



REPUBLIC OF KENYA
TWELFTH PARLIAMENT – (FIFTH SESSION)
THE NATIONAL ASSEMBLY

ORDERS OF THE DAY
TUESDAY, FEBRUARY 23, 2021 AT 2.30 P.M.
ORDER OF BUSINESS

PRAYERS

1. Administration of Oath
2. Communication from the Chair
3. Messages
4. Petitions
5. Papers
6. Notices of Motion
7. Questions and Statements

8*. THE REFERENDUM (No.2) BILL (NATIONAL ASSEMBLY BILL NO. 14 OF 2020)

(The Chairperson, Departmental Committee on Justice and Legal Affairs)

Second Reading

(Resumption of debate interrupted on Thursday, February 18, 2021 – Evening Sitting)

9*. MOTION - THE STATUS OF IMPLEMENTATION OF THE RESOLUTION OF THE HOUSE REGARDING CONDITIONAL APPROVAL OF A NOMINEE FOR APPOINTMENT AS AMBASSADOR

(The Chairperson, Committee on Implementation)

THAT, taking into consideration the findings of the Select Committee on Implementation on its Report on *Examination of the Implementation Status of the Resolution of the House of 6th June, 2019 regarding the conditional Approval of Ms. Mwende Mwinzi for Appointment as Ambassador of Kenya to Seoul, South Korea, laid on the Table of the House on November 27, 2019*, which takes cognizance of the determination of the High Court of Kenya of 14th November, 2019, (*Nairobi Constitutional Petition No. 367 of 2019*) particularly paragraphs 104 and 105 that, while Ms. Mwende Mwinzi **cannot be coerced** to renounce her citizenship of the United States of America (USA), a person holding dual citizenship **ought not** be an ambassador unless the person renounces the citizenship of the foreign state as *dual citizenship may jeopardize the national interest of the Republic of Kenya against the interest of the foreign state*; this House **rejects** the appointment of Ms. Mwende Mwinzi as an Ambassador.

10*. COMMITTEE OF THE WHOLE HOUSE

- (i) The Refugees Bill (National Assembly Bill No. 62 of 2019)
(The Leader of the Majority Party)
- (ii) The Health (Amendment) Bill (National Assembly Bill No. 64 of 2019)
(The Hon. Swarup Mishra, M.P.)
- (iii) The Care and Protection of Older Members of Society Bill (Senate Bill No. 17 of 2018)
(The Chairperson, Departmental Committee on Labour and Social Welfare)

11*. THE KENYA NATIONAL LIBRARY SERVICE BILL (NATIONAL ASSEMBLY BILL NO. 5 OF 2020)

(The Leader of the Majority Party)

Second Reading

(Resumption of debate interrupted on Thursday, February 18, 2021 – Afternoon Sitting)

12*. THE KENYA NATIONAL BLOOD TRANSFUSION SERVICE BILL (NATIONAL ASSEMBLY BILL NO. 6 OF 2020)

(The Chairperson, Departmental Committee on Health)

Second Reading

13*. THE COUNTY GOVERNMENTS (AMENDMENT) BILL (SENATE BILL NO. 13 OF 2018)

(The Chairperson, Departmental Committee on Administration and National Security)

Second Reading

14*. THE NATIONAL COHESION AND PEACE BUILDING BILL (SENATE BILL NO. 35 OF 2018)

(The Chairperson, Committee on National Cohesion and Equal Opportunity)

Second Reading

*** Denotes Orders of the Day**

NOTICES

I. MOTION ON THE STATUS OF IMPLEMENTATION OF THE RESOLUTION OF THE HOUSE REGARDING CONDITIONAL APPROVAL OF A NOMINEE FOR APPOINTMENT AS AMBASSADOR

Notice is given that the Member for Garissa Township (Hon. Aden Duale) intends to proposed an amendment to the Motion for the adoption of the Report of the Select Committee on Implementation on its Report on *Examination of the Implementation Status of the Resolution of the House of 6th June, 2019 regarding the conditional Approval of Ms. Mwendu Mwinzi for Appointment as Ambassador of Kenya to Seoul, South Korea as follows-*

“**THAT**, the Motion be amended by inserting the following words at the after the word “Ambassador” appearing in the last line –

“**and also resolves that-**

- (i) in furtherance to the requirements of Article 153(4)(b) of the Constitution, the Cabinet Secretary responsible for Foreign Affairs undertakes an audit on Ambassadors and High Commissioners serving in all Kenya Missions abroad to ascertain whether any of them has dual citizenship and provides a report of the audit to the House within sixty (60) days; and,
- (ii) any other person who is currently serving as Ambassador or High Commissioner in foreign service and holds dual citizenship be recalled from foreign service of the Republic of Kenya, unless the person renounces the citizenship of the foreign nation. ”

II. THE REFUGEES BILL (NATIONAL ASSEMBLY BILL NO. 62 OF 2019)

- 1) Notice is given that the Chairperson of the Departmental Committee on Administration and National Security intends to move the following amendments to the Refugees Bill, 2019 at the Committee Stage—

CLAUSE 2

THAT clause 2 of the Bill be amended—

- (a) in the definition of “asylum seeker” by deleting the word “case” appearing immediately after the words “but whose” and substituting therefor the word “application”;

- (b) in the definition of “authorized officer” by inserting the words “or any other officer assigned such responsibility” immediately after the words “or immigration officer”;
- (c) in the definition of “Committee” by deleting the expression “ 6” and substituting therefor the expression “11”;
- (d) by deleting the definition of “Department” and substituting therefor the following new definition—

“Department” means the Department of Refugee Services established under section 7;

- (e) in the definition of “durable solutions” by deleting the words “resettlement to a third-party country or local integration” and substituting therefor the words “local integration in the country of asylum or resettlement to a third country”;
- (f) in the definition of “Eligibility Panel” by deleting the words “under section 14” and substituting therefor the words “under section 13”;
- (g) in the definition of “local integration” by deleting the word “border” appearing immediately after the words “refugees attain” and substituting therefor the word “broader”;
- (h) by deleting the definition of “essential services” and substituting therefor the following new definition—

“essential services” means services that meet the immediate needs of refugees and asylum seekers and include food, shelter, education, health, water and sanitation services;

- (i) by deleting the definition of “OAU Convention” and substituting therefor the following new definition—

“OAU Convention” means the Organization of Africa Unity Convention Governing the Specific Aspects of Refugee Problems in Africa, done at Addis Ababa on 10th September, 1969 and ratified by Kenya on 28th December, 1987;

- (j) by deleting the definition of “Protocol” and substituting therefor the following new definition—

“protocol” means the Protocol relating to the Status of Refugees, done at New York on 31st January 1967 and acceded to by Kenya on 13th November 1981;

- (k) by deleting the definition of “*prima facie* refugee status” and substituting therefor the following new definition—

prima facie refugee status” means a declaration of refugee status by the Cabinet Secretary as provided for under this Act;

- (l) by deleting the definition of “United Nations Convention” and substituting therefor the following new definition—

“United Nations Convention” means the United Nations Convention relating to the Status of Refugees, done at Geneva on 28th July, 1951 and acceded to by Kenya on 16th May, 1966.

- (m) in the definition of “transit centre” by deleting the words “, and may include prisons, immigration detention centres, police stations, remand homes or any other areas designed as such;
- (n) by inserting the following new definitions in their proper alphabetical sequence—

“separated child” means a child who has been separated from both parents, or other relatives or by an adult who by law or custom is responsible for being the care giver;

CLAUSE 3

THAT, clause 3 of the Bill be amended in sub-clause (1) by deleting the word “any” immediately after the words “public order in” appearing in paragraph (c) and substituting therefor the word “either”;

CLAUSE 4

THAT, clause 4 of the Bill be amended—

- (a) in sub-clause (1) —
 - (i) by deleting the words “ as defined in the International Crimes Act” appearing immediately after the words “against humanity” and substituting therefor the words “ referred to in any international instrument to which Kenya is a party”, in paragraph (a);
 - (ii) by inserting the following new paragraph immediately after paragraph (c)—

“(ca) is determined to be a threat to national security:”
 - (iii) by deleting paragraph (d);
- (b) in sub-clause (2), by inserting the words “has sought asylum in another country or” before the words “has been granted” in paragraph (b)

CLAUSE 5

THAT, clause 5 of the Bill be amended in the proviso by deleting the words “falling under section 3 (1)(a) and (b) of this Act” appearing immediately after the words “a refugee”.

CLAUSE 8

THAT, clause 8 of the Bill be amended in sub-clause (2) by —

- (a) inserting the words “coordinate activities to” before the words “ensure the civilian” in paragraph (n);
- (b) deleting the words “co-ordination of” and substituting therefor the words “co-ordinate, where relevant in collaboration with county authorities,” in paragraph (u).

CLAUSE 9

THAT, clause 9 of the Bill be amended by deleting sub-clause (1) and substituting therefor the following new sub-clause—

” (1) The Committee shall consist of—

- (a) the Commissioner and who shall be the chairperson and who shall provide secretariat services to the Committee;

- (b) the Principal Secretary from the Ministry responsible for refugee affairs or a representative nominated, in writing, from the Ministry responsible for Refugee Affairs;
- (c) the Principal Secretary or a representative nominated, in writing, from the Ministry responsible for foreign affairs;
- (d) the Principal Secretary or a representative nominated, in writing, from the Ministry responsible for devolution affairs;
- (e) the Principal Secretary or a representative nominated, in writing, from the Ministry responsible for health;
- (f) the Principal Secretary or a representative nominated, in writing, from the Ministry responsible for finance;
- (g) the Principal Secretary or a representative nominated, in writing, from the Ministry responsible for education;
- (h) the Attorney-General or a representative nominated in writing;
- (i) the Director of the Department of Immigration or a representative nominated in writing;
- (j) the Inspector-General or a representative nominated in writing; and
- (k) one person representing the Council of Governors.

CLAUSE 10

THAT, clause 10 of the Bill be amended by deleting paragraph (c) and substituting therefor the following new paragraph—

“(c) to advise the Cabinet Secretary in respect to declaration, amendment or revocation of *prima facie* determinations;”

CLAUSE 11

THAT, clause 11 of the Bill be amended—

- (a) by deleting sub-clause (1) and substituting therefor the new sub clause—

“(1) There is established a committee to be known as a Refugee Status Appeals Committee.”

- (b) in sub-clause (4), by inserting the word “revocation” immediately after the word “cancellation”, appearing in paragraph (b).

- (c) by inserting the following new sub-clauses immediately after sub-clause (4) —

“(4A) A member of the Appeals Committee shall hold office for a term of three years and shall be eligible for re-appointment for one further term.

(4C) Each member of the Appeals Committee shall have one vote but in case of a tie in votes, the Chairperson shall have a casting vote.

(4D) The Public Service Commission shall provide the Appeals Committee with a secretariat for the purposes of discharging its mandate.”

CLAUSE 14

THAT, clause 14 of the Bill be amended by deleting sub-clause (2) and substituting therefor the following new sub-clause—

“(2) A person who is aggrieved by the decision of the Appeals Committee may appeal to the High Court within thirty days of being notified.”

CLAUSE 19

THAT, clause 19 of the Bill be amended—

- (a) in sub-clause (1), by deleting the expression “section 30” appearing immediately after the words “Subject to” and substituting therefor the expression “section 29”;
- (b) in sub-clause (2) by inserting the words “under the law,” immediately after the words “to public morality”;
- (c) in sub-clause (3), by deleting the expression “subsection (1)” appearing immediately after the words “in terms of”

CLAUSE 21

THAT, clause 21 of the Bill be amended by inserting the words “or are of old age” immediately after the words “suffer from disability”.

CLAUSE 24

THAT, clause 24 of the Bill be amended —

- (a) by renumbering the existing provision as sub-clause (1).
- (b) by inserting the following new sub-clauses immediately after sub-clause (1) —

“(2) Where a person is lawfully in Kenya and is subsequently unable to return to his country of origin for any of the reasons specified in section 3, the person shall, prior to the expiration of his lawful stay, present himself before an appointed officer and apply for recognition as a refugee, in accordance with the provisions of this Act.

(3) Where there is a large-scale influx of persons claiming to fall within the meaning of refugees under section 3, the Commissioner shall, in consultation with other agencies advise the Cabinet Secretary on emergency measures to be taken including-

- (a) designation of areas for reception, transit and residence of refugees, having due regard to the security requirement for refugees to be settled at a reasonable distance from the frontier of their country of origin;
- (b) provision of adequate and appropriate facilities and services necessary for the group of persons affected by the influx with particular reference to women, children, victims of trauma, persons of old age and persons with disabilities; and
- (c) ensuring the civilian and humanitarian character of areas designated for refugees and the sensitization of the local population for their reception.

CLAUSE 25

THAT, clause 25 of the Bill be amended by inserting the following new sub-clause immediately after sub-clause (3) —

“(3A) Asylum seekers at transit centres shall be processed within a reasonable time.”

CLAUSE 28

THAT, clause 28 of the Bill be amended by inserting the following new clauses immediately after clause 28—

Right to free movement.

28A.A recognised refugee is entitled to free movement in Kenya subject to reasonable restrictions specified in the laws of Kenya, or directions issued by the Commissioner, which apply to foreigners generally in the same circumstances, especially on grounds of national security, public order, public health, public morals or the protection of the rights and freedoms of others.

Right to work.

28B.Subject to the laws applicable in Kenya, a refugee recognized under this Act shall, have the right to engage in gainful employment.

CLAUSE 29

THAT, clause 29 of the Bill be amended—

- (a) in sub-clause (2), by deleting the words “or public order” appearing immediately after the words “national security”;
- (b) by deleting sub-clause (3).

CLAUSE 31

THAT, clause 31 of the bill be amended in sub-clause (1) by inserting the words “upon consideration of any special needs or conditions that may affect the refugee’s protection and safety” immediately after the words “Commissioner may”

CLAUSE 33

THAT, clause 33 of the Bill be amended—

- (a) in sub-clause (1) by inserting the word “ or body” immediately after the words “No person”;
- (b) by inserting the following new sub-clause immediately after sub-clause 2—

“(2A) The Commissioner may, on an application, review a decision made under subsection (1) where any new circumstance is brought to his attention.”

CLAUSE 34

THAT, clause 34 of the Bill be amended by deleting sub-clause (1) and substituting therefor the following new sub-clause—

(1) The Commissioner shall, so far as is practicable, ensure that there is shared use of public institutions, facilities and spaces between the refugees and the host communities.

CLAUSE 35

THAT, clause 35 of the Bill be amended by deleting the word “concerns” appearing immediately after the words “that refugee” and substituting therefor the words “matters”

CLAUSE 36

THAT, clause 36 of the Bill be amended by inserting the words “older persons, victims of trauma” immediately after the words “women, children”.

CLAUSE 38

THAT, clause 38 of the Bill be amended in subclause (2), by deleting the words “ministry of foreign affairs” and substituting therefor the words “relevant government ministry”

CLAUSE 39

THAT, clause 39 of the Bill be amended by inserting a new clause immediately after clause 39—

Confidentiality. **39A.** (1) No member of the Committee, employee or agent of the Department of Refugees shall disclose information acquired under this Act except—

- (a) in the course of his duties under this Act; or
- (b) with the consent of the Commissioner.

(2) No person who receives information in contravention of sub section (1) shall disclose or publish the information.

(3) A person who contravenes any provision of this section commits an offence and shall be liable on conviction to a fine not exceeding twenty thousand shillings or to imprisonment for a term not exceeding six months or both.

CLAUSE 40

THAT, clause 40 of the Bill be amended in sub-clause (1)(c) by inserting the words “without good reason” immediately after the words “fails to report”.

CLAUSE 42

THAT, clause 42 of the Bill be amended —

- (a) by deleting sub-clause (2) and substituting therefor the following new sub-clauses—

“(2) On the commencement day, all rights, powers and liabilities, whether arising under any written law or otherwise which immediately before such day were vested in, imposed on or enforceable against the former Refugee Affairs Secretariat, Refugee Appeals Board and Refugee Affairs Committee shall be deemed to be vested, imposed or enforceable against the current Department for Refugee Services, Refugee Status Appeal Committee and Refugee Advisory Committee respectively.

- (b) by deleting sub-clause (3) and substituting therefor the following new sub-clause—

“(3) Any reference in any written law or in any document or instrument to the former Refugee Affairs Secretariat, Refugee Appeals Board and Refugee Affairs Committee shall, on and after the commencement day, be construed to be a reference to the current Department for Refugee Services, Refugee Status Appeal Committee and Refugee Advisory Committee respectively.”

CLAUSE 43

THAT, clause 43 of the Bill be amended—

- (a) in sub-clause (1) by inserting the words “within six months of the commencement of this Act” immediately after the words “under this Act”;
- (b) in sub-clause (2), by inserting the following new paragraphs immediately after paragraph (t)—

- “(u) period of validity of documentation;
- (v) circumstances on limitation of rights granted to refugees;
- (w) documentation to be provided to a recognised refugee.”

2) **Notice is given that the Member for Funyula (Hon. (Dr.) Ojiambo Oundo) intends to move the following amendments to the Refugees Bill, 2019 at the Committee Stage—**

CLAUSE 20

THAT, clause 20 of the Bill be amended by inserting the following new sub-clause immediately after sub-clause (4) —

“(5) The Commissioner shall ensure that a child whose application for refugee status is being considered or is registered as a refugee under this Act is accorded the rights provided for under the Children’s Act (No. 8 of 2001).

3) **Notice is given that the Member for Suba North (Hon. Millie Odhiambo Mabona) intends to move the following amendments to the Refugees Bill, 2019 at the Committee Stage—**

CLAUSE 2

THAT, clause 2 of the Bill be amended—

- (a) by deleting the definition of “essential services” and substituting therefor the following new definition—

“essential services” include security, shelter, basic education, health, water and sanitation services;

- (b) in the definition of “OAU Convention” by deleting the words “done at” and substituting therefor the words “adopted in”;
- (c) in the definition of “protocol” by deleting the words “done at” and substituting therefor the words “adopted in”;
- (d) in the definition of “spouse” by inserting the words “a customary law or” immediately before the words “common law spouse”;
- (e) in the definition of “transit centre” —
 - (i) by deleting the word “either” appearing immediately after the words “pending transfer to”; and
 - (ii) by inserting the words “or pending repatriation and resettlement” immediately after the words “settlement centres”
- (f) in the definition of “United Nations Convention” be deleting the words “done at” and substituting therefor the words “adopted in”;

CLAUSE 3

THAT, clause 3 of the Bill be amended—

- (a) in sub-clause (1) —
 - (i) by deleting paragraph (a) and substituting therefor the following new paragraph —

“(a) being outside of his or her country of nationality and owing to a well-founded fear of being persecuted for reasons of race, personal convictions, religion, nationality, membership of a particular social group or political opinion, or for failure to conform to a retrogressive cultural practice; and who is in Kenya and is unable or, owing to such fear, is unwilling to avail himself or herself of the protection of his or country of nationality or the country of habitual residence;”

(ii) by deleting paragraph (b) and substituting therefor the following new paragraph —

“(b) not having a nationality and being outside the country of his or her former habitual residence owing to a well-founded fear of being persecuted for reasons of race, personal convictions, religion, nationality, membership of a particular social group or political opinion, or for failure to conform to a retrogressive cultural practice; and who is in Kenya and is unable or, owing to such fear, unwilling to return to the country of his or her habitual residence;”

(b) by inserting the following new clause immediately after clause 3 —

Application 3A

This Act shall apply to all refugees and asylum seekers within the territory of Kenya, without discrimination on the basis of race, religion, personal conviction, color, national origin, sex, disability or age.

CLAUSE 4

THAT, clause 4 of the Bill be amended in sub-clause (1) by deleting paragraph (d).

CLAUSE 7

THAT, clause 7 of the Bill be amended in sub-clause (2) by inserting the words “and asylum seekers” immediately after the words “assistance of refugees” appearing in paragraph (c).

CLAUSE 8

THAT, clause 8 of the Bill be amended in sub-clause (2) by deleting paragraph (q) and substituting therefor the following new paragraph —

“(q) ensure that the treatment of all asylum seekers and refugees complies with national and international law”

CLAUSE 9

THAT, clause 9 of the Bill be amended —

(a) in sub-clause (1) —

(i) by deleting paragraph (d);

(ii) by inserting the following new paragraph immediately after paragraph (k)

—

“(1) three persons appointed by the Cabinet Secretary to represent civil society organizations that deal with matters relating to refugees.”

(b) by deleting sub-clause (2) and substituting therefor the following new sub-clause —

“(2) In appointing representatives to the committee under subsection (1)(1), the Cabinet Secretary shall take into account equitable gender representation.”

CLAUSE 10

THAT, clause 10 of the Bill be amended—

- (a) in paragraph (a) by inserting the words “and asylum seekers” immediately after the words “relating to refugees”;
- (b) in paragraph (b) by inserting the words “and asylum seekers” immediately after the words “relating to refugees”;
- (c) in paragraph (d) by inserting the words “and asylum seekers” immediately after the words “care of refugees”

CLAUSE 11

THAT, clause 11 of the Bill be amended —

(a) in sub-clause (2) —

(i) by inserting the following paragraph immediately after paragraph (b)—

“(ba) a representative of the National Gender Commission;”

(ii) by inserting the following paragraph immediately after paragraph (e)—

“(f) a representative of the United Nations High Commission for Refugees”

(b) by inserting the following new sub-clauses immediately after sub-clause (3) —

“(3A) In appointing members to the Appeal’s Committee, regard shall be taken to ensure equitable gender representation.

(3B) The members of the committee shall serve a four-year term which may be renewable once.”

(3C) The Appeals Committee shall be independent in the exercise of its functions under this Act”

(c) by deleting sub-clause (5);

(d) by inserting the following sub-clause immediately after sub-clause (7) —

“(8) The Cabinet Secretary shall make regulations to give effect to this section and such regulations shall include —

- (a) procedures of providing interpreters for refugees or asylum seekers;
- (b) mechanisms of ensuring confidentiality;
- (c) mechanisms of ensuring impartiality;

- (d) protection against sexual harassment;
- (e) rights of representation by a lawyer; and
- (f) permission of attendance by eligible observers.

CLAUSE 13

THAT, clause 13 of the Bill be amended—

- (a) in sub-clause (2) by inserting the following paragraph immediately after paragraph (b)—

“(c) A representative of the United Nations High Commission for Refugees.”

- (b) by deleting sub-clause (3) and substituting therefor the following new sub-clause—

“(3) In appointing persons to the Eligibility Panel, the Commissioner shall take into consideration equitable gender representation.”

CLAUSE 14

THAT, clause 14 of the Bill be amended—

- (a) in sub-clause (1) by deleting the words “thirty days” and substituting therefor the words “sixty days”;
- (b) in sub-clause (2) by deleting the words “thirty days” and substituting therefor the words “sixty days”;
- (c) by inserting the following new sub-clause immediately after sub-clause (4) —

“(5) No fee shall be charged for filing of applications and appeals under this section.”

CLAUSE 19

THAT, clause 19 of the Bill be amended —

- (a) by inserting the following new sub-clause immediately after sub-clause (1) —

“(1A) Before ordering any expulsion under sub-section (1), the Commissioner shall ensure that the refugee or asylum seeker is accorded an opportunity to appeal to challenge the decision as provided under this Act.”

- (b) by deleting sub-clause (2);
- (c) by deleting sub-clause (3);

CLAUSE 20

THAT, clause 20 of the Bill be amended—

- (a) by deleting sub-clause (1) and substituting therefor the following new sub-clause—

“(1) The Commissioner shall ensure that specific measures are taken to ensure the dignity and safety of women, children and the elderly seeking asylum and women, children and the elderly who have been granted refugee status at all times during their stay in designated areas.”

- (b) in sub-clause (4) by inserting the words “under national and international laws” immediately after the words “deprived of his or her family”;

- (c) by inserting the following new sub-clause immediately after sub-clause (4) —
- “(5) The Cabinet Secretary shall make regulations to give effect to the better carrying out the provisions of this section and the regulations shall include provisions that shall ensure—
- (a) no child is subject to trafficking in persons;
 - (b) proper registration and identification is recorded to ensure identification of parents or relatives of the child;
 - (c) a child is placed in a place of safety or with a designated officer responsible for unaccompanied children; and
 - (d) the child receives psychosocial support.”

CLAUSE 22

THAT, clause 22 of the Bill be amended in sub-clause (1) by deleting the words “sixty days” appearing in paragraph (c) and substituting therefor the words “ninety days”

CLAUSE 23

THAT, clause 23 of the Bill be amended—

- (a) by deleting sub-clause (5) and substituting therefor the following new sub-clause—
- (5) A person who has submitted an application for refugee status shall be under obligation to abide by all the laws of Kenya including all the lawful orders given by the mandated institutions under this Act.
- (b) by inserting the following new sub-clauses immediately after sub-clause (5) —
- “(6) Any person who contravenes subsection (5) commits an offence.

CLAUSE 27

THAT, clause 27 of the Bill be amended—

- (a) by inserting the words “trafficking in persons, especially women and children, terrorism and” immediately after the words “to prevent the”.
- (b) by renumbering the existing provision as sub-clause (1);
- (c) by inserting the following new sub-clause immediately after sub-clause (1) —
- “(2) Any security screening shall be undertaken in a manner that preserves the dignity of the person and that protects the rights of vulnerable persons including women and children.”

CLAUSE 28

THAT, clause 28 of the Bill be amended—

- (a) by deleting sub-clause (1) and substituting therefor the following new sub-clause —
- “(1) Subject to this Act, every refugee and every asylum seeker within Kenya shall —
- (a) be entitled to the rights and be subject to the duties contained in the 1951 Refugee UN Convention, its Protocol and the OAU Convention Governing Specific Aspects of Refugees in Africa; and

(b) be bound by all the laws in force in Kenya.”

(b) by inserting the following new sub-clause immediately after sub-clause (1) —

“(1A) Without prejudice to the generality of sub section (1), every refugee and asylum seeker shall be accorded treatment as favorable as possible and, in any event, not less favorable than that accorded to foreign nationals in Kenya.”

(c) by inserting the following new sub-clauses immediately after sub-clause (4) —

“(5) Subject to the laws applicable and taking into special consideration the special circumstances of refugees, a refugee recognized under this Act shall have the right to engage individually or in a group, in gainful employment or enterprise or to practice a profession or trade where he holds qualifications recognized by competent authorities in Kenya.

(6) A refugee and an asylum seeker shall have the right to identification and civil registration documents and such documents shall be sufficient to identify a refugee or asylum seeker for the purposes of access to rights and services under this Act and any other applicable law;

(7) Without prejudice to the generality of the foregoing, and subject to the special circumstances of refugees, the Refugee Identity Card shall at a minimum have a similar status to the Foreign National Registration Certificate issued under section 56 (2) of the Kenya Citizenship and Immigration Act for the purposes of accessing the rights and fulfilling obligations under this law.”

CLAUSE 29

THAT, clause 29 of the Bill be amended—

(a) in sub-clause (1) by deleting paragraph (a) and substituting therefor the following new paragraph—

“(a) the person may be subject to persecution on account of race, personal convictions, religion, nationality, membership of a particular social group or political opinion, or for failure to conform to a retrogressive cultural practice;”

(b) in sub-clause (3) by deleting the words “and children” appearing immediately after the words “reference to women” in paragraph (b), and substituting therefor the words “, children, persons with disability and the elderly”

CLAUSE 31

THAT, clause 31 of the Bill be amended—

(a) by deleting sub-clause (1) and substituting therefor the following new clause—

“(1) Subject to the provisions of this Act, the Commissioner may require any refugee within a designated area to move to or reside in any other designated area”

(b) by inserting the following new sub-clause immediately after sub-clause (1)

—

“(1A) Despite the subsection (1), the Commissioner shall consider any special needs or conditions that may hinder the refugees’ protection and safety before making an order under subsection (1)”

CLAUSE 32

THAT, clause 32 of the Bill be amended by inserting the following new paragraph immediately after paragraph (d) —

“(e) the provision of special services to women, girls and persons with disabilities including legal and psychosocial services to victims of sexual and gender-based violence; reproductive services and other specialized services”

4) Notice is given that the member for Pokot South (Hon. David Pkosing) intends to move the following amendments to the Refugees Bill, 2019 at the Committee Stage—

NEW CLAUSE

THAT, the Bill be amended by inserting the following new clauses immediately after clause 28 —

Right to work.

28A. Subject to the laws applicable but taking into consideration the special circumstances of refugees, a refugee recognized under this Act shall have the right to engage, individually or in a group, in gainful employment or enterprise in all sectors or to practice a profession or trade where he holds qualifications recognized by the competent authorities in Kenya.

Right to Documentation

28B. (1) Every refugee and asylum seeker shall have the right to identification and civil registration documents.

(2) A Refugee Identity Card shall be sufficient identifier for the purposes of access to rights and services within the country.

(3) Without prejudice to the foregoing and subject to the special circumstances of refugees, the Refugee Identity Card shall at minimum be construed to have similar status to the Foreign National Registration Certificate issued under section 56(2) of the Kenya Citizenship and Immigration Act for the purposes of accessing the rights and fulfilling obligations provided by law.

III. THE HEALTH (AMENDMENT) BILL (NATIONAL ASSEMBLY BILL NO. 64 OF 2019)

Notice is given that the Chairperson of the Departmental Committee on Health intends to move the following amendments to the Health (Amendment) Bill, 2019 at the Committee Stage—

CLAUSE 2

THAT, Clause 2 of the Bill be amended in the proposed new section 79(A) —

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

(1) The Cabinet Secretary shall develop policy guidelines on the mechanisms for referral of patients to health institutions outside the country.

(b) in subsection (3) by deleting the words “within or”.

IV. THE CARE AND PROTECTION OF OLDER MEMBERS OF SOCIETY BILL (SENATE BILL NO. 17 OF 2018)

Notice is given that the Chairperson of the Departmental Committee on Labour and Social Welfare intends to move the following amendment to the Care and Protection of Older Members of Society (Senate Bill No.17 of 2018) at the Committee Stage—

CLAUSE 30

THAT, clause 30 (5) of the Bill be amended by deleting the words “the Schedule” and substituting therefor the words “this Act”.

The House resolved on Wednesday, February 10, 2021 as follows-

Limitation of Debate on Motions

- V. THAT**, each speech in a debate on any **Motion, including a Special motion** be limited in the following manner:- A maximum of three hours with not more than twenty (20) minutes for the Mover and ten (10) minutes for each other Member speaking, except the Leader of the Majority Party and the Leader of the Minority Party, who shall be limited to a maximum of fifteen (15) minutes each, and that ten (10) minutes before the expiry of the time, the Mover shall be called upon to reply; and that priority in speaking be accorded to the Leader of the Majority Party, the Leader of the Minority Party and the Chairperson of the relevant Departmental Committee, in that order.

Limitation of Debate on Committee Reports

- VI. THAT**, each speech in a debate on **Committee Reports (except for Reports of Audit Committees)**, including a Report of a Joint Committee of the Houses of Parliament or any other Report submitted to the House for which limitation of time has not been specified, shall be limited as follows:- A maximum of two and a half hours, with not more than twenty (20) minutes for the Mover in moving and five (5) minutes for any other Member speaking, **including** the Leader of the Majority Party and the Leader of the Minority Party and the Chairperson of the relevant Committee (if the Committee Report is not moved by the Chairperson of the relevant Committee), and that ten (10) minutes before the expiry of the time, the Mover shall be called upon to reply; and further that priority in speaking shall be accorded to the Leader of the Majority Party and the Leader of the Minority Party, in that order.

Limitation of Debate on Bills sponsored by Parties or Committees

- VII. THAT**, each speech in a debate on **Bills sponsored by a Committee, the Leader of the Majority Party or the Leader of the Minority Party** shall be limited as follows:- A maximum of forty five (45) minutes for the Mover, in moving and fifteen minutes (15) in replying, a maximum of thirty (30) minutes for the Chairperson of the relevant Committee (if the Bill is not sponsored by the relevant Committee), and a maximum of ten (10) minutes for any other Member speaking, except the Leader of the Majority Party and the Leader of the Minority Party, who shall be limited to a maximum of fifteen Minutes (15) each (if the Bill is not sponsored by either of them); and that priority in speaking shall be accorded to the Leader of the Majority Party, the Leader of the Minority Party and the Chairperson of the relevant Departmental Committee, in that order.

NOTICE PAPER

Tentative business for

Tuesday (Evening), February 23, 2021

(Published pursuant to Standing Order 38(1))

It is notified that the House Business Committee has approved the following *tentative* business to appear in the Order Paper for Tuesday (Evening), February 23, 2021-

A. PROCEDURAL MOTION - EXTENSION OF TIME FOR CONSIDERATION OF THE 2021 BUDGET POLICY STATEMENT
(The Chairperson, Budget and Appropriations Committee)

B. THE CONSTITUTION OF KENYA (AMENDMENT) (No.3) BILL (NATIONAL ASSEMBLY BILL NO. 53 OF 2019)
(The Hon. Gladys Boss Shollei, M.P.)

Second Reading

C. THE COUNTY STATUTORY INSTRUMENTS BILL (SENATE BILL NO. 21 OF 2018)
(The Chairperson, Committee on Delegated Legislation)

Second Reading

D. THE IMPEACHMENT PROCEDURE BILL (SENATE BILL NO. 15 OF 2018)
(The Chairperson, Departmental Committee on Justice and Legal Affairs)

Second Reading

E. THE COUNTY LAW COMPLIANCE AND ENFORCEMENT BILL (SENATE BILL NO. 25 OF 2018)
(The Chairperson, Departmental Committee on Justice and Legal Affairs)

Second Reading

F. MOTION – REPORT ON THE MEDIATED VERSION OF THE PUBLIC PRIVATE PARTNERSHIPS (AMENDMENT) BILL (NATIONAL ASSEMBLY BILL NO. 52 OF 2017)
(The Chairperson, Mediation Committee – Hon. George Peter Kaluma, M.P.)

APPENDIX

ORDER NO.7 - QUESTIONS

Pursuant to the provisions of Standing Order 42A (5) the following Members will ask **questions** for reply before the specified Departmental Committees-

QUE NO.

ORDINARY QUESTIONS

025/2021

The Member for Central Imenti (Hon. Moses Nguchine, MP) to ask the Cabinet Secretary for Lands and Physical Planning: -

- (i) What is the status of ownership of land parcel *LR No. Abothuguchi /L-Kijja Parcel No. 830* occupied by *Mpidi Primary School* since 1988?
- (ii) What action, if any, the Ministry has taken against the adjudication officer who registered the parcel of land in their name in 1995?
- (iii) When will the Ministry have the title deed of the said parcel of land registered in the name of the school to enable the institution receive funding for development, particularly funds from the National Government Constituencies Development Fund?

(To be replied before the Departmental Committee on Lands)

040/2021

The Member for Bondo (Hon. Gideon Ochanda, MP) to ask the Cabinet Secretary for Devolution and ASALs: -

- (i) Could the Cabinet Secretary submit a list of all major flooding-related emergencies that the Ministry has handled since May 2010?
- (ii) Could the Cabinet Secretary further clarify whether the bursting of River Yala's banks that occurred in May 2020 is part of the major national flooding catastrophes and further explain why the dykes and riverbanks have not been restored to-date?
- (iii) What immediate and long-term measures is the Ministry putting in place to address the current suffering of the people affected by the perennial problem and permanently restore the riverbanks and dykes in River Yala?

(To be replied before the Departmental Committee on Administration and National Security)

041/2021 **The Member for Kibwezi East (Hon. Jessica Mbalu, MP) to ask the Cabinet Secretary for Interior and Coordination of National Government: -**

- (i) What is the status of investigations into the killing of *Mr. Augustus Mutuku Mwathi* of I.D No 25190696, who was attacked in *Mlolongo Town*, Machakos County on 2nd February, 2021 and later succumbed to injuries while receiving treatment at Shalom Hospital, Athi River on 4th February 2021?
- (ii) Could the Cabinet Secretary explain whether any of the governments investigating agencies have managed to uncover the motive for the murder and whether any suspects have been arrested?

(To be replied before the Departmental Committee on Administration and National Security)

046/2021 **The Member for Gilgil (Hon. Martha Wangari, MP) to ask Cabinet Secretary for Transport, Infrastructure, Housing, Urban Development and Public Works: -**

- (i) Could the Cabinet Secretary explain why the Kenya Railways Corporation has recently demolished commercial and residential buildings in Gilgil Constituency?
- (ii) Why were the demolitions effected yet the lessors were paying the lease fees and the corresponding levies and rates to the relevant Government bodies?
- (iii) Could the Ministry consider compensating the affected landlords who have valid leases for loss of investments and properties and cause the Corporation and other Government bodies to refund the fees collected on the properties for the interrupted period?

(To be replied before the Departmental Committee on Transport, Public Works and Housing)

048/2021 **The Member for Manyatta (Hon John Muchiri, MP), to ask the Cabinet Secretary for Defence: -**

- (i) Could the Cabinet Secretary state how many persons were recruited into the Kenya Defence Forces in Embu West and Embu North Sub Counties, and specifically Manyatta Constituency during the February 2021 recruitment exercise?

- (ii) Why were youth from *Nginda* ward, Embu North Sub County discriminated by the Kenya Defence Forces during the recruitment exercise?
- (iii) Could the Ministry provide a list of all designated recruitment centres in Embu County and the list of youth recruited from each of the centre during the recent exercise?

(To be replied before the Departmental Committee on Defence and Foreign Relations)

049/2021 The Member for Laikipia East (Hon. Mohammed Deddy, MP) to ask the Cabinet Secretary for Transport, Infrastructure, Housing, Urban Development and Public Works: -

- (i) What is the status of the construction of *Akorino -Umande – Maili Sita, Umande - Ngenia and Mwireri - Maili Sita, Sweetwaters Ol Pejeta – Marura Bridge/Mirera – Matanya - Ngoro Theru and Junction A2(Kwa Huku) - Gakawa Dispensary - Mlima Kenya Secondary School* Roads under the ROADS10,000 programme in Laikipia Constituency?
- (ii) Are there plans by the Ministry to ensure upgrading of the said roads to bitumen standards commences soonest?

(To be replied before the Departmental Committee on Transport, Public Works and Housing)

059/2021 The Member for Kajiado Central (Hon. Memusi Kanchory, MP) to ask the Cabinet Secretary for Wildlife and Tourism: -

- (i) Could the Cabinet Secretary provide details on the elephant population in Kajiado Central Constituency, in particular the number of elephants roaming in private land?
- (ii) What measures is the Government putting in place to assure the residents of Kajiado Central of their safety considering that children are unable to go to schools and residents are unable to tend their land because of the elephant menace?
- (iii) What measures is the Ministry putting in place to ensure that elephants in private lands are relocated to game parks and reserves?

(To be replied before the Departmental Committee on Environment and Natural Resources)

060/2021

The Member for Sigowet/Soin (Hon. Kipsengeret Koros, MP) to ask the Cabinet Secretary for Agriculture, Livestock and Fisheries:-

- (i) Could the Cabinet Secretary explain the status of Soin Irrigation Project Contract No. NIB/T080/2015-2016 in Chebululu area of Kapkormom in Sigowet/Soin Constituency?
- (ii) How much money has been allocated for the said project since its inception in the year 2015/2016, what amount of money has been utilized to date and what is the planned completion date for the project?
- (iii) Could the Cabinet Secretary explain why the contractor has been unable to complete the project and the fact that there has not been notable progress on the project since it was initiated six years ago?

(To be replied before Departmental Committee on Agriculture and Livestock)

061/2021

The Member for Banissa (Hon. Kulow Maalim, MP) to ask the Cabinet Secretary for Transport, Infrastructure, Housing, Urban Development and Public Works: -

- (i) Could the Cabinet Secretary explain the status of construction of the Oda - Bute - Danaba Road in Banissa Constituency, which has stalled?
- (ii) Could the Cabinet Secretary confirm whether the contractor who was engaged has the requisite capacity and whether the Ministry could consider sub-contracting the works so as to fast-track the completion of the said road?
- (iii) What measures has the Ministry put in place to ensure that the works are done to the required standards considering that the completed section of the road done is already in a deplorable state?

(To be replied before the Departmental Committee on Transport, Public Works and Housing)
