending Bills. I know one has at least come for First Reading. I do not know where the other one is. I was told that I had signed for one. Our efforts should not be in vain.

I am very happy that this House has young, vibrant and intelligent Members. Despite the fact that outside we are trolled for the fact that some of us may not be as educated, we are a representative House. We represent all shades of the country, namely, *Jua Kali* and all that. It is good to have representation in the House. We also have a highly intellectual group in this House. They are the majority. The old Sarah Serem Commission used to challenge us that the Members of the House are not educated. Three quarters of Members in this House have degrees. It is evident in the kind of amendments that Members bring. The House leadership should help us such that when we have put time and energy into doing that sort of work, it is fast-tracked and Members see their contributions.

Thank you, Martha and congratulations for a good job.

**The Temporary Deputy Speaker** (Hon. Christopher Omulele): Hon. Millie, that was very enriching. Thank you for letting us know the distinction in that particular aspect of why men need lesser time for leave than women. Women need to heal from that life-giving process that they have just undergone. It is good to have that distinction.

Let us have Hon. Makau.

**Hon. Patrick Makau** (Mavoko, WDM – K): Thank you, Hon. Temporary Deputy Speaker. The originator and drafter of this amendment, Hon. Wangari, has a lot of passion for it. She has just returned from maternity leave. I heard her take pride in how she has bonded with her child because we sit on the same Committee. Sometimes I see her calling to check on the state of the baby. I know she means well by this amendment.

Given that the rate of barrenness in this country is high maybe due to lifestyles, the urgent need to adopt children in this country is very high. Looking at the amendment, I agree with Hon. Millie Odhiambo that nature prohibits or does not allow men to carry babies. There is a new technology called “kangaroo” where men tie their young ones around themselves and carry them like the pouch of a kangaroo. That is a big role that men play nowadays. I want to tell the women in this House that if you have a small baby, we can still help you carry the baby.

Looking at the provision for three months, it is in order for men to be included. However, I know the number of children who need to be adopted is very high given the state of our children’s homes. If you ever visited some of the children’s homes, you will find that they are in

pathetic conditions. Some of those children are not properly brought up, either because the operators of those childrenhomes do not have enough to feed the children or they do not have enough materials to make the children in those homes feel at home. I encourage Kenyans to adopt.

We have seen dramas in this country where foreigners have had a chance to adopt. In one way or the other, there is a lapse in the law where we encourage foreigners to adopt our children and we do not know. One Member said that for one child who was adopted in Kenya, the Government of the United Kingdom (UK) had to send someone to see the conditions in which that child was living. It is high time that as a country we knew where adopted children go to. We have heard of babies being stolen and sold abroad.

I support the fact that when a couple adopts a child, they should be given ample time, as Hon. Martha is proposing, of three months to bond. Given the background of some of these children, it is very important that you bond with the child particularly when they are young. A child grows in the environment and the love that is provided by the adoptees or parents. I support the amendment that the adoptee families are given three months. I also support Hon. Otiende's proposal that men should not be discriminated against. Men and women are workingnowadays. If the mother goes for leave for three months and I go for three months, that child will get six months of proper care and bonding will even be stronger.

**The Temporary Deputy Speaker** (Hon. Christopher Omulele): Very well spoken, Hon. Makau. Let us now have Hon. Muli Fabian, the Member for Kangundo.

**Hon. Fabian Muli** (Kangundo, Muungano): Thank you, Hon. Temporary Deputy Speaker. I want to contribute to this Bill. It is a very important Bill, especially for us fathers. Matters of adoption are very sensitive, not only in Kenya, but all over the world. It is a process where you remove a kid from his original lifestyle to another one. It is a life you are giving to mature people to live with that they have not given birth to.

In the Kenyan society, there is a lot of economic frustration to a point where young mothers are even leaving their children in the streets. Fathers of today are not even ready to raise their kids. They leave their kids with mothers who are not able to take care of them. The children centres which take care of the less fortunate do not serve them to the point where we can say our young people are enjoying life.

We are now being given the opportunity to process the adoption of kids. For one to get an adoption order, you should have stayed with the kid for three months consecutively. If you are working in Kenya, how will you stay with the child for three months consecutively, if for example you adopted a child of six weeks? If you adopt a child of six weeks, how will you stay with the child and yet you are still working? That is where I join and support the amendment by Martha and congratulate her for thinking about the bonding period. The bonding time in nature is not only for human beings but also for animals. This amendment will help the the new mother and father to understand the new child they have. Also, sometimes when you adopt a child you need to take a trip with the child, not only abroad but also to rural areas to visit the new culture that the child will be a part of. You are not only adopting a child from your culture, but you might even adopt a child who was born in another culture. That is why I support this Bill and congratulate Hon. Martha for coming up with it. I feel the motherhood she has and the fatherhood in the Bill.

Thank you, Hon. Temporary Deputy Speaker.

*[The Temporary Deputy Speaker (Hon. Christopher Omulele) left the Chair]*

*[The Temporary Deputy Speaker (Hon. Patrick Mariru) took the Chair]*

**The Temporary Deputy Speaker** (Hon. Patrick Mariru): Let us have Hon. Tong’i.

**Hon. Richard Tong’i** (NyaribariChache, JP): Thank you, Hon. Temporary Deputy Speaker, for giving me an opportunity to speak to this Bill which addresses humanity. All of us are a function of our mothers and the care they gave us. That foundation given to us by our parents has either made us good or bad people we are in society.

Experience teaches that when parents bond with children at a formative age the impact is permanent. Even the good Bible says that train a child in good way and they will never depart from that good way even as they grow old. Sometimes they might drift and miss the rail, but finally they get back to the rail because of the foundation they were given at their formative stage.

I appreciate Hon. Martha and the thinking behind this Bill because it is a clear testimony of the kind of a person she is: a person who cares, a person who loves, a person who cares for the neighbour and the wellbeing of every other person in society. We cannot keep on whining and complaining by saying that the society has failed and that the morals of society have decayed completely yet we do not do anything about it. Hon. Martha Wangari has decided to take it upon herself, in a small way, to make the world a better place to live in by ensuring that every child born in the world deserves to be given an opportunity, deserves to be treated in a fair way, deserves to be given a foundation which later in life makes them good people and makes them useful contributors to the society so that we all have a country we will be very proud of in days to come.

In developed economies, one of the biggest contribution or asset they have over us is that their morals and values are different and sometimes are of higher quality like simple things like saying, excuse me or simple things like queueing to give somebody a chance to go ahead of you to be served. It is the same way we were raised and instructed that if we saw a pregnant lady and she asked of anything from us, we had a duty to go out of our way and provide what she had asked for. Our parents had a way of passing that message even if they scared us by telling us that if we did not give the help, we would be cursed. We know they meant well. They wanted to teach us. That was passed to us because of the time they took to be with us.

Lately, the internet and social media have replaced the role of the parents. It is unfortunate that sometimes when you go home you get both parents and children glued to their phones catching up with their friends at the expense of what should be time to lay the foundation of a family by educating and sharing experiences of the day. Instead children are lonely and learn from the unknown or from strangers. How did we allow ourselves to get to this point?

In a small way, I appreciate that this Bill will somewhat help us to get back to the rail and appreciate what parenting should be so that we make a country we will be very proud of. Children who are raised in a nice way will be the next Members of Parliament, next leaders of the country, next leaders of churches in the country and lawyers. If we get them a good foundation, then we will have a good country.

It is important that both parents are given an opportunity to bond with their children. I have seen a scenario where fathers are more responsible than mothers. Therefore, it is fair that whenever we have such special cases both parents, mother or father, depending on what their

needs are, should be given adequate opportunity. I am reminded that not long ago, the princes in the Queen's house gave birth to a bouncing baby boy and when she had to visit America recently, about two weeks ago, she left the child with the father. I thought that was awesome. I am looking forward to a day that as a Member of Parliament I will be given a chance to sit with my baby while *mama* goes to work. That is the kind of society we want to build.

I believe the Bill will help us to appreciate some of those small things. Adoption should not only be tied to the inability to biologically give birth to children. It should be because God has given you slightly more that you can share with the less fortunate in society. That is the practice all over the world. I had an opportunity of going to Denmark. When we were at a function in the hotel we were staying, a white couple came in with a disabled African child. That was the epitome of what love should be. They had adopted a disabled child from Africa, yet as a neighbour, I have no time for the disabled children. We look at them as if they are a curse to us. We look at them as if they are lesser human beings. But a person comes all the way from America to adopt a disabled child: a nine year old child not able to walk and speak but they proudly carry the child wherever they go. They were holidaying in Denmark. How I wish we would copy and paste some of those good practices. We do not have to wait until nature has said no to get children. We can also get one of our own and adopt another needy child or adopt from the society so that we can make the world a better place to live in. Mother Theresa says that if all of us can clean the front of our houses, the world would be a very clean environment to live in. We cannot keep whining and saying that we have failed as a country and the Government has failed, yet we are not doing anything about it. I humbly ask the good Lord to give us the spirit of humility and the spirit of love so that we can be touched and be a blessing to the needy child out there who deserves a parent or somebody to help.

I acknowledge the effort the Government has put in place to ensure that children from poor families go to school. We have been given an opportunity to disburse bursary funds. The bursary fund we have is not enough to provide for every need a child requires to go to school. In a small way it can comfort and give some provision so that such children can go to school and get quality education which will make them competitive in society. Therefore, we should all be very firm and make sure the funds we get for bursary are used prudently so that we can give such children an opportunity to compete at the national level so that they can have something to give back to society. When we have many able people in a society, even the burdens we shoulder as a community will be shared and be less burdensome.

I appreciate the Mover of this Bill, Hon. Martha Wangari, a very able Member of Parliament. We appreciate this thought. I support it and hope my colleagues support it too so that we can have a better Kenya and a good Kenya in days to come.

Thank you, Hon. Temporary Deputy Speaker. I support.

**The Temporary Deputy Speaker** (Hon. Patrick Mariru): I know the many Members who have registered interest to speak want to speak to the next agenda. Let us have Hon. Kimani Kuria speak to this as we make our way to the next item.

**Hon. Kuria Kimani** (Molo, JP): Thank you very much, Hon. Temporary Deputy Speaker.

*(Hon. David Gikaria raised his hand)*

**The Temporary Deputy Speaker** (Hon. Patrick Mariru): Hon. Gikaria, why are you still raising your hand?

*(Hon. David Gikaria spoke off record)*

Order, Hon. Gikaria! Why do you want to say hi to the Hon. Temporary Deputy Speaker from where you sit through your hand? Do you want me to pronounce that as out of order? Before Hon. Kimani Kuria Speaks to that, allow me to recognise in the Public Gallery students from St. Thomas Ruiru Secondary School from Kieni Constituency, Nyeri County. They are welcome.

**Hon. Kuria Kimani** (Molo, JP): Thank you, Hon. Temporary Deputy Speaker for this chance to support this great Bill by this honourable Member from my home county of Nakuru, the Member for Gilgil, Hon. Martha Wangari.

There is no greater calling than that of parenthood. However, parenthood cannot be described by the deoxyribonucleic acids or DNA as we call it. What should define a parent is the love that a mother or a father has on a child whether or not they are biologically related. Therefore, this Bill requires that a parent, whether a father or a mother, who wants to adopt a kid be given a chance by law to stay with the kid for a minimum of three months, just like it is required when a mother gives birth to a baby. This is a very welcome idea and it will be a great relief to the many parents who adopt a child for one reason or another. I am of the opinion that we have enough children in this country. What we probably need to do is not to get anymore but to support the ones who have already been born by adopting them or by taking care of them. The earlier argument that giving such parents three months leave would make people earn money without working for it cannot be more misleading than as put by Dr. Amollo.

In 2019, the quality of our labour should not be how many hours, how many days or how many months that an employee puts at work. We should move from a time when people had to report to work at 8.00 a.m. and leave at whatever time they need to leave, be it 8.00 p.m. or 9.00 p.m. irrespective of the state of mind of those employees. I was looking at a photo circulating on social media of one billionaire, Richard Branson, the owner of a great airline having found an employee sleeping at the workplace. He took a photo of the employee and said he was a great employee who had worked so hard that he had earned himself 10 or 15 minutes of a nap at the office. The thinking that the quality of our labour is in the hours put at work in 2019 is very dehumanising. The fabric of our society is in the way we bring up our children. That is why as a country, we should be very concerned, especially when videos of a kid from one of the schools in Nairobi circulates images of himself hurling insults and uttering words that cannot be mentioned on the Floor of this House. Probably, it is because they have access to a device called a mobile phone that they should not even have and know how to operate in the first place. He was uttering those words because he probably heard somebody uttering them or he watched a video or read a book where those words were been mentioned.

This brings us back to where we are as a country. In African traditional set up, children grew up as children of the village. Any grown up person would reprimand a child because of wrongdoing. Every parent had a responsibility of making sure that they shaped up children in society in such a way that their morals were what were expected of them in the society. The moment we locked ourselves up in gated communities and dropped our kids in schools with cars and made our kids untouchable, the fabric of our country left us. The amendment proposed by the Member for Gilgil would mean that people who want to adopt kids will have a chance to inculcate in those kids the values of their families – values of kindness, generosity and love. Most great leaders in this country, some of us being some of them, have been brought up not

necessarily by our biological parents but by people, who adopted us, for example, by family members who took care of us. Therefore, it is only best that this be anchored in law so that it is no longer a favour that you are doing to somebody who wants to adopt a kid.

The issue of how long and whether it is a man or a woman adopting a kid, we have come of age as a country. It is not just mothers or women who can adopt children. Fathers, too, can do so. A man can adopt a kid. I expect that this Bill realises that that kid as adopted by either the father or the mother gets the same right of spending that time with the parents. I will go with the proposal by Hon. Martha – of three months. When a kid is adopted by a couple, then I would propose just like it is given to parents who biologically give birth, where a mother is given three months maternity leave, so should the same time be given to that mother in a couple set up that adopts a kid. The mother should get three months and the father would get two weeks, which is hardly enough.

Without further remarks, I would like to congratulate Hon. Martha Wangari for this great Bill. Let us take care of our children because the kind of society we have is a reflection of what we have in the smallest unit of a country called a family.

Thank you.

**The Temporary Deputy Speaker** (Hon. Patrick Mariru): Hon. Gikaria, do you want to speak to this debate? We will get another Member to speak before we get to the next business in light of what the earlier Speaker had indicated.

**Hon. David Gikaria** (Nakuru Town East, JP): Thank you, Hon. Temporary Deputy Speaker. Once again, I thank my dear sister for bringing this very important amendment Bill on matters of adoption of children. For some of us who come from urban areas, we are seeing a trend where too many kids are being brought to the streets to live as street families. There is also the trend of young mothers or women getting pregnant and abandoning their children either by wanting to kill them or throwing them away. It is a worrying state of affairs that has brought this country to where it is.

As Hon. Martha Wangari talks about adoption of a child who is less than one year and a period of say three months, it is important for us to look at the whole thing holistically so that we can address so many ills that are happening in our country. Just the other day in my county, it was alleged that the county government mopped up street families and dumped them in some forest in Baringo. It is an issue that needs to be investigated. A petition was taken to the county assembly. To date, no answer has been given. It is up to the Directorate of Criminal Investigations (DCI) and the relevant agencies that have been bestowed with the responsibility to check and arrest all the people who are culpable for what they did. Dumping of young boys and girls in forest in the middle of the night just to be able to clean up your streets is something that we will be taking up with the relevant authority as a follow-up on the petition that has been taken to Nakuru County Assembly. It is unfortunate that the county assembly to date – after almost two months since the happenings and the petition being taken to the House – has not been able to conclude it. It is important for us to look at the adoption law.

It is true that women would need time to adapt and gel with children that they are adopting but at the same time again, as it has been said earlier, men are discriminated against. They also need to be given an opportunity to stay with the children they adopt. Unless it is a single mother adopting, both the father and mother should be given equal treatment to gel and bring up that child in the best possible manner. That is if it is both adopting.

It is important for us to look at it deeply. Much as we should be scared or concerned over adoption by foreigners, not all foreigners are bad but, of course, that is the law. We need to look

at it. There are foreigners who are not as evil as we think. It would really help if this country considered that. It is not only foreigners who become animals to the children they adopt. It can also happen in the hands of the locals. It is important we look at adoption. The law on adoption is so punitive that by the time you are given an opportunity to adopt, you have gone through so much. It is high time this country tried to lessen that. Of course, it was meant to stop people of ill motives. At the same time, that process and the time taken to get those legal documents to adopt should be looked into. I am saying this because there are well-wishers who would want to take care of some children. As we follow the due process of adoption, this must be given time. If I am a well-wisher and would want to take care of some children, not necessarily under a home, that should be considered.

The most important thing is that the Government needs to look at these homes and how they are funded. These may be brought up by NGOs depending on donations. At the same time, not every person will be able to get that much needed donation. Again, the homes which are doing very well need some consideration; we should start thinking on how best this Government can assist these sort of homes. You can imagine a home receiving 10 children every week yet they do not have a budget for that. It will have to start looking for donors and donations to take care of the kids. As we look at the stipends we give to the old men and the disabled, it is important to look at those genuine homes that are taking care of vulnerable children and children who have just been thrown by irresponsible parents for purposes of adoption.

With those few remarks, I thank you for giving me this chance and support my dear sister Martha Wangari.

**The Temporary Deputy Speaker** (Hon. Patrick Mariru): I would take it that, as had been communicated earlier, those who have registered interest to speak on this want to speak to the subsequent items. It is not on this one that Members have been on for some time. I see some Members still raising their hands on this one. That was my earlier understanding. Say if you want to speak to this because I do not want to close out any Member who may want to speak on this. It is only that I got the sense that Members have really spoken on this. I will not close out anyone who would like to speak on this Bill noting that most of you want to speak to the next item and subsequent ones in the Order Paper.

The Member for Runyenjes, do you want to speak on this?

*(Hon. Eric Njiru gestured in the negative)*

Hon. Members, use the Intervention Box if you want to speak. That is so that I do not keep calling Members and they say that they want to speak to the next one. I can see two Members, the Member for Runyenjes and the Member for Nyatike. If those two Members speak and there is no other one using the Intervention Box, we will stop there. Hon. Members, use the Intervention Box if you want to speak to this. I will see that you want to contribute.

Yes, Member of Runyenjes.

**Hon. Eric Njiru** (Runyenjes, JP): Thank you Hon. Temporary Deputy Speaker for the opportunity to say something about this and support this amendment Bill by the Hon. Martha Wangari.

I will start by saying that bonding time for family members is an important moment, especially for kids being adopted. It is always a beautiful opportunity when an abandoned child finds a parent. So, I believe it is important to now create an opportunity for the new parent and

the new child to bond and get to know each other more, to have a special moment before they get into other duties in their lives.

Again, it is also important to consider that men require much more time with their children. That is especially the case in modern times when there are challenges in parenthood. So, I support this idea that those adopting be given time to bond with their new children so that they can get to know each other more.

**The Temporary Deputy Speaker** (Hon. Patrick Mariru): The Member for Nyatike, Hon. Mboya, you have the Floor.

**Hon. Tom Odege** (Nyatike, ODM): Thank you, Hon. Temporary Deputy Speaker.

Allow me to add my voice on issues related to adoption. Also, I want to congratulate my sister for coming up with this good amendment. When you look at the whole issue of adoption in our country, it is a matter of concern. All Kenyans need to follow it very keenly because, ranging from our children homes to the level of adoption which we see in our country today, it has emerged to be a very serious business in our country. We need to put our feet down and ensure that there is a lot of sanity in this.

When you talk of someone who has volunteered to adopt a child, we will need to treat these people as parents of the adopted child. They should be given a very fair deal so that both the man and mother in the house are given opportunity to take care of this child and be together with the child so that the child can also adapt to the environment very fast.

There are a number of areas I wanted to bring caution over, before we rush into quick adoptions. When you look at what the Nakuru Town East MP has talked about which is the rise in the number of street children, you will find that many parents who are alive and can easily take care of their children, when failing to meet their obligation as parents, they throw their children to the streets so that they can get safe havens in these orphanages. What has emerged in this country today; not all orphanages in this country are safe. Some of them have been used for child trafficking. Some of them are also causing a lot of harm to our children in this country. We will secure and safeguard more kids if we can encourage safe adoptions as early as possible. That is opposed to keeping them in most homes where they end up being sold and abused. Some of them are also coming out not as good citizens of this country.

I support adoption and allowing parents to adjust and ensure that the new kids in the block are given opportunity to adjust to environment and be part of the family and the family is given the respect it deserves. I beg to support.

**The Temporary Deputy Speaker** (Hon. Patrick Mariru): Hon. Wachira Mukami.

**Hon. (Ms.) Rahab Mukami** (Nyeri CWR, JP): Thank you, Hon. Temporary Deputy Speaker. I rise to support the amendment Motion.

I want to congratulate Hon. Wangari. This is a noble idea. The reason is that we have so many children in the streets, children who do not have parents. When you see a parent going ahead and adopting a child, that parent has a calling. It is, indeed, a blessing.

The other reason I support this amendment is because a child who is one year old is a toddler. Maybe the environment the child was living in never got loving care. When such a child is adopted, it is important for his parents to be given time. They can be given about three or two months to take care of that baby and bond because that is a different environment from where the child came from. That is why I want to support the amendment and encourage more parents to adopt children because they are God's gift.

Thank you.

**The Temporary Deputy Speaker** (Hon. Patrick Mariru): Hon. Mizighi Mnene, the Member for Taita Taveta, you have the Floor.

**Hon. (Ms.) Haika Mizighi** (Taita Taveta CWR, JP): Ahsante, Mhe. Naibu Spika wa Muda kwa kunipatia fursa hii ili niweze kuchangia Mswada huu ambao ni mzuri. Ninampongeza Mhe. Martha kwa kuweza kuleta Mswada huu Bungeni. Kama akina mama, tunahusika sana kutetea masuala kama haya kwa sababu mara nyingisisi ndio hukaa na watoto na tunajua ni muda gani unahitajika kukaa nao ili waweze kuwekwa katika hali iliyo sawa. Ninaunga mkono Suala la kuweza kuwa na muda unaofaa na mtoto mdogo kwa sababu muda huu ndio utakaoruhusu kuweza kumjua mtoto vizuri naye akujue na utaweza kumfundisha maadili yanayofaa. Mara nyingi tunawakuza watoto bila ya kuwa na muda nao na wanakosa maadili na kuwa na tabia za ajabu ajabu. Utastaajabu ikiwa hiyo ni jamii yako uliyoweza kuikuza ama sivyo. Itatokea hivyo kwa sababa ya kukosa kuwa na muda unaofaa na jamii hiyo. Kwa hivyo, ninaliunga mkono suala hili. Muda unastahili uwe wa kutosha kati ya mtoto. Hata ikiwa ni baba, familia husika sharti iwe na muda wa kutosha na huyo mtoto wanaomchukua ili iweze kumpa maadili. Hivyo, watakuwa na wakati mzuri wa kujuana na kuelewana vizuri.

Ahsante sana.

**The Temporary Deputy Speaker** (Hon. Patrick Mariru): Let us now have Hon. Wambugu Munene.

**Hon. Munene Wambugu** (Kirinyaga Central, JP): Thank you, Hon. Temporary Deputy Speaker for giving me a chance to add my voice in support of this proposed amendment to the Employment Act by Hon. Martha Wangari. From the outset, it is a noble and well thought piece of legislation. As a lawyer, I have been involved in adoption cases and it has not been easy. It is energy sapping to the people who want to adopt children. Once you get the certificate, it is important that one gets enough time to gel with the child so that you know each other and embrace one another. We must appreciate one thing, as per the Constitution, that adopted children have full rights like biological children. So, it is the child who requires to be looked at keenly. It is important that the people who adopt the child, both the man and the woman, are given that opportunity. They need to be accorded the same opportunity that they can ordinarily get in law if they were to be the biological parents. This Bill will go a long way to encourage most Kenyans to start adopting children. It is a noble idea. Most of these children come from humble families and others have no families at all; that is why they end up in the children's societies.

If we tell Kenyans that should they adopt a child they will also get leave in order to bond with the child, most of them will be encouraged to embrace the idea of adopting children. So, this Bill is timely. I support it with slight amendments that I will bring at the Committee of the whole House. The Bill has been thought out well.

With those few remarks, I beg to support.

**The Temporary Deputy Speaker** (Hon. Patrick Mariru): Very well. We will have two more Members debating on this one. Before that, I want to recognise in the Public Gallery, students from Kihoto Secondary School, Ol Kalou Constituency, Nyandarua County. They are welcome to follow the proceedings of the National Assembly. Hon. Kiai.

**Hon. Anthony Kiai** (Mukurweini, JP): Thank you, Hon. Temporary Deputy Speaker. I rise to support this amendment proposed by Hon. Wangari. I know the process of adoption in Kenya. It is tedious. These kids that are abandoned by other members of the society need love, attention and warmth to belong to a certain family. What this amendment is doing, is to exactly provide that. In natural birth, we always ensure that the kid and the parents have enough time to

bond. We should extend the same to those parents who are ready to adopt such kids. It is also important to note that in Kenya, many kids are abandoned day in day out. Therefore, it is important for those families that are able to cater for such kids to be given an enabling environment by way of legislation or otherwise to encourage those who are able to do that, to do it smoothly.

Adoption is also a factor that encourages those families that can not get kids through the natural methods because of biological effects or otherwise. We have a dynamic society that believes that adoption is the best method of having kids. So, they should be looked at from a different angle to ensure and encourage those who may want to use that alternative route to use it. Once you adopt a new kid and have them in the family, it means that you are two different human beings – in a natural birth, there is always blood attraction – from different backgrounds and blood lineage. Therefore, it is important that we give them enough time to bond. Indeed, Hon. Martha would have proposed to give six months to the two people. That would have been sufficient time for the mother, the father and the adopted kid to bond. I know many of the children orphanages are doing good work to try to give them a good nest where they can experience human warmth. There are others that are doing business using those innocent souls. Therefore, when we find a situation where different human beings are ready to adopt such kids, then, it should be the more reason why we should have positive laws that will encourage them to do that.

By passing what the amendment is proposing, we will give these young ones a new lease of life. Once they have a new home, they will be able to grow in a normal family life that is envisaged in the Bible. So, I stand to support and encourage the Hon. Member to push this period from three months to six months.

I support.

**The Temporary Deputy Speaker** (Hon. Patrick Mariru): Hon. Gichuhi, you have the Floor.

**Hon. James Gichuhi** (Tetu, JP): Thank you, Hon. Temporary Deputy Speaker. I also support the amendments as proposed by Hon. Martha Wangari especially recognising the fact that children rights are human rights.

As you look at the process of adoption, I am aware that there are several procedures that are undertaken before a certificate is issued. Bonding between an adopted child and the mother and the father is a right that is recognised under international instruments. I can cite several rights of the child, especially the 1989 Convention on the Rights of the Child. One of the rights that are enshrined in that particular instrument is the right to association with both parents. There are also several other instruments like the 1924 Geneva Declaration on the Rights of the Child. All those recognise the rights of the child, especially an adopted child who has been given a new lease of life. It is very important to have time to bond with the adopting parent. As has been proposed, I would also encourage that that period should be increased to give ample time for the child and the mother, so that the child can have time to realise and enjoy those rights as recognised by the 1948 Universal Declaration of the Rights of the Child. Article 25(2) of the Declaration recognises the need of motherhood and childhood.

So, I would say that this Bill is a milestone because previous rights of adopted children have not been recognised under the Children Act. I highly support amending the Act and incorporating this particular provision.

Thank you, Hon. Temporary Deputy Speaker.

**The Temporary Deputy Speaker** (Hon. Patrick Mariru): Shall we have one more Member who has registered late interest in this then we bring it to closure? It is Hon. Okello.

**Hon. Jared Okelo** (Nyando, ODM): I thank you, Hon. Temporary Deputy Speaker, for giving me this opportunity. I rise also on the same breath to put more weight on this Amendment Bill by supporting it. No one chooses where to be born. If we had that latitude, I would have chosen to be born within the President's family, but I ended up being where I am because I had absolutely no choice. Therefore, issues pertaining to adoption and the circumstances around it are very important that if a child is in a desperate need to be adopted, we have to put a level-playing field for this to occur, particularly children born within Kenya, brought up in Kenya and have to be adopted in Kenya. I am very pleased that two weeks ago, the Government of the Republic of Kenya applied breaks on foreign adoption, because we understand certain times the conditions our children have to go through when adopted by foreigners. Some of them carry out adoption as a way of carrying out child trafficking. When our children get into foreign lands, the conditions available to them and the kind of discrimination they have to go through and being denied food and essential commodities, is something that must absolutely be addressed. Therefore, I am very glad that the Government of Kenya said that they are carrying out a ban towards child adoption by foreigners in this country.

That, therefore, brings the most critical point: How benevolent are we? How charitable are we? How generous are Kenyan people going to be so that they can help children who are in need? Children end up on the streets not because they want to be there, but because there are harsher conditions at home, therefore they choose streets as recourse. Therefore, we must, in retrospect, carry out charitable activities that would offer an enabling environment to our children to thrive. Each and every kid is born with inalienable rights. That is bit number one. Bit number two is that every child is endowed with unique talents. Every child has a future that the Creator has bestowed within him or her. Therefore, we are not going to be deterrence in their progress just because we are denying them opportunities to thrive in whatever field that God gave them. We must open our doors in order to embrace them and keep them within our borders and offer them certain inalienable rights such as access to education, access to healthcare as enshrined under Article 43 of the Constitution and give them an enabling environment for them to be responsible citizens in future.

Children are gifts from God. That is what the Bible states. We must hence put a lot of emphasis on their success. That, therefore, harshly indicts parents. We have seen how social media have unduly influenced our children and as a result they are carrying out activities that would be taboos in most communities. Just about a week ago, a video was trending on social media of a very young kid, barely 12 years, spewing vitriol and unprintable words to his colleague. These are things that we have to look into carefully. The children that we raise today, we are going to make them leaders tomorrow. We would not wish to have leaders who will be insulting their colleagues or insulting the people that they lead. We want responsible citizens; those who will take over from us and perpetuate the wellbeing of this nation.

We have to, as parents, get to know how our children are doing, whether we are with them or not. I understand that economic pressure has made it absolutely difficult to superintend our children, both at home and in schools. Parents have given that responsibility to teachers in schools. Teachers have, owing to the Basic Education Act, applied breaks on what they used to call corporal punishment for kids. Therefore, even if kids do not do according to the will of the teachers, the assumption is that the parents back home will be carrying out their cardinal responsibilities. So you have a kid who is a boss in school and a boss at home; parents relegating

the responsibility to teachers and teachers passing over that responsibility to parents. Therefore, we are raising a generation that cannot withstand the test of time. That is why when young people are provoked, the only thing they can think about is committing suicide. That is why we have had increased cases of children committing suicide in various homes. We should step back, reflect and retool as parents and give children what ought to be given to them and that is discipline. That discipline does not necessarily have to come from school. In due course, with a lot of love to our children, I will be reintroducing before this House a Bill that will bring back a level of discipline within schools.

Our parents, while growing up, gave us what can pass for corporal punishment, but we never died. Our children must be given some level of discipline because if we do not do so now, no one will do it for us. I also understand the degree of influence that television stations and cell phones have on children. I know of many responsible parents who will never allow their children to have cell phones. The current generation, out of assumption of civility, has chosen to give cell phones to very young children to keep in school and at home. Parents do not have the capacity to determine the amount of information that their children can access using cell phones. Many children resort to watching pornographic materials on their phones. This is something that must be avoided and fought. We must employ all available tactics to make our children responsible. Giving mobile phones to children is not depictive of a degree of civilisation. We grew up in an era where cell phones were unheard of. In fact, we never even fathomed that at one point in time, they would be there. Now that they have come, we have to use them responsibly. I have seen many things trending on how in a family set up, everybody is busy with a cell phone. So, at what point are we going to interact as a family? These are fundamental questions that we have to raise and address. The influence that electronic gadgets have on our children, and the amount of time that children spend watching television, knowing that many children love cartoons, is enormous. We, as parents, must control this situation. We are not going to create so much latitude that children would do as and when they wish. They must be controlled.

With those remarks, I support this Bill on the Employment (Amendment) Act of 2019.

**The Temporary Deputy Speaker** (Hon. Patrick Mariru): Hon. Martha Wangari, you now have the Floor.

**Hon. (Ms.) Martha Wangari** (Gilgil, JP): Thank you, Hon. Temporary Deputy Speaker. Please allow me to thank all the Members who have voiced their concerns – those who have supported it and those who have opposed. Their contributions will enrich this Bill.

The issue of child adoption has, for a long time, been assumed to be of families or people who cannot get children. On the contrary, so many people are adopting children today even when they have other children of their own.

Hon. Temporary Deputy Speaker, if we are going to encourage locals to adopt children since we have banned the foreigners, then we must give enough incentives and encouragement to this process of adoption. I must clarify that this is not about just getting a child and staying with him or her in the House. It is about the legal process, which is very tedious, expensive and energy-draining. The lawyers in this House will tell you that. The matter has to go to court for you to have the legal custody of a child.

That process, as I have explained when I was moving this Bill, starts with an application. After you have filled every form required, you will be assigned a social worker who will scrutinise you to ascertain whether you are able to bring up the child that you intend to adopt. The social worker has to establish your financial status, your societal standing as well as find out

what your family is about? Do you have other children, and how do they behave? They conduct a proper background survey on you.

Thirdly, you will be taken for counselling together with your family members to be able to accept another person whom you have not given birth to, to live with for life. You are adopting them to be part of your family. After that, there will be a case committee where they will decide from what they have found from the counsellor's report and the social worker's report whether you are fit to be a parent.

That is not just for foreigners. Even locals have to go through the same process. I know that the Government has placed a ban on the adoption of children by foreigners. This is not a recent development. The ban has been there since 2015. I want to clarify that it is not just foreigners who can be unfit to be parents. Sometimes, we have unfit Kenyans. So, it cannot be a blanket condemnation that since they are foreigners, they will abuse the children that they will adopt. Even Kenyans can do so. It has to be a decision that has to be taken by the case committee. The committee will decide whether you can take the child or not.

Hon. Temporary Deputy Speaker, the pre-adoption leave becomes crucial at the point where you are placed with that child. The certificate has been given and you are placed with a child. They require you to have a continuous stay with the child for three months. I have lived in Nairobi's Eastlands. If you live in Umoja - where I used to stay at one point after my university education - and you have a job, you come to town at 8.00 a.m. You have to leave Umoja at 5.00 a.m. or 5.30 a.m. and you get back home at 10.00 p.m. because of traffic jam and the hustle and bustle of the city. So, if you are being assessed to ascertain whether you can stay with the child within the three-month period, you will surely not qualify because you will not be available.

The social worker will come to your house, but she will not find you to see how you will stay with that child because you will be away at work, unlike biological working mothers who have maternity leave. I have listened to Hon. Otiende Amollo. I have heard his reservations, even with Akuku Danger's example. I also want to clarify that even a woman can get a child yearly, like Akuku Danger's wives used to. That woman would still get a three-month maternity leave. It does not matter that she got a child the previous year. Such women would still qualify for maternity leave. Equally, their husbands would still qualify for paternity leave of two weeks because it is in the law. However, there is no child adoptive leave. That is why it is very critical that we introduce it and ensure that we comply with Article 53 of the Constitution, which gives children the right to protection, the right to education, the right to parental guidance and the right to proper guidance while growing up.

So, I have picked some of the proposed amendments to what I have proposed. I thank the Members for the Departmental Committee on Labour and Social Welfare, who also scrutinised this Bill and organised for public participation. I know many people came and gave their views. There are also suggestions that three months is a long time. However, Article 53 of the Constitution, which is the supreme law of the land, does not discriminate against a biological and an adopted child.

I have been asked why I care since I have my own children. I want to say that I have met people who are adopting children. Lawyers like Munene can tell you that, sometimes, you are not even ready and you are told to go for your baby from a children's home the following day. You have not even set up your house; you have not prepared and you have no nanny. Unlike in the case of a biological child, where you have nine months to plan, this one comes in any time because the process is tedious. You may not have time to plan and that sends you into confusion. I have seen very many parents suffer. People who want to adopt children look upon their

employer to decide whether they can give them time to settle irrespective of whether the baby is three weeks old, three months old or one year old. So, I hope we will arrive at a consensus during the Third Reading. I have seen the proposal of having an age variance; that, we do not just leave it open but limit it to one year and below, which is very critical because I have seen people adopt three months old babies. By law, any child who has got six weeks can be up for adoption. So, I hope we will bring those amendments at the right time.

However, I thank all the Members. I take the concern by Hon. Muchira, and that of Hon. K.J. of Dagoretti South, who spoke last time. They brought out the issue of discrimination. It was also brought up by Hon. Otiende Amollo; the issue of discrimination between men and women. I was trying to mirror it with what we already have today in existence under Section 129 of the Employment Act. As explained by Hon. Millie Odhiambo, there are also those natural gifts or roles that have been given to women who give birth. That is why they were given three months while men were given two weeks. This being an adoption process, we may look at equalising it because men and women can also adopt by law even when they are single. I have also received a memorandum from a law firm which thinks this Bill is discriminating against the single men and women in this country. Together with the legal team, we will see how best to link up all the proposals at the Third Stage.

I want to talk to the Ministry of Labour and Social Protection regarding the adoption societies. I think we are doing a lot of disservice to the children because, even as we speak today, you cannot apply to adopt a child. This is because none of the adoption societies have licenses and have to reapply for new ones. This is a very serious breach which has been left out at this point, thus hindering application for adoptions. We have very many children in those institutions who would do very well given a chance to belong to an institution that is the basic planning unit in this country - that is the family. We must scrutinise the issues that we have seen recently being aired in the media concerning the Child Welfare Society of Kenya (CWSK). How they treat children and do business with them must come to a stop. This will only be done if the Ministry of Labour and Social Protection took this matter very seriously and offered protection to the children.

With those many remarks, I want to appreciate all the Members for their input. I know we will be able to deal with the majority of the issues that they have raised. I hope many Members, if not all, will support this Bill so that we can give an opportunity to the many children who are out there in institutions that they did not apply to be in the first place.

I beg to reply.

**The Temporary Deputy Speaker** (Hon. Patrick Mariru): Very well. You know when you mentioned Akuku Danger, I could tell Hon. Okelo got a bit confused because he is not sure who he was. You said he got a baby every year and I am sure Hon. Okelo can ask who he was over a cup of tea rather than here. Hon. Members, we shall pend putting of the Question on this particular item to a subsequent time.

Next Order!

*(Putting of the Question deferred)*

## BILLS

### *Second Readings*

## THE ANTI-CORRUPTION AND ECONOMIC CRIMES (AMENDMENT) BILL

**The Temporary Deputy Speaker** (Hon. Patrick Mariru): Hon. Ndindi Nyoro is not there. I am aware he had partly moved this Bill and had not concluded. I can remember we dropped it last Wednesday. This is the second and last time it is being dropped because, clearly, it was dropped from the Order Paper before. And today it is being dropped courtesy of his absence. He could be somewhere on official duty, but it is good to communicate.

**Hon. Jared Okelo** (Nyando, ODM): On a point of order, Hon. Temporary Deputy Speaker.

**The Temporary Deputy Speaker** (Hon. Patrick Mariru): What is it Hon. Okelo?

**Hon. Jared Okelo** (Nyando, ODM): Hon. Temporary Deputy Speaker, this is a House of rules and traditions and the Office of the Clerk will always inform any Member with a pending Bill to be discussed to be available. This is the second time that particular Hon. Member is absconding his duty. We need to completely drop this Bill and focus on more important issues. If he is a member of *tanga tanga*, then let us give him time to *tanga tanga* and concentrate more on important things.

**The Temporary Deputy Speaker** (Hon. Patrick Mariru): Order, Hon. Okelo! You know, I cannot give you a chance on a point of order and then you introduce externalities. I am not aware about *tanga tanga*. Order, Members! I will not entertain any conversation around this. Until you talked about other externalities, your earlier point was in order; that this is the last time we are deferring this Bill by Hon. Ndindi Nyoro. Next time, he has to be present to complete the moving of this Bill, so that the House can make progress on it.

Next Order!

*(Bill deferred)*

## THE LIVESTOCK AND LIVESTOCK PRODUCTS MARKETING BOARD BILL

**The Temporary Deputy Speaker** (Hon. Patrick Mariru): Hon. Bashir, you have the Floor.

**Hon. Major (Rtd.) Bashir S. Abdullahi** (Mandera North, JP): Thank you, Hon. Temporary Deputy Speaker. I have just been advised that the Departmental Committee on Agriculture and Livestock, where this Bill was committed, has not tabled its report. Nevertheless, I was prepared to move the Bill. So, I seek your guidance if I can proceed without the Committee report.

**The Temporary Deputy Speaker** (Hon. Patrick Mariru): Very well, Hon. Bashir. It is good that you are ready to continue, but the Committee has not yet tabled its report.

**Hon. (Ms.) Sophia Noor** (Ijara, PDR): On a point of order, Hon. Temporary Deputy Speaker.

**The Temporary Deputy Speaker** (Hon. Patrick Mariru): Hon. Noor Sophia, are you a member of that responsible Committee? Then what do you want to say?

**Hon. (Ms.) Sophia Noor** (Ijara, PDR): Hon. Temporary Deputy Speaker, I am not a member of that Committee but, given the importance of this Bill, I am a concerned person because I am a farmer. When an important Bill like this is brought, we need people to take responsibility. It would be careless for a whole Committee of this House not to table a report as important as this one.

I feel, through you, we should summon them. You will give us direction but, we cannot waste our time. We have been seated here and, personally, I did not know about this. Even the owner of the Bill did not share with us. We were seated here ready to debate this important Bill because we thought it will improve the livelihoods of many pastoralists in this country. Due to its great importance, we were prepared to add value to this Bill. So, we cannot waste our time, energy and brains just because the Committee did not prepare the report.

**The Temporary Deputy Speaker** (Hon. Patrick Mariru): I hear you Hons. Sophia and Bashir. I want to commend Hon. Bashir for being present because his Bill is on the Order Paper. I have noted he has been here the whole morning. That said, we do not know at what point the Chairperson responsible for matters livestock and livestock products marketing is with the report. I will direct that on or before Wednesday, next week, the Chair must give an update to this House about the report so that Hon. Bashir is able to organise himself and if there is any intervention at that point, it will be entertained. Hon. Chair, the update should be given on or before Wednesday; but preferably this afternoon or Tuesday, but not after Wednesday. You should give an update of where the report is and better still table it.

*(Bill deferred)*

Next Order!

## MOTIONS

### REVIEW OF THE MANDATORY RETIREMENT AGE IN THE PUBLIC SERVICE

**The Temporary Deputy Speaker** (Hon. Patrick Mariru): Hon. Charles Njagua Kanyi is not in the House. There is no update on where he is. He ought to have known that his Motion is on the Order Paper and so, he should have been here.

**Hon. Godfrey Osotsi** (Nominated, ANC): On a point of order, Hon. Temporary Deputy Speaker.

**The Temporary Deputy Speaker** (Hon. Patrick Mariru): What is it Hon. Osotsi? Do you have brief to move it on his behalf?

**Hon. Godfrey Osotsi** (Nominated, ANC): Hon. Temporary Deputy Speaker, I think the Wednesday morning Sittings are very important, especially when it comes to Motions or Bills that are sponsored by Private Members. We are concerned that if we start this trend of people being absent when they are supposed to be present in the House to move their Motions or Bills, I think we will not be setting a good precedent on this matter. Hon. Ndindi Nyoro and Hon. Njagua are not around. Even this other Bill on livestock has similar challenges.

Hon. Temporary Deputy Speaker, we need you to make a pronouncement on this matter because this is not the best way to use the time of Parliament.

**The Temporary Deputy Speaker** (Hon. Patrick Mariru): Hon. Osotsi, I agree with you to the extent that the Wednesday morning Sitting is very important to individual Members. This is where the Private Members' business gets its way into the Order Paper. You would expect the Members whose Bills or Motions have got their way into the Order Paper through the House Business Committee (HBC) would be present. We will probably deal with each of those items. I have pronounced myself on Hon. Ndindi Nyoro's Bill. I have also pronounced myself on Hon.

Bashir's Bill and we will have this one by Hon. Charles Njagua Kanyi dropped. Let him be told as well that, that will not be entertained moving forward.

**Hon. Cornelly Serem** (Aldai, JP): On a point of order, Hon. Temporary Deputy Speaker.

**The Temporary Deputy Speaker** (Hon. Patrick Mariru): What is out of order? I have already pronounced myself on this. The conclusion is already made. Do you want to add to what the Speaker has spoken to? You want to add what the Speaker has said. What would you want to add, Hon. Member? You have one minute. What do you want to say?

**Hon. Cornelly Serem** (Aldai, JP): Thank you, Hon. Temporary Deputy Speaker. I only want to be given time to add to what you mentioned earlier. This Motion is very important that if passed and it finally comes to this Floor as a Bill, will assist the farmers back in the villages. The Members that are responsible for this Motion should take it very seriously.

**The Temporary Deputy Speaker** (Hon. Patrick Mariru): Order! What are you speaking to? Are you speaking on the Livestock and Livestock Products Marketing Board Bill?

**Hon. Cornelly Serem** (Aldai, JP): Yes.

**The Temporary Deputy Speaker** (Hon. Patrick Mariru): That is gone. I had already pronounced myself on that. It is not to say what you are saying is not important. It is actually important and I had pronounced myself on that. We are now on Order No.13. So, the line you are taking is actually what I spoke about. I have given a direction and I am sure you get the direction I have given around that Bill. I agree with you that it is important but, I have already pronounced myself on that.

*(Motion dropped)*

Order, Hon. Members! We must make progress on that. Next Order!

POLICY MEASURES TO ENSURE 100 PERCENT TRANSITION FROM  
SECONDARY TO TERTIARY EDUCATION

**The Temporary Deputy Speaker** (Hon. Patrick Mariru): Hon. John Munene Wambugu. We must commend you. You are here. You have the Floor.

**Hon Munene Wambugu** (Kirinyaga, JP): Hon. Temporary Deputy Speaker, I beg to move the following Motion:

THAT, aware that according to available data from the country's education sector, a huge percentage of the students who sit for the Kenya Certificate of Secondary Education do not transition to universities to pursue degree courses; further aware that technical skills and knowledge are fundamental in every profession; concerned that despite the importance of technical and vocational training in teaching necessary skills and building adequate human capital to achieve and sustain the country, its uptake in the country remains low; cognisant that promotion of technical and vocational education and skills alongside academics provides a mix of professionals and skills that the economy requires so as to create balanced manpower requirements; recognising that Article 55 of the Constitution requires the State to take measures to ensure that the youth access relevant education and training; appreciating the Government's policy of achieving 100 per cent transition of pupils from primary to secondary schools which has seen a huge increase in enrolment in secondary schools; this House

resolves that the Government puts in place policy measures to ensure 100 percent transition from secondary to tertiary education.

Hon. Temporary Deputy Speaker, this Motion is based on Article 55 of the Constitution, which actually requires, as a duty of the Government, to ensure that its youth access quality and good education. I must start by commending the Jubilee Government led by His Excellency the President of the Republic of Kenya for ensuring that we have 100 per cent transition from primary to secondary schools. It has its own small problems but by over 90 per cent enrolment, the Government has succeeded to ensure that all primary school students go to secondary school.

Despite those challenges, I believe time has come for us to get to the next level of ensuring that all pupils who sat their Form IV examinations transit to tertiary education. Those are the ones who will not be able to make it to the university. The data which is available is very worrying. If you go by 2016, about 577,000 did their Form IV examinations. Out of that, only about 88,000 went to university. It is the same thing in 2017 and 2018. Actually, about less than 15 per cent of students who were in Form IV transitioned to tertiary education. We know that by the time someone reaches Form IV currently, they are still under 18 years of age. Some are as young as 17 years. If that kid gets a D, E or C and comes from a humble family, he may never be able to go to the next level of education.

What am I trying to say? I am saying that the Government invests so much money from nursery school to Form IV. It invests millions of shillings on a student, but we fail to invest the little remaining to make that teenager productive. When a child leaves school at 17 or 18 years with no skills at all, what can that student do? If he or she is given a small push irrespective of the background; that once you do Form IV, automatically, whichever grade you get, you are placed into a tertiary institution depending on what you scored; we will have enhanced their skills. Even if it is in driving, knitting or mechanics, you need to acquire that skill. You will find that the Government will invest less and make a product of that child who will now become productive in the society.

In fact, most countries which have developed like Germany, South Korea and others have invested a lot in vocational training. We appreciate and know what the Jubilee Government is doing on the TVET institutions where, as a policy, every constituency should have a TVET institution. However, are we investing enough in ensuring that once a child does his Form IV exams, he or she will go to the next level of education and acquire skills? We need to educate the population on the benefit of acquiring skills, irrespective of what type of skills.

In this country, the biggest resource we have is human resource. We may have found oil in Turkana – where I come from we have coffee, tea and horticulture - but human resource is the biggest resource we have in this country. Once our children acquire skills, the issue of employment notwithstanding, they can even get employment outside the country. Take a case whereby a child has just finished Form Four, goes home and the parents cannot afford to take him or her to the next level, what are we saying to those children? What can we do? What can that person do? If the Government takes it as a policy naturally and by design to ensure that the minute you do your Form Four you must go to the next level, irrespective of what you got, this country will take off massively.

Manufacturing is part of the Big Four Agenda that we are talking about. In all types of manufacturing, whether automobiles or in the industries, you require skills. In fact, university education is overrated. We need to have a mind-shift from emphasising that for one to succeed in life, one must acquire university education. That is where we go wrong as a country. There is a gap between secondary and university. There is a very big gap because we need technical people

to fill that gap. Unfortunately, as a country or a society, people tend to think that if you fail in Form Four and get grade D or an E, you cannot be productive. It is a wrong thinking. Let us have a situation whereby there is no failure. Whatever you get is what God has given you. You can be productive in other areas, especially if you are given that opportunity to acquire those technical skills. We have heard of serious investments or innovations being done by people who have never got university education. There are so many examples of people who have come up with innovations and yet, they never went to university. It is a noble idea.

Kenyans may ask where those resources will come from or how we will achieve this. If the Government was able to achieve 100 per cent transition from primary to secondary school, it is also doable. We can manage 100 per cent transition from secondary to tertiary institutions. Maybe, you could do a course of three or six months, one year or three years, which can give you an opportunity to earn your own money and make a living. It may be costly but is it costly enough for the Government not to invest in it, having invested in a student from nursery to Form Four?

The best place to invest our money is in education and training our youth, so that they are equipped with technical skills which can make them earn a living and support graduates from the universities. How much money do we need to invest? It is not too much considering the corruption in this country. If we are able to tame the corruption and wastage, we can have enough money to invest in the education sector, which is investing in the youth and future of this country.

It is very important and good for our country to have an educated populace where everybody is educated and doing something meaningful with their lives. This is a noble idea. It is my wish and appeal to honourable Members of this Parliament to support this Motion. Let us not be distracted by the cost implications which may be involved. We all know that a journey of 1,000 miles starts with one step. If the country is determined, we can ensure that all our children do not go to waste after Form Four. Over 85 per cent of Form Four leavers do not go to university. From my research, only about 20 per cent go to tertiary institutions where parents pay fees. What happens to the 55 per cent to almost 60 per cent of the population? We keep on complaining that crime rate and abuse of drugs have gone up because, as a country we have failed to give hope to our youth. A child, after Form Four, will mature or grow if he or she spends more time in a tertiary institution. One will come out of it more polished, mature and ready to invest or contribute to development of the country.

Let us not demonise people who fail to get good grades. If you get an E, you are branded a failure. If you get a D, even institutions like the police force cannot admit you. They ask for grade D+ (plus) and above. If you are given some skills and get trained, you end up being more productive than that person who got a B or an A. That is not to say that I was an A student or that I do not appreciate people who get grade A, B and C+ (plus). As a society, community and nation, let us know that we need each other. That student requires others. Every person was born with a God-given gift. You may not be blessed very much academically, but in terms of practical skills or ventures, you could be well-blessed. If you are not given an opportunity to exhaust or to exhibit all opportunities for you to know your line, you may not discover your talent. Take it this way: By the time someone is in Form Four, they say that they want to be a lawyer, engineer or doctor. No one says I want to be a technician in a laboratory. When you completed Form Four and you are not given that chance to move on, you may not discover your talents or skills.

Great countries and communities do not come up because of the cream of the society, but because of the manner in which they take care of the masses. From my analysis, only about 15

per cent make it to university. That means that majority of Kenyans fall in that middle level even in terms of education. We need to ensure that we nurture those people who do not make it to university and make them productive and have skills which will make them earn their own living.

The Motion is self-explanatory. It is a good Motion. I plead with Members in the House to support the Motion so that we resolve to have policy measures to ensure that there is 100 per cent transition from secondary school to tertiary institutions.

As I conclude, I once again thank the Government for realising that, going forward, we should look more at Technical and Vocational Education Training (TVET) institutions to educate our youth. My request is that we invest in those institutions; ensure that they get students and for those who are unable to pay fees, use the Higher Education Loans Board (HELB). The Government should ensure that there is no child who fails to transit to the next level of education. Some TVET institutions do not have enough students enrolled. Some have as low as 50 or 100 students. The structures under construction are supposed to be filled with students. But without a policy, it will just be a mirage and we may not achieve that.

With those few remarks, Hon. Temporary Deputy Speaker, I call on my friend, Hon. Kabinga Wachira, to second the Motion.

**The Temporary Deputy Speaker** (Hon. Patrick Mariru): Hon. Kabinga.

**Hon. Josphat Kabinga** (Mwea, JP): Thank you, Hon. Temporary Deputy Speaker. I thank my brother, Hon. Munene Wambugu, for thinking through this Motion, which is very important. I also take note that, as the Members who have spoken before me have said, in the Wednesday morning Sittings, we have very important Motions. But, sometimes, they are not taken seriously and, sometimes, they are not implemented.

This Motion that I am seconding is very important. It comes at a time when our country is struggling with unemployment. Many of our youth go without any livelihood. This is the time in our country when we want to bridge the gap between the haves and have nots and bridge the gap between the rich and the poor. This can only be done if we have the right policies that ensure that every child in the country is given an opportunity to exploit its potential and that would come in different ways.

As noted by the Mover, Hon. Wambugu, only about 10 to 15 per cent of our Form Four candidates find themselves into universities by scoring C+ (plus) and above. That means that about 85 per cent of Form Four candidates do not get an opportunity to get into universities and find themselves in the wilderness. They start looking for opportunities and some are lucky to find unskilled employment. But some do not find such opportunities especially if they come from poor backgrounds. That is why I seek to bridge the gap between the haves and have nots in the country. This Motion is very handy. The number of people who do not find an opportunity after failing to get into universities fall under the have nots. It is this group of people we want to cater for.

We need a policy to ensure that, once our children complete secondary education, they can either go to university or tertiary institutions that have been established in this country. We need to continue investing heavily, especially in Technical and Vocational Education and Training (TVET) institutions so that our children can end up acquiring skills that will not only benefit them, but also benefit this country by way of availing services that are much needed. If you went to a village today, and you had an issue with your water, you would hardly get a plumber who is well skilled to fix the problem. If you do, you end paying heavily. By getting many more of our young men and women acquire such skills, we are putting this country in a

high notch of all types of services so that, even in a village you can quickly get somebody who has electrical skills and skills in other areas. That way, you will not struggle going to the nearby town looking for skilled persons because those skills will be readily available where you are. All sectors require skills and the only way we can flood those skills in this country is by ensuring that all our children who leave Form Four are given an opportunity to pursue something that would be useful to the society.

Hon. Temporary Deputy Speaker, I come from a rice-growing area. Today, we do not have agricultural extension officers to support farmers. Our county governments would have those skills if we are to transit our children from Form Four to tertiary colleges. They would return to the counties and help to enhance farming. Today, if you go to Mwea, you will find farmers struggling. There are no agricultural extension officers with the right skills. If you have to acquire one, that person would be so expensive that farmers would not even afford to pay him and yet, we have so many young men and women in the villages. If you went to some of the villages in Mwea Constituency today, and you want to gather 500 young men and women, you would do so in an hour, meaning that those are people who have completed secondary education and they are just there, not knowing what to do next. They are just in the houses. They can come out of those houses anytime they are called upon. If such a group is given an opportunity to acquire skills on farming and made available to farmers, probably, this country would not even be importing a kilogramme of rice from outside the country. We lack such skills.

We have people who suffer on our roads due to mechanical breakdown of their vehicles. Their vehicles break down and they are forced to tow them to the nearest town, which could be 10 kilometres away, simply because within the area where the vehicle broke down, there is no skilled manpower. Yet, we talk about unemployed youth who are in those areas. By supporting this very important Motion, we are simply saying that we are going to invest on policies that will, in return, give us services. The funds that we put in policies are below the gains that we would get from the services of a large number of people who are otherwise sitting idle out there.

Having children complete secondary education at the age of 18 and having no other opportunities for them is tantamount to giving opportunities to bad guys like terrorists, who find it easy to recruit such idle groups of youth. That is a group that has gone through Form Four, struggled to get their grades, have no other opportunity and here comes somebody who is offering some money to do certain things. We find our children engaging in some of those security threatening activities not because they want, but because in a way we have not looked after them or thought through what they would do after they finish their Form Four education. This is why I look at this Motion as coming at the right time when we are struggling with security in this country and the crime rate is going up. It is not going up because people want to be engaged in crime, it is because people want a decent livelihood and they cannot get it from whatever skills they may have acquired in Form Four. By having that 100 per cent transition, we are simply saying that nearly 90 per cent of our children will acquire something that can give them some livelihood. By doing so, we are simply saying that we will no longer have people who are idle out there; people who are ready to engage in some of the activities that are threatening security in this country.

For this reason, I stand to second this Motion. I urge the Committee on Implementation, to follow up on it. I know they have many Motions that they are “sleeping on”. I urge that this one be moved very quickly because it has a real return on our investment to this country where our children will become much more useful than they are. I would love to see one morning when

I have no youth in my Mwea Constituency because all of them will have been engaged in one way or another.

**The Temporary Deputy Speaker** (Hon. Patrick Mariru): I hope Members followed what the Mover mentioned about statistics. If those statistics were actually correct and I suppose they are, 15 per cent going to university and 20 going to the tertiary and other mid-level colleges amounts to 35 per cent. That means 65 per cent are nowhere. That is very glaring. It is statistics that Members would like to note.

*(Question proposed)*

**Hon. Kuria Kimani** (Molo, JP): On a point of order, Hon. Temporary Deputy Speaker.

**The Temporary Deputy Speaker** (Hon. Patrick Mariru): What is your intervention, Hon. Kimani Kuria?

**Hon. Kuria Kimani** (Molo, JP): Thank you, Hon. Temporary Deputy Speaker. I am rising on a point of order according to Standing Order No. 97(1) that we limit the discussion on this matter to five minutes per Member. That is so that as many of us as possible can get a chance to contribute to this great Motion by the Hon. Member.

**The Temporary Deputy Speaker** (Hon. Patrick Mariru): Very well. Hon. Members, the provision for this type of Motion is 10 minutes. What Hon. Kimani Kuria is seeking the concurrence of the House is the reduction of time from 10 minutes to five minutes. I would like to get the mood of the House to that.

*(Question, that debating time be reduced from ten to five minutes, put and agreed to)*

So, Members, when you get a chance, you will speak for only five minutes. Please, organise your thoughts. We shall start with Hon. Ali Athman, Member for Lamu East.

**Hon. Ali Sharif** (Lamu East, JP): Asante sana, Mhe. Naibu Spika wa Muda. Kwanza, ningependa kumpongeza Mheshimiwa kwa kuleta Hoja hii. Tunakubaliana sote kuwa ni Hoja muhimu sana na tunahitaji kuijadili kwa namna yake.

Ukweli ni kwamba, mzazi yeyote anayepeleka mtoto shuleni huwa na malengo kwamba mtoto yule amalize shule na baadaye, awe kijana mwenye mwongozo katika ulimwengu wa leo. Lakini kwa masikitiko makubwa, suala hili limeonekana halina mwongozo na utaratibu. Sitaki niilaumu Serikali lakini nataka kuipa changamoto. Hii ni kwa sababu vijana wengi wanaomaliza shule wanapotea katika njia ambazo hazijulikani. Vijana wengi hawana kazi kwa sababu ya tatizo hilo. Kwa maana hiyo, kuna umuhimu mkubwa kuwe na mwongozo ambao utaambatana na Hoja hii. Mtoto yeyote anayemaliza shule ya upili sharti awe na uhakika, kupitia mwongozo wa Serikali kwamba, ataenda chuo kikuu ama chuo cha ufundi.

Naipongeza Serikali kwa juhudi zake za kuweka mikakati kuhusu suala hili la vyuo vikuu na vyuo vya ufundi. Kuna dharura kubwa kuhakikisha kwamba mwongozo huu umefuatwa ili wanafunzi wanaomaliza shule wapate nafasi kujiunga na vyuo vya ufundi ama vyuo vikuu. Wengi wanaomaliza, hata wale wanaofaulu katika mitihani yao ya shule ya upili na wanahitajika kujiunga na vyuo vikuu, hukosa kufanya hivyo kwa sababu ya hali ngumu ya kiuchumi. Ingawa hivyo, kuna basari ambazo zinatolewa kufuatana na mwongozo wa Serikali. Litakuwa jambo la busara utaratibu huu ufahamike kwamba mtoto ambaye ataenda shule ya upili na amalize, sharti ajiunge na chuo kikuu ama chuo cha ufundi.

Inasikitisha kuona kwamba wengi wa vijana wetu hawana mwongozo katika hali hii. Hawana kazi wala ujuzi na hawajasomea taaluma nyingine. Sio kwa sababu vijana hawataki kufanya hivyo, ni kwa sababu ya utaratibu na mpangilio wa Serikali yetu. Hiyo ndiyo inafanya vijana wakose imani katika jambo hili.

Nikizungumzia Eneo Bunge la Lamu, hivi sasa, watu wengi wanafahamu kwamba tuko na Lamu Port-South Sudan-Ethiopia-Transport Corridor Project (LAPSSET). Lakini kwa masikitiko makubwa, jambo ambalo Serikali haijafanya ni kuhakikisha kwamba mradi huu umewasaidia vijana. Zile nafasi 1,000 ambazo ziliahiwa na Serikali kwa vijana katika LAPSSET, hadi sasa, hazijawekwa bayana. Jambo hili halijafanyika. Kutokana na hilo, bado tunayo matatizo katika jamii.

Kwa hayo machache, naunga mkono Hoja hii.

**The Temporary Deputy Speaker** (Hon. Patrick Mariru): Very well, Hon. Serem, why do you not give Hon. Jesire a chance to speak on this particular Motion. She is now on the Floor. Hon. Jesire Cheruiyot.

**Hon. (Ms.) Gladwell Cheruiyot** (Baringo CWR, KANU): Thank you, Hon. Temporary Deputy Speaker. Hon. Serem is consulting on something we are to do in the afternoon, which is in order.

I thank you for this chance. It is with a lot of pleasure that I want to support this Motion by Hon. Munene. I am so glad that he realised a gap in our country. It is unfortunate that it has taken too long for us to identify the gap. Around 15 per cent of our students who get out at Form Four level yearly get to the universities and 20 per cent of them get to tertiary colleges such as teaching and medical colleges. The question is that the remaining 65 per cent of our student are nowhere to be found.

Hon. Temporary Deputy Speaker, the Government has given us TVETs and the National Industrial Training Authority (NITA) to have our young people go to there to get skills that they can apply in their lives. It is with a good spirit that the current educational system, the Competency Based Curriculum (CBC), has been introduced so that young people can get skills from the time they are young to the time they become adults.

We have something coming soon about automotive engineering where this country will sooner or later not allow importation of trucks that are not new. If we do not have young people going to automotive engineering colleges to have those skills, again, it will be a problem to get the human resource to attend to that new engineering gap in this country.

We also want to make parents aware that taking a student or youth to those colleges or technical institutes is not a failure. There is a perception in the community where people think that when you take a youth to a technical college, then he or she is a failure. We congratulate our former leaders, especially retired President Moi, for being firm and refusing to upgrade all technical colleges to universities. President Moi was firm that the Eldoret Polytechnic, the Technical University of Kenya (TUK) and Baringo Technical College will not be converted into universities. He said those technical institutes should remain and cater for those who could not proceed to higher levels of learning.

Hon. Temporary Deputy Speaker, for a long time, this country has based everything on papers. We have forgotten about our skills, which is the core business of our community. It has been considered, for a very long time, that people should have their bachelors and master's degrees. That is what has been favourable for long such that people were running away from skilful jobs to white collar jobs only. In my community, we have technical institutes that are equipped, but many are wasting away because our youth are not enrolling into those colleges.

It is high time this House and the community at large made it compulsory for youth not to idle around. We should encourage them, by all means, even if it is by giving them bursaries, to join institutions of learning so that they are not wasted in life.

With those few remarks, I beg to support.

**The Temporary Deputy Speaker** (Hon. Patrick Mariru): We shall have Hon. Kitayama Maisori.

**Hon. Marwa Kitayama** (Kuria East, JP): Thank you, Hon. Temporary Deputy Speaker. I would like to support this timely Motion that has been brought by *Mheshimiwa*. I want to delve into this matter which will generally affect and change how Kenyan youth manage their future. It is important to note that in places like Kuria, our first college is a teachers' training institute which opened its doors on 2<sup>nd</sup> September. I want to report to the country that, as of today, the enrolment is 96 students after only two weeks. This shows there was a gap that needed to be filled at a point when university education is not a guarantee of solving the unemployment problem in this country.

This Motion is timely and with proper guidance and policies, it should move forward. If this happens, we will see change in the future management of the education of our children. In addition to what *Mheshimiwa* has brought on board, as the MP for Kuria East, I discovered that we should identify gaps which exist within our jurisdiction. For example, the move by the Government to enable every constituency have a Kenya Medical Training College (KMTC) is an additional advantage that addresses the gap which exists between secondary schools and universities.

Going further, we are proposing a teachers' training college to be established in each constituency. That is because what is constant is the land we occupy as Kenyans, but what is variable is the population. Each time population is changing. For that reason, as we move forward, we know there will be more people requiring education. But the land mass will remain the same. Therefore, having more colleges is not a waste of time. If anything, it will create more innovations because as we produce more people in different fields, we will create a scenario where demand drives supply.

I support this Motion on the very principle that, if each and every MP in every constituency took stock of the requirements that exist in their own jurisdictions cumulatively, the country will move forward and it can only get better. Making this compulsory might be difficult to enforce. I think it should be more of encouraging communities to think outside the norm. It has always been that the best way to progress oneself is from secondary school and you proceed to university. Failure to get a chance in university, you join the armed forces. But if we can change the culture, I think it will be beneficial to us. We should also increase the bursaries we give to our children so that those colleges can be meaningful once they are put up.

With those few remarks, I want to thank the Chair for giving me this opportunity. I support the Motion.

**The Temporary Deputy Speaker** (Hon. Patrick Mariru): Hon. Members, it is five seconds to 1.00 p.m. I can tell there is quite a number of Members who want to speak to this Motion, but this is not the end of it. When it comes back to the Order Paper through the House Business Committee, we will have 2 hours 44 minutes to debate, engage and speak on it. So, Members, we still have time and space to speak to it.

**ADJOURNMENT**

**The Temporary Deputy Speaker** (Hon. Patrick Mariru): Hon. Members, the time being 1.00 p.m., this House stands adjourned until this afternoon at 2.30 p.m.

The House rose at 1.00 p.m.