

PARLIAMENT OF KENYA

THE SENATE

THE HANSARD

Thursday, 19th May, 2022

*The House met at the Senate Chamber,
Parliament Buildings, at 2.30 pm*

[The Speaker (Hon. Lusaka) in the Chair]

PRAYER

COMMUNICATIONS FROM THE CHAIR

VISITING DELEGATION FROM THE EMBASSY OF CHINA

The Speaker (Hon. Lusaka): Hon. Senators, I would like to acknowledge the presence in the Speaker's Gallery this afternoon of a visiting delegation from the Embassy of China. The delegation consists of young Diplomats attached to the Embassy of China in Nairobi who are in the Senate on a one-day visit.

The delegation is led by First Secretary, Zhang Weijie; accompanied by Second Secretary, Third Secretaries and Attachés. I request the delegation to stand so that we acknowledge them in the Senate tradition.

Hon. Senators, in our usual tradition of receiving and welcoming visitors to Parliament, I extend a warm welcome to the delegation. On behalf of the Senate and on my own behalf, I wish them a fruitful visit.

I thank you.

VISITING HISTORY STUDENTS FROM ACACIA CREST SENIOR SCHOOL, KAJIADO COUNTY

Hon. Senators, I would like to acknowledge the presence in the Public Gallery this afternoon of visiting History students from Acacia Crest Senior School from Kajiado County.

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

I thank you.

THE NATIONAL PRAYER BREAKFAST, 2022

Hon. Senators, as you are all aware, the National Prayer Breakfast is an annual event in the Calendar of Parliament. It is an interdenominational prayer meeting sponsored by Members of Parliament (Senate and National Assembly).

This year's National Prayer Breakfast is scheduled to be held on Thursday, 26th May, 2022, from 7.00 am at the Safari Park Hotel in Nairobi and the theme is "Transitions."

The event is being coordinated by a National Organizing Committee which has been working closely with the Kenya National Prayer Breakfast Coordination team. The Organizing Committee is co-chaired by Sen. Samuel Poghio, MP, the Senate Majority Leader and Hon. Daniel Maanzo, MP, of the National Assembly.

Hon. Senators, this is a critical event noting that this is an election year thus the need to pray for our country during this period. I, therefore, urge all the Senators to prioritize and attend the prayer breakfast.

All the requisite arrangements have been made to make the event a success and I believe that you have all received an invitation card to the event. Feel free to contact the Office of the Clerk for any further information or support on this matter.

I thank you.

Please proceed, Sen. Khaniri.

Sen. Khaniri: Mr. Speaker, Sir, I thank you for the opportunity. I rise to join you in welcoming our visitors from China and the students from Acacia Senior School.

Yesterday, we had a delegation from the United States of America and so that I do not sound like I am apologetic for Parliament, but it is important to let the visitors know because the Senate is looking very empty; the seats are empty. This is not very usual. We are in an electioneering period and most Members are out of town trying to defend their seats and others trying to become governors.

It is important that our visitors should not go with this bad reputation that the Senate lacks quorum. That is the explanation.

Mr. Speaker, Sir, I want to join you in welcoming them to the Senate and particularly the students to tell them that the Senate of the Republic of Kenya is a very good place to come and learn parliamentary practices. We have the best practices as a House and, therefore, we hope that you will learn as History students and you will leave here with more knowledge than you arrived.

For our friends from China, I am happy to say that our country has enjoyed very good diplomatic relationship with China over the years and we are grateful for that. We collaborated in so many development projects with Chinese companies and State corporations. We are happy with the relationship that we have with you. We hope that you as young diplomats as you become the real diplomats, you should be able to enhance the good relationship that the two countries have enjoyed.

Welcome and we wish you a good stay in Parliament.

Sen. Halake: Thank you, Mr. Speaker, Sir. I also join you and my fellow Senators in welcoming the delegation from the Chinese Embassy to the Senate.

I wish them the very best as they take care of the bilateral relationship between Kenya and China which so far is very good partnership given that the Chinese Government and the Kenya Government have been working very well together, especially now that the Expressway has been opened. We will always be grateful for the great things that are happening here.

I know that there is also the fact that this House has been a friend of the Embassy. I remember at the beginning of the Twelfth Parliament; I was invited to be part of the delegation that was visiting your office with the Communist Party.

Welcome to the Senate. As my colleague has said, we are in electioneering period. However, hon. Members that are here and some online will definitely welcome you.

I would also like to take this opportunity to welcome our students from Acacia Senior School. Welcome to the Senate.

As you sit here we are very proud to have you, especially since you come from a pastoralist area. I also come from a pastoralist area. So, I am happy to see that we are not just staying in the *bundus*, but we are also coming to the city to see for ourselves. If we from these areas can come and sit here in this House, you can also work hard and come and be here like some of us.

Welcome to the Senate and we look forward to having you in these seats and not just in the Gallery.

The Speaker (Hon. Lusaka): Sen. (Dr.) Musuruve.

Sen. (Dr.) Musuruve: Thank you, Mr. Speaker, Sir, for this opportunity. I join you and my fellow Senators in welcoming the visitors that we have in the House.

I welcome the delegation from the Embassy of China. The relationship between Kenya and China is very visible in terms of education. We have quite a number of our students going to China to acquire knowledge. When they come back here, they are able to be productive in executing tasks that help in development. In the sector of roads and housing, China collaborates strongly with our country and this is a plus.

You are welcome in this House that allocates funds for the purposes of ensuring that economic development is going on.

Mr. Speaker, Sir, allow me to also welcome the students from Acacia Crest Academy. As I look at them, I see faces that are anxious to face tomorrow and ready to lead. Before us, I can see lawyers, magistrates, lecturers and people of all walks of life.

Mr. Speaker, Sir, I would like to encourage them to work very hard in school. It is an opportunity that never repeats itself. Every one of you has the time to decide their destiny. Education is an equaliser that helps people from different backgrounds to improve their socioeconomic status as individuals and also give back to the society.

This is also an eye-opener. This is a very powerful House that is engaged in legislation. The laws that help *wananchi* to be better are made in this House. The Senate is concerned about counties. From the nature of our debates and how we conduct our activities, you will realise that we are very keen on legislating on issues that support counties.

Mr. Speaker, Sir, on the prayer breakfast that you have just mentioned, we are in an electioneering period. This is an issue that we cannot take for granted. I support the Speaker that when it comes to elections, every Kenyan needs to really commit to God in

prayer. At the end of the day, God has to intervene and ensure that our country is peaceful before and after elections.

I call upon all Kenyans to pray for our leaders and our country. We love this country and we do not have any other to go to. Kenya is bigger than anyone of us.

The Speaker (Hon. Lusaka): Sen. Kinyua, you may have the Floor.

Sen. Kinyua: Asante, Bw. Spika, kwa kunipa fursa hii. Ningependa kuungana na wewe katika kuwakaribisha marafiki wetu kutoka Uchina na wanafunzi wa Acacia Crest Academy.

Ningependa wanafunzi na walimu kutoka shule ya Acacia Crest Academy wajue ya kwamba sio kawaida yetu kuwa wachache hivi katika vikao vyetu vya hapa Seneti. Kisa na maana ni kwamba tumo katika msimu wa siasa. Kwa hivyo, Maseneta wengi hawako hapa. Hili ni jambo ambalo wanafunzi na walimu wanapaswa kulifahamu.

Najua mmekuja kusoma mengi yanayotendeka katika Seneti. Ikiwezekana, mrudi tena wakati ambapo msimu wa siasa utakuwa umekwisha ili musome na mfahamu kwa mapana na marefu jinsi shughuli za Seneti zinavyotekelezwa na Maseneta wenu.

Ninawapa changamoto wanafunzi hawa kwa sababu leo sisi ndio tuko hapa lakini nyinyi ndio mtakuwa hapa kesho kama viongozi. Ninawasihi muweka bidii katika masomo yenu kwa sababu masomo ni uti wa mgongo wa maendeleo katika nchi yetu.

Pia ninawasihi muige yale mazuri mutakayoyaona viongozi wakiyafanya. Sisi tunawaangalia nyinyi kwa sababu katika maendeleo yoyote ya nchi, wanafunzi ndio tegemeo kubwa. Masomo mueke mbele na pia mfuatilie jinsi mambo yanafanywa humu nchini. Baadaye nyinyi ndio mtaendesha sekta mbalimbali humu nchini na kuleta maendeleo zaidi. Ninawaomba mtilie maanani yote mliokuja kusoma hapa.

Hatimaye, ninaomba radhi tena na pia ni hofu kidogo kwa sababu mmekuja wakati ambapo hatuko wengi hapa kwa sababu ya msimu wa siasa. Hata hivyo, mkija wakati mwingine kama Seneti imejaa, mtaweza kusikiza jinsi mijadala inavyojadiliwa katika Bunge la Seneti.

The Speaker (Hon. Lusaka): Sen. Shiyonga, you may have the Floor.

Sen. Shiyonga: Thank you, Mr. Speaker, Sir. I join you in welcoming our visitors from China. It is a great pleasure to have visitors from outside the country. The bilateral engagement that we have with China is of great importance, especially in terms of the economy, infrastructure and technology. We really appreciate you. It is good that you have come so that you can see for yourselves.

Just as my colleagues have said, this House is always full. However, because we are trying to ensure that we come back to this House to continue with the legislative mandate, many Senators are out there trying to win voters. In a few days to come, we will be going to the ballot box to vote. We are normally full in this House and we are the representatives of people.

Welcome to the Republic of Kenya. When you go back, take our greetings to your people.

For the students of Acacia Crest Senior School, I appreciate your coming. I see some teachers too and we appreciate your presence. This is a place that any Kenyan - both men and women - would want to come. This is where laws, policies and Acts, which affect the lives of Kenyans are debated and passed.

I wish that each of you aspire to come here after your education. You can even further your education while here because being here is not the end. You need to be part and parcel of what happens in your country and your future.

Again, you are welcome. God bless you all and have a safe journey back home.

The Speaker (Hon. Lusaka): Thank you.

Next Order.

MESSAGE FROM THE NATIONAL ASSEMBLY

PASSAGE OF THE HEALTH LAWS (AMENDMENT) BILL (NATIONAL ASSEMBLY BILLS NO.2 OF 2021)

The Speaker (Hon. Lusaka): Hon. Senators, I wish to report to the Senate that pursuant to Standing Order No.41(3) and (4), I have received the following message from the Speaker of the National Assembly, regarding the passage of the Health Laws (Amendment) Bill (National Assembly Bills No.2 of 2021).

Pursuant to the Standing Orders, I now report the message and I quote:

“Pursuant to the provisions of Standing Order No.41(1) and 142, of the National Assembly Standing Orders, I hereby convey the following message from the National Assembly:

WHEREAS Health Laws (Amendment) Bill (National Assembly Bills No.2 of 2021), was published vide Kenya *Gazette* Supplement No.8 of 1st February, 2021, as a Bill concerning county governments in terms of Article 110(4) of the Constitution seeking to amend the Health Act No.21 of 2017 in particular, provisions relating to the Pharmacy Poisons Act Cap 244; the Mental Health Act Cap 248; the Mental Practitioners and Dentists Act Cap 253; and, Nurses Act Cap 257; the Kenya Medical Training Act Cap 261; the National Hospital Insurance Fund Act No.9 of 1998; The Medical Laboratory Technicians and Technologists Act (No. 10 of 1999), The Tobacco Control Act (No. 4 of 2007), The Nutritionists and Dieticians Act (No. 18 of 2007), The Cancer Prevention and Control Act (No. 15 Of 2012), the Public Health Officers (Training, registration and Licensing) Act, 2013 (No. 12 of 2013), The Kenya Medical Supplies Authority Act (No. 20 of 2013), The Counsellors and Psychologists Act (No. 14 of 2014), The Psychotherapists Act (No. 2014), The Health Records and Information managers Act (No. 15 of 2016) and The Clinical Officers (Training, Registration and Licensing) Act (No. 20 of 2017).

AND WHEREAS the National Assembly considered the said Bill on Wednesday, 30th March, 2022 and passed it on Thursday, 31st March, with amendments, in the form attached hereto;

NOW THEREFORE, in accordance with the provisions of Article 110(4) of the Constitution and Standing Orders No.41(1) and 142 of the National Assembly Standing Orders, I hereby convey the National Assembly’s decision on the Bill to the Senate.”

Hon. Senators, pursuant to Standing Order No.157 which requires that a Bill originating in the National Assembly be proceeded with by the Senate in the same manner as a Bill introduced in the Senate by way of First Reading in accordance with Standing Order No.139;

In this regard, The Health Laws (Amendment) Bill (National Assembly Bills No.2 of 2021), will be read a First time at the next Sitting of the Senate.

I thank you.

REPORT ON PETITION: CONTINUOUS EXCLUSION OF PWDs
IN MIGORI COUNTY BUDGET

The Speaker (Hon. Lusaka): Proceed, Sen. Shiyonga.

Sen. Shiyonga: Mr. Speaker, Sir, I beg to lay the following report on Petition on the Table of the Senate today, 19th May, 2022-

Report of the Standing Committee on the National Cohesion, Equal Opportunity and Regional Integration on the Petition to the Senate concerning the continuous exclusion of Persons with Disability (PWDs) in Migori County Budget.

Thank you, Mr. Speaker, Sir.

The Speaker (Hon. Lusaka): Do you want to make some comments?

Sen. Shiyonga: Yes, Mr. Speaker, Sir. I have just discovered that I have forgotten my glasses, but I will continue.

The Speaker (Hon. Lusaka): Okay. I hope you will see and read correctly.

Sen. Shiyonga: Yes, I will read correctly.

I wish to make the following comments. Pursuant to the provisions of the Standing Order No. 232 of the Senate Standing Orders, a number of comments were made in regard to this Petition.

Mr. Speaker, Sir, the Petition was presented by the Senator for Migori County, Sen. (Dr.) Ochillo-Ayacko (MP), on behalf of the Petitioners and tabled on the Floor of the House on 21st October, 2021. It stood committed to the Committee pursuant to the Standing Order No. 252 (1) of the Senate Standing Orders.

The Petition drew the attention of the Senate to the following:

(1) That Article 54(1)(b) of the Constitution of Kenya 2010 provides for the right of Persons with Disabilities.

(2) That PWDs are entitled to reasonable access to educational institutions and families of PWDs integrated into the society to the extent compatible with the interest of the persons.

(3) Article 10(2)(b), of the Constitution of Kenya 2010 recognizes human dignity, equity, social justice, inclusivity, equality, human rights, non-discrimination and protection of the marginalized in the public service and governance.

(4) Whereas, Article 56 provides that the State shall put in place measures to ensure affirmative action programmes designed to ensure minority and marginalized groups participate and are represented in governance and other spheres of life and Article 185 vests legislative authority and oversight functions of the county to the county assembly.

(5) That the County Government of Migori in its County Integrated Development Plan (CIDP) 2018-2022 outlined to develop socio-economic programmes geared towards its county development agenda and promotion of gender and disability.

(6) That budget approved since the Financial Year 2013/2014 to date, has not provided for specific budget lines to demonstrate substantial efforts by the county

government in implementing disability mainstreaming programmes. This exclusion has exposed PWDs to low levels of living standards and serious negative economic impact by the County Government of Migori.

(7) That among strategies identified to facilitate the achievement of this socio-economic pillar were developing gender mainstreaming programmes, improving access to social protection funds for the vulnerable groups, establish and increase access to women and PWDs funds.

(8) That efforts to have this matter addressed with the relevant National and county governments agencies have not produced any positive results despite our continuous follow-ups.

(9) That the matter in this Petition is not pending before any court of law, other constitutional or legal body.

The petitioners prayed that the Senate investigates the matter to ensure-

(1) That the issues raised in the Petition and provide appropriate measure to resolve the matter.

(2) It recommends the creation and inclusion of social protection programmes for PWDs in the county.

(3) That it makes any other recommendation that it deems fit in the circumstance of this matter.

Following the tabling of the Petition and in line with Senate Standing Order No.232(2), the Speaker directed the Standing Committee on National Cohesion, Equal Opportunity and Regional Integration to investigate the matter and table the report in the House within 60 calendar days.

The Committee was, however, unable to complete the issue within the stipulated time due to some unseen challenges, especially the COVID-19 pandemic.

Mr. Speaker, Sir, the Committee received submissions from the people of Migori County and the Disability Development Forum. During the visit to Migori County, the Committee met the Migori County Executive and the Assembly. The Committee met the Members of the County Assembly to deliberate on the Petition.

The Committee recommended that-

(1) The County Government of Migori should make deliberate and strategic efforts in social economic development and mainstreaming of Special Interest Groups (SIG) fundamental rights among them PWDs as enshrined in the Constitution in Articles 10, 54, 55, 56 and 57 and various other relevant legislations among them the Persons with Disability Act, 2003.

(2) The County Government should ensure programmes meant for PWDs are funded in the consecutive budgets. Efforts should also be made to ensure governance structures are put in place to prevent misuse or corruption in the fund management. Capacity building for PWDs is also necessary to ensure there is no impediment to the uptake and prompt payment of funds

Mr. Speaker, Sir, I might not read all the recommendations, since we have the report tabled before this House. The County Government should establish and operationalize a disability mainstreaming committee with representation of PWDs. Additionally, the county

should allocate funds that will cater for these persons because it is enshrined in the Constitution.

The county shall within thirty (30) days from the adoption of the report of the Committee consider all we recommended as a Committee.

The rest is found in the report for any person who is interested. I beg to lay the report on the Table.

(Sen. Shiyonga laid the document on the Table)

Mr. Speaker, Sir, please allow the Member of my Committee to comment on the report. I am sorry that I have struggled reading the statement because, I forgot my spectacles at home.

The Speaker (Hon. Lusaka): What do you want me to allow you to do?

Sen. Shiyonga: I have Members of my Committee in this House, kindly allow them to comment on the report. We all went to Migori and worked together towards compiling this report.

The Speaker (Hon. Lusaka): You have done well. Sen. Halake has shown interest. I do not know whether she is your Member.

Sen. Halake: Mr. Speaker, Sir, I am not a Member of the Committee, but I wish to congratulate her on a good and comprehensive report. I am encouraged we are getting reports back in the House. It is a good sign. Congratulations madam Chairperson and your Members.

The issue of exclusion of PWDs and other marginalized groups is a big deal. I am glad that this House took it seriously to act, before the end of the Twelfth Parliament.

On the campaign trail this weekend, I met a disabled person. One of the things he said is that there should be a percentage of the budget allocated to PWDs in the counties. However, laws do not exist for that amount to be dispensed to PWDs.

MCA's who are the legislative arm at the primary level, that is the devolved units, have a responsibility to ensure that everybody in the county is budgeted for and the policies and the legislation is responsive to everybody in the counties; especially the vulnerable groups.

The legislation for the vulnerable groups should be prioritized. In my county, there was Kshs8 million which I do not know whether it is same for all counties. Mr. Mugo who is a PWD in my county, came to me and said "Madam Senator, in the last five years, we have not been able to attend the Paralympics because we are reduced to begging." That is wrong.

If the country has given money to the devolved units and this House has made sure the resources have gone to devolved units, how is it that we condemn our PWDs to the indignity of begging yet there is a budget. When people are given money, but are reduced to begging from Members of Parliament, well-wishers and business people. Then we are denying our people the dignity to be served by the state, especially the vulnerable groups.

I was surprised that Mr. Mugo would come to me and say that in the last ten years not a single law has been put in place at the devolved unit and, therefore, no resources can be given to our PWDs.

Madam Speaker, Mr. Speaker, Sir, I am sorry. We just got our first Deputy President of the Republic who is a woman. We are now on a high---

Sen. Cherargei: On a point of order, Mr. Speaker, Sir.

The Speaker (Hon. Lusaka): What is your point of order, Sen. Cherargei?

Sen. Cherargei: Mr. Speaker, Sir, is it in order for my good sister, Sen. Halake, to go on record on the HANSARD saying that we have first female Deputy President. Yet we know the occupant of the office as at now is a man by the name of Dr. William Samoei Arap Ruto. She should withdraw and indicate who the person is. We do not have a female Deputy President in Kenya.

Sen. Halake: Mr. Speaker, Sir, that is not to belittle the sitting Deputy President. I was fast-forwarding; in two months, this country will have a female Deputy President. I am ahead of myself. I meant that in less than two months we will have a female Deputy President.

The Speaker (Hon. Lusaka): There is another intervention from Sen. Shiyonga.

Sen. Shiyonga: On a point of Order, Mr. Speaker, Sir. As much as I support my fellow Senator, we always predict and wish for the best. We want a woman to occupy the Deputy President post. I know that we have many aspirants. When I saw the list of those running for President as independent Presidential Candidates, they are many candidates who are running for presidency. Let us hope for the best for the Presidential aspirant we support. However, let the will of God be done.

The Speaker (Hon. Lusaka): There is another intervention from Sen. Kinyua.

Sen. Kinyua: On a point of order, Mr. Speaker, Sir. I am clear in mind where Sen. Halake belongs. She is a member of the Kenya African National Union (KANU) Party the last time I checked. I want clarity from her; which Deputy Speaker she is talking about in two months.

The Speaker (Hon. Lusaka): She said Deputy President, not Speaker.

Sen. Kinyua: I do not know the female Deputy President she is talking about. I know that she is a Member of KANU and her party leader is defending his seat in the Senate. The Kenya Kwanza coalition Deputy Presidential aspirant is Hon. Rigathi Gachagua who will be the Deputy President in the next two months.

The Speaker (Hon. Lusaka): I want to bring that matter to a close because we are diverting from our main focus.

Proceed, Sen. Halake.

Sen. Halake: Mr. Speaker, Sir, I may have the right of reply but I will let that pass. I do not want to be in trouble now that you have already rested the case.

Back to the Petition and its content, I support and I am thankful to the team for the good job.

Mr. Mugo spoke to me on the campaign trail. He said that Kshs8 million was meant for games but they are made to beg and borrow from others because there are no laws in place. It is an appeal to our Members of the County Assemblies (MCAs) to ensure that the most vulnerable in our communities are protected.

Legislators, both at the national and devolved units, should take their legislative role seriously. To be told that in the past nine or 10 years of devolution, no single law is in place in some of our counties for them to dispense a budget which excludes Persons with

Disabilities (PWDs) and other vulnerable groups such as women and the youth is discouraging. As much as we think that devolution is working, it must work for everybody, not just the able-bodied.

To Mr. Mugo, Uncle Abdullahi and other PWDs, I would like to assure them that when we come back after elections, because some of us will be joining the Lower House, those of you who will be here, please, make sure that you do as required under Article 96, which mandates this House to protect counties and their governments.

Protection of counties is not just the governments alone. It involves protection of people living in those counties. We should make sure that this House makes laws that will ensure we have a legislative framework for PWDs and other vulnerable groups which will allow money to go to people that need it most.

Mr. Speaker, Sir, my Bill on preservation of human dignity and socio-economic rights was speaking precisely to the provisions under Article 43. I hope that you will see to it, so that Bills awaiting Division see the light of day before we go home in a few days. These are some of the legislative frameworks which could be cascaded down to the counties to ensure these kinds of things that exclude our people do not happen.

Mr. Speaker, Sir, I thank you for the opportunity. I support this Bill and I look forward to the implementation of some of the recommendations of the Committee.

Sen. (Dr.) Musuruve: Thank you, Mr. Speaker, Sir, for this opportunity.

I would like to start by congratulating my able Chair, Sen. Shiyonga, for presenting the Petition.

Indeed, we went to Migori and met the petitioners and the county executive and we had a lengthy discussion. What came out clearly is that there was a big gap between the executive and the inclusion of PWDs. That gap needs to be filled. The petitioners were justified in bringing the issue to our attention simply because of lack of inclusion.

As Sen. Halake has rightly put it, when it comes to devolution, no one should be excluded. It is unfortunate that the County Government of Migori has not included the PWDs in their budget. This is something that should be done by all the 47 counties.

When it comes to allocation of money to the counties, we do so for a reason so that there is service delivery. However, just like many other counties, Migori has not identified, tapped and utilized talents of the PWDs. It is at the county level that even players with disabilities can be identified because they bring glory to this country.

I want to take this opportunity to commend the national Government for what it is doing with regards to PWDs. I commend what the Cabinet Secretary, Amb. (Dr.) Amina, is doing. She is doing a good job when it comes to PWDs inclusion in games.

They also participate in international sports. When they come back with medals such as gold, they make the country proud. That is something we should encourage because not all PWDs can go the academic way. Those gifted and talented in games should be encouraged at the county level.

When I sponsored Musuruve Tournament at the county level, I involved PWDs and they even played football in their crutches. We have others who played sitting volleyball and many other games. There is need for them to be involved in sporting activities right from the county level, so that they bring us glory when they participate in internationally

games. In some countries, PWDs participate in sports as a career and they eke a living from it.

The moves some of the players make in volleyball and basketball can tell you that they have not just been sitting at home. It is a sign that money was allocated and they have been training. So, sports should be a win-win for PWDS at the county level. All county budgets should include PWDS.

As we talk about PWDs, we should look at them from a human rights perspective. They have rights just like anybody else. They have a right to education. Those doing well should be identified and supported, so that they make it academically.

I have seen a number of PWDs who were supported and have become lawyers. We have a number of lawyers who are visually impaired and they are doing well. We also have human resource personnel who are visually impaired. We also have PWDs on crutches and wheelchairs doing well.

My point is, county governments should ensure that PWDs are included in all activities, so that there is service delivery as per Article 43 of this Constitution for PWDs.

Mr. Speaker, Sir, even as we talk about PWDs, allow me to comment on what I saw. My able Chair is here and she will agree with me. PWDs do not have an advisory body that informs the county executives. Many times county executives do not know much about issues of disability and do not know how to go about them because there is no one to advise them. That is why mainstreaming is not done in most of these counties.

There is need to have an advisory body in all the counties that informs the executives on a needs basis. PWDs need to be looked at from a needs basis because every PWD has their own needs. Therefore, identifying them and ensuring that their needs are met will help them become economically productive in the country.

Mr. Speaker, Sir, as I support the Petition, I hope that the recommendations that were made by the Committee where I sit, and Sen. Shiyonga is the Chair, will be adhered to ensure PWDs live just like anybody else. They should not be seen from a pity paradigm, but from a human rights perspective.

I thank you.

The Speaker: Sen. Cherargei proceed.

Sen. Cherargei: Thank you Mr. Speaker, Sir, for this opportunity. I had seen our visitors but, unfortunately, they have left.

Allow me to congratulate my Chairperson. Since I was moved to the Committee of National Cohesion, Equal Opportunity and Regional Integration, you can see the energy, zeal and the passion we have injected, led by our able Chairperson, Sen. Shiyonga.

I wish her well as she wants to join the National Assembly as Women Representative of my neighbouring county of Kakamega.

I am happy that we did a very comprehensive Report with very serious and earthquake recommendations. I just want to run through it. In the next Senate, I hope we will have an Implementation Committee to follow up on the resolutions. There are many reports and proposals we have adopted as a House but we do not have a tracker or an Implementation Committee.

Mr. Speaker, Sir as part of your legacy report, you will write recommend an Implementation Committee as your exit note to your successor at the end of your session.

I was sad because of this Petition. When the Disability Act was enacted into law in 2003, it was great milestone to the Persons with Disabilities (PWDs) that we have in this country.

Article 10 of the Constitution of Kenya, it is very clear that there should be inclusiveness, non-discrimination and respect to human dignity which includes not only the able-bodied people like us but also the PWDs, marginalised and the minority.

This Petition came under Article 54 of the Constitution that specifically provides on the issue. It is captured under the Bill of Rights. So, this is a right and not a privilege. It is a must. Therefore, the reading of Article 54 of the Constitution is very critical. That there is a deliberate effort by the government, which means--- the county governments might understand that they are also governments. So, government it includes both National and county Governments.

Persons with disability in Migori County and other areas are suffering because they cannot access buildings. There is no deliberate issues on educational requirements. There is no way of ensuring that they get an opportunity.

When you read Article 54 of the Constitution, there is also dignity, respect. We also need to ensure that even public toilets and public places have that accessibility. It also talks about public transport and information and the use of sign language.

I do not know whether the Senate has somebody who does sign language when we transmit our live proceedings. It is part of what we should be doing especially in respect. There should also be use of braille and other appropriate means and to access devices cheaply.

Mr. Speaker, Sir, we expect the Government to subsidize or zero rate the use of braille, hearing aids and cochlear implantation so that they can assist in hearing. Article 54 is clear that at least there should be a deliberate five per cent in the progressive implementation of members of the public in elective and appointive bodies to be PWDs.

Mr. Speaker, Sir, in upshot, the Report should have recommended that the county governments --- and I do not know how we will put this to audit query because most of the county governments appear before the County Public Accounts and Investments Committee (CPAIC).

You have had the privilege of serving both as Senator, Speaker and as a Governor. I hope when everybody goes back including you from Bungoma County, there should be compliance with the five per cent. We are only asking them what the ethnic composition is. That is the only audit query.

In future, we should be asking if there is compliance of five per cent, for example, in Bungoma, Nandi, Laikipia and Trans Nzoia county governments. That is the question we should be asking. So, that we make deliberate effort of actualising Article 54 which forms the basis of affirmative action for PWDs.

Mr. Speaker, Sir, on County Integrated Development Plan CIDP and making it deliberate, it is a straight forward matter. We call upon the county governments when they are drafting the CIDP that they must include the marginalised, minority, PWDs, young people and women.

Courts have made rulings on public participation in many cases. Any entity including the both public and private entities who do not conduct public participation,

including Parliament as provided for under Article 118 has the whole process nullified. The other day the Supreme Courts and Courts of Kenya nullified Building Bridges Initiative (BBI) because of only one simple thing of public participation

When Migori County does not do public participation on the issues of PWD's and any other issues that affect counties, they risk the process being entirely nullified. When one goes to a centre to do a public *baraza*, they only involve people who can hear and speak. There is no format that the county governments have developed to ensure that people who are deaf, disabled, blind have a way of being involved in public participation. Counties must be creative enough to ensure that.

I hope Sen. (Dr.) Musuruve is taking note of such issues. When we do public participation, like the way we do it here in the Senate, they should feel that their views are accommodated. The Constitution is very clear on anything that is done outside public participation, In Parliament, sometimes we publish memoranda in our national newspapers and ensure that.

Mr. Speaker, Sir, finally on the issue of Ethics and Anti-Corruption Commission (EACC) and Directorate of Criminal Investigations (DCI) to investigate, I think this one of the radical proposals we have given as a Committee. This is a serious job. We do not want the EACC and DCI to be running around going to rallies and arresting politicians. This is now serious work than pursuing politically motivated charges.

Yesterday, I saw that there was a colloquium or a meeting of prosecutors in Mombasa City County. The President opened the meeting included the Director of Public Prosecution (DPP) and many other people. These prosecutors before they prosecute any case must ensure that it meets the threshold.

One of the simple cases to look at is to ensure that counties comply with PWDs and ensure funds that were issued in financial year 2016/2017, 2017/2018, 2018/2019 --- the EACC and DCI need to assist Kenyans. The last time I saw something being done in Nandi County for PWDs is when they were called to the showground in Kapsabet town and were given blankets, sodas, water and they were told to go home.

We must agree on how to utilise these funds. There are people who are disabled in these offices but when you meet them they are well bodied people. We know that there could be other disabilities may be in badminton and other things.

The point is real disability. We do not want people to pretend that they are disabled. In Africa there is a problem of others pretending that they are disabled or young. We need to be told what it means when you say you are disabled. Therefore, these investigative agencies are very important.

We have done our part and done a very thorough Report. We hope it will assist not only Migori County addressing the Petitioners but to ensure the county governors and county governments have an opportunity of looking at this thorough Report and try and implement. Let us comply with the five percent in terms of elective and appointive bodies.

Mr. Speaker, Sir, I want to commit that God willing as Kenya Kwanza takes over government in the next 88 days or less than we shall be able to follow up and ensure that the five per cent is complied. Our colleagues who are here and a number of them should ensure that in the second generation of the Senate we must start a way of auditing how

youth are going through Access to Government Procurement Opportunities (AGPO), PWD's and the issue of gender in terms of access of tenders elective and appointive bodies.

I think if we comply from the lowest level that is our counties to the national level through bottom up approach, we can be able to realise the gains that we have made as a nation through our progressive Kenya Constitution, 2010.

I thank you.

The Speaker (Hon. Lusaka): I do not see any interest. Let us go to the next Order.

I do not see anyone from the Majority side who can table. Next order please.
Sen. Kinyua, proceed.

STATEMENTS

CONSTRUCTION OF ACCESS ROAD TO MEMBLEY DAYKIO ESTATE IN KIAMBU COUNTY BY KURA

Sen. Kinyua: Thank you, Mr. Speaker, Sir. I rise pursuant to Standing Order 47(1) to make a Statement on an issue of general topical concern on consideration and construction of a road access by the Kenya Urban Road Authority (KURA) to construct a road access to Membley Daykio Estate in Kiambu County.

Membley Daykio Estate in Ruiru is a fast growing, high-end suburb located in Ruiru Town of Kiambu County. It borders both Eastern and Northern Bypasses and it is a short distance from Kenyatta University and Tatu City. The churches located within the Estate include; PCEA Membley Church, Kamiti Parish; St. Theresa's Catholic Church and Deliverance Church Membley.

In addition, there are several educational institutions within the Estate that include Membley High School, Montessori Christian Kindergarten and PCEA Membley School.

Further, there are around 500 families that live in this Estate. This is in addition to about 1,500 adults and students that visit the churches and the educational institutions located in the estate from other estates.

Due to high vehicular traffic that is generated on a daily basis, there is need for a proper T-junction to the estate with associated acceleration and deceleration lanes from the main Eastern Bypass and an access ramp.

Mr. Speaker, Sir, for months now, work on the dual lane of the Eastern Bypass being undertaken by China Communication Construction Company (CCCC) has been going on. However, there are concerns by the residents of Membley Daykio Estate that certain key items were not considered during the initiation of this project and that has affected the residents accessibility to the estate such as -

(1) Proper entrances to the estate from the main carriageway Eastern Bypass with associated acceleration and deceleration lanes and a ramp to the main carriageway.

(2) A pedestrian foot bridge across the dual carriageway.

(3) Improvement of estate roads to bitumen standards including drainage works.

Mr. Speaker, Sir, there is need to have a pedestrian foot bridge to cater for pedestrians crossing the dual carriageway to access both Membley, Githunguri and

Gitothua Estates on the opposite side of the road as we have witnessed numerous traffic accidents in the recent past along this stretch of the bypass.

Many pupils and guardians cross this busy highway daily to access the educational institutions that are located on both sides of the road. They include; Githunguri High School, Githunguri Special Unit Primary School, Gitothua Primary School, Gitothua Secondary School, Membley High School, Montessori Christian Kindergarten and PCEA Membley School.

The roads in the estate are of murrum servicing and due to the high vehicular traffic, they are worn out and have numerous potholes. Due to the high vehicular traffic leading up to the estate, surrounding schools and churches which is a risk to pedestrians, there is urgent need to consider upgrading the major estate roads to bitumen standards and construction of storm water drains.

Mr. Speaker, Sir, in view of the seriousness of this matter, I would request you to commit the Statement to the Standing Committee on Roads and Transportation pursuant to Standing Order 47(3) to intervene and get special consideration from KURA towards construction of a road access and associated storm water drains in Membley Daykio Estate.

I thank you, Mr. Speaker, Sir.

Mr. Speaker, Sir, would you allow me to read the second Statement?

The Speaker (Hon. Lusaka): Yes, you can read it.

THE REGULATION OF DIGITAL CREDIT PROVIDERS IN THE COUNTRY

Sen. Kinyua: Mr. Speaker, Sir, I rise pursuant to Standing Order 48(1) to seek a Statement from the Standing Committee on Finance and Budget regarding the regulation of digital credit providers in the country.

In the Statement, the Committee should:

(1) State the number of digital credit providers operating in the country, stating the terms and conditions of credits they offer.

(2) State measures, if any, to protect households and MSEs from predatory lending by digital credit providers outlining targeted interventions against fraudulent transfer of property resulting from defaulting on these loans.

(3) Examine the effective and enforceability of the recently enacted Digital Credit Providers Regulations 2022, which seeks to curb dishonest players and not to protect customers.

(4) State the measures put in place by the Central Bank of Kenya (CBK) to mitigate financial risks exposure due to the rise in digital credit borrowing.

I thank you, Mr. Speaker, Sir.

The Speaker (Hon. Lusaka): Thank you, Senator. Sen. Cherargei, proceed.

Sen. Cherargei: Thank you, Mr. Speaker, Sir. I also want to thank Sen. Kinyua. I am happy to say that all indications are that the people of Laikipia will once more trust Sen. Kinyua to continue serving in this House.

I have two quick comments. On the first Statement, I have always argued that KURA, Kenya National Highways Authority (KeNHA) and the Kenya Rural Roads

Authority (KeRRA) are all unconstitutional. These bodies are taking advantage of the confusion within the road sector to ensure that corruption thrives. Yesterday, I brought a Statement on rehabilitation and maintenance of the old Mombasa Road, the lower deck, to the tune of Kshs9 billion.

We are so disorganized. When you go to our counties, it is worse. You get a road, ask the Governor and he tells you that is not his road; it is for KeRRA. When you go to KeRRA, they tell you that it is a county government road.

There is a lot of confusion that as a Senate, as protectors of devolution and as provided for under Article 96 of the Constitution; we must protect the interests of our people. The only way is to disband KURA, KeRRA and KeNHA and bring up a unified roads agency. Let us also agree that most of the roads should be devolved, especially the KeRRA roads because they affect directly the *mwananchi* down at the grassroots level.

Mr. Speaker, Sir, the issue of KURA is under the Urban and Cities Act. It is clear that the management of most towns is run by county governments. What is so difficult about devolving roads in Nairobi to be run by the Nairobi County Government? What is so difficult about devolving roads in Kapsabet, Mosoriot, Nandi Hills, Kaptumo, Kabuchai, Serem, Kabiyet and Chepturai Towns to be managed and run by the County Government of Nandi?

What we need to do is to bite the bullet and finish these road cartels otherwise this confusion and ping-pong will continue.

The second point I want to make is that there are so many roads in this country whereby contractors have been given notice to finish but they do not complete on time. It might be because of lack of funding. They take a long time constructing a road which has no signage. Our people are in danger because when roads are being constructed, the contractors must provide a well elaborated signage and diversion roads.

Mr. Speaker, Sir, are you aware that most contractors eat the money that is meant for diversion roads when they are constructing roads? Most contractors building roads in this country including the Eldoret Bypass, KURA roads in Nairobi and the one Sen. Kinyua mentioned do not provide diversions.

You pass through a road in the morning and in the evening the same road is blocked. They just write, diversion ahead and there is no other signage there. Many accidents happen because of the negligence of the contractors.

It is also mostly because of negligent supervisors from the Kenya National Highway Authority (KeNHA), Kenya Rural Roads Authority (KeRRA) and Kenya Urban Roads Authority (KURA). This issue must be addressed fully.

Mr. Speaker, Sir, the Statement of Credit Digital Lenders is a well elaborated scheme. Most Kenyans are listed in the Credit Reference Bureau (CRB) because of digital credit lending. It is because of poverty and the high cost of living.

However, we must be told who is benefiting. The Government has ensured that the people who ran these bureaus are faceless. When we begin the next Session, I will expect Sen. Kinyua to bring it as a petition. We need to know these faceless individuals that have been licensed by the Central Bank of Kenya (CBK) to do credit digital lending. Who are they? Where is the Deposit Protection Fund (DPF)? Where is the recourse for our people if these digital credit lending institutions collapse?

Those are the questions that we must ask as the Senate. A better way to do it is to bring it here as a petition. That way, we will get 60 days to get all the stakeholders and players within that industry.

It is only in Kenya where the people are left to the mercies of the sharks in each industry, from roads to the cost of living. Somebody recently told me that with the high cost of cooking oil, supermarkets may have to assign a watchman to guard cooking oil. The cost of cooking oil is too high and this has forced Kenyans to borrow from the digital credit lending institutions.

Mr. Speaker, Sir, I hope these statements can be addressed before we go for recess and campaigns, so that these matters can be put to rest.

The Speaker (Hon. Lusaka): Sen. (Dr.) Musuruve, you may have the Floor.

Sen. (Dr.) Musuruve: Thank you, Mr. Speaker, Sir. I thank Sen. Kinyua for bringing two important issues on the Floor of this House.

First of all, he has talked about Membley Estate, which I am very conversant with. It is on your way to Juja, and I remember using that route on my way to work when I was a lecturer at the Jomo Kenyatta University of Agriculture and Technology (JKUAT).

It is very difficult to access the Estate because there is no road leading to the Estate. Most residents of Membley close their windows almost the whole day, simply because the roads are dusty. We all know that cold and other diseases and ailments can come as a result of dust. This issue needs to be looked into quickly. Everyone has the right to access where they live.

When the road companies are awarded tenders to construct access roads, they should ensure that they do their work up to the end. When it comes to payment, they are paid all the money. Some companies are even paid upfront. We need to have a policy to cushion Kenyans against such behaviour. If a road company has been mandated to work on a road, it should not be paid all the money up front. May be just the first quarter can be paid and the rest staggered.

Mr. Speaker, Sir, Sen. Kinyua has also brought the issue of digital lending. There are many organisations that lend money and some of them are fraudsters. Kenyans need to be cushioned against fraudsters so that people do not lose their money. I know there are legitimate ones to.

However, we need to know the number of digital lending companies that have been allowed to operate in this country. They should be traceable so that in the event of anything, then they can be followed to ensure transparency.

Such businesses should also pay tax even if they are digital. They operate under zero tax and they should not be zero rated. Digital lenders should also account to the Kenya Revenue Authority (KRA) and pay tax.

Otherwise, I support the statements. Even though we have little time, I believe that these statements will be handled speedily.

The Speaker (Hon. Lusaka): Sen. (Dr.) Musuruve, your Statement.

THE LAUNCH OF THE FIRST KISWAHILI
AUDIT REPORT

Sen. (Dr.) Musuruve: Mr. Speaker, Sir, I rise pursuant to Standing Order No.47(1), to make a Statement on a matter of general topical concern, namely the launch of the first audit report in Kiswahili by the Office of the Auditor-General.

As we all know, the Office of the Auditor-General is an independent Office established under Article 229 of the Constitution. Article 229(6) of the Constitution requires the Auditor-General to prepare an audit report to confirm whether public money has been applied lawfully and in an effective way, in all entities that are funded by public money.

Further, Article 229(7) of the Constitution requires the Auditor-General to submit the said reports to Parliament or the relevant county assemblies. These reports have always been submitted to Parliament and the relevant county assemblies in English. This is despite Article 7 of the Constitution recognising both English and Kiswahili as the country's official languages; and Kiswahili as a national language.

Therefore, it is quite commendable that the Office of the Auditor-General has moved to fully comply with Article 7 of the Constitution with the publishing of the first audit report in Kiswahili. The report was launched yesterday in a widely publicised event, beamed live on local television channels. This heralds a new era in the reporting on usage of public funds, in a language widely understood by Kenyans.

Mr. Speaker, Sir, availing these reports in both English and Kiswahili will make it possible for Kenyans of all walks of life to be informed and enable them to interrogate how Government entities, utilise public monies at both the national and county levels of Government.

A majority of the population living in counties understand their vernacular and Kiswahili more than any other language. Kiswahili is a national language, a lingua franca and a language spoken and understood by almost all Kenyans.

Translating the Auditor-General's reports into Kiswahili will create more awareness amongst Kenyans, on how public funds are disbursed and utilised. The launch of the Kiswahili audit report is praise worthy and worthy of being emulated by all public and private entities, as a way of compliance with Article 43 of the Constitution. It is also a way of ensuring inclusivity for purposes of corporate governance.

Thank you.

The Speaker (Hon. Lusaka): Okay, I think that is the end of the Statements. Using my discretion and because of the urgency of some Papers, we will go back to the Order on Papers, so that some important Papers are tabled.

Sen. Cherargei, proceed.

PAPERS LAID

COUNTY GOVERNMENTS ADDITIONAL
ALLOCATION SCHEDULE

Sen. Cherargei: Mr. Speaker, Sir, I beg to lay the following Paper on the Table of the Senate today, 19th May, 2022:

The County Governments Additional Allocation Cash Disbursement Schedule, for Financial Year 2021/2022.

THE TSC ANNUAL REPORT AND AUDITED FINANCIAL
STATEMENTS FOR FY 2020/2021

Sen. Cherargei: Mr. Speaker, Sir, I beg to lay the following Papers on the Table of the Senate, today, 19th May, 2022-

The Teachers Service Commission (TSC) Annual Report and Audited Financial Statements for Financial Year 2020/2021.

THE NATIONAL TREASURY AND PLANNING REPORT ON NEW LOANS BY THE
GOVERNMENT FROM 1ST JANUARY TO 30TH APRIL, 2022

The National Treasury and Planning Report on all new loans contracted by the Government from 1st January to 30th April, 2022.

Thank you.

(Sen. Cherargei laid the documents on the Table)

The Speaker (Hon. Lusaka): Hon. Senators, for the convenience of the House, I am deferring Order Nos.8 to 28 and also Order Nos.29 to 31.

BILLS

Second Reading

THE COUNTY ALLOCATION OF REVENUE BILL
(SENATE BILLS NO. 1 OF 2022)

(Bill deferred)

Second Reading

THE LANDLORD AND TENANT BILL
(NATIONAL ASSEMBLY BILL NO. 3 OF 2021)

(Bill deferred)

Second Reading

THE PERSONS WITH DISABILITIES (AMENDMENT) BILL

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(SENATE BILLS NO. 29 OF 2020)

(Bill deferred)

Second Reading

THE ELECTION CAMPAIGN FINANCING (AMENDMENT) BILL
(SENATE BILLS NO.51 OF 2021)

(Bill deferred)

Second Reading

THE EMPLOYMENT (AMENDMENT) BILL
(SENATE BILLS NO. 54 OF 2021)

(Bill deferred)

Second Reading

THE COTTON INDUSTRY DEVELOPMENT BILL
(SENATE BILLS NO. 55 OF 2021)

(Bill deferred)

Second Reading

THE SUGAR BILL (NATIONAL ASSEMBLY
BILLS NO. 68 OF 2019)

(Bill deferred)

Second Reading

THE PUBLIC PROCUREMENT AND ASSET DISPOSAL (AMENDMENT) BILL
(NATIONAL ASSEMBLY BILLS NO. 32 OF 2021)

(Bill deferred)

Second Reading

THE SACCO SOCIETIES (AMENDMENT) BILL
(NATIONAL ASSEMBLY BILLS NO. 55 OF 2021)

(Bill deferred)

Second Reading

THE SUSTAINABLE WASTE MANAGEMENT BILL
(NATIONAL ASSEMBLY BILLS NO. 22 OF 2021)

(Bill deferred)

Second Reading

THE NATIONAL COHESION AND PEACE BUILDING BILL
(SENATE BILLS NO. 19 OF 2021)

(Bill deferred)

Second Reading

THE COUNTY E-HEALTH BILL
(SENATE BILLS NO. 39 OF 2021)

(Bill deferred)

MOTIONS

ADOPTION OF AUDIT REPORTS FOR COUNTY EXECUTIVES FOR FYS 2018/2019,
2016/2017, AND 2017/2018 (VOLUMES I, II AND III)

THAT, the Senate adopts the Report of the Sessional Committee on County Public Accounts and Investments on consideration of the Reports by the Auditor General on the Financial Statements of the following County Executives for the Financial Year 2018/2019- Embu; Homa-Bay; Kericho; Kilifi; Kirinyaga; Kisii; Kwale; Machakos; Mombasa; Nandi; Baringo; Bomet; Garissa; Kajiado; and West Pokot as contained in Volume 1 of the Report and the following County Executives- Isiolo; Kakamega; Kisumu; Laikipia; Mandera; Marsabit; Nakuru; Narok; Nyandarua; Samburu; Taita Taveta; Trans-Nzoia; Uasin- Gishu; Vihiga; and Wajir, as contained in Volume 2 of the Report, Laid on the Table of the Senate on Thursday 2nd December, 2021.

(Motion deferred)

ADOPTION OF THE SPECIAL AUDIT REPORT ON UTILIZATION
OF COVID FUNDS BY 28 COUNTY GOVERNMENTS

THAT, the Senate adopts the Report of the Standing Committee on Health on the special audit report on utilization of COVID-19 funds by twenty-eight (28) county governments, laid on the Table of the Senate on Wednesday, 9th February, 2022.

(Motion deferred)

COMMITTEE OF THE WHOLE

THE INTERGOVERNMENTAL RELATIONS (AMENDMENT) BILL
SENATE BILLS NO. 37 OF 2021)

(Committee of the Whole deferred)

COMMITTEE OF THE WHOLE

THE LAW OF SUCCESSION (AMENDMENT) BILL,
(SENATE BILLS NO. 15 OF 2021)

(Committee of the Whole deferred)

COMMITTEE OF THE WHOLE

THE PRESERVATION OF HUMAN DIGNITY AND PROTECTION OF ECONOMIC
AND SOCIAL RIGHTS BILL (SENATE BILLS NO. 21 OF 2021)

(Committee of the Whole deferred)

COMMITTEE OF THE WHOLE

THE LIFESTYLE AUDIT BILL (SENATE BILLS NO. 36 OF 2021)

(Committee of the Whole deferred)

COMMITTEE OF THE WHOLE

THE SPECIAL NEEDS EDUCATION BILL
(SENATE BILLS NO. 44 OF 2021)

(Committee of the Whole deferred)

COMMITTEE OF THE WHOLE

THE MENTAL HEALTH (AMENDMENT) BILL

(SENATE BILLS NO. 28 OF 2020)

(Committee of the Whole deferred)

COMMITTEE OF THE WHOLE

THE IRRIGATION (AMENDMENT) BILL
(NATIONAL ASSEMBLY BILLS NO. 12 OF 2021)

(Committee of the Whole deferred)

COMMITTEE OF THE WHOLE

THE COUNTY ALLOCATION OF REVENUE BILL
(SENATE BILLS NO.1 OF 2022)

(Committee of the Whole deferred)

COMMITTEE OF THE WHOLE

THE ELECTIONS (AMENDMENT) (No.3) BILL
(SENATE BILLS NO.48 OF 2021)

(Committee of the Whole deferred)

COMMITTEE OF THE WHOLE

THE KENYA MEDICAL SUPPLIES AUTHORITY (AMENDMENT) BILL
(SENATE BILLS NO. 53 OF 2021)

(Committee of the Whole deferred)

The Speaker (Hon. Lusaka): Let us move to Order No. 32.

MOTIONS

ADOPTION OF THE REPORT ON CONSIDERATION OF
THE CONTROLLER OF BUDGET REGULATIONS, 2021

THAT, the Senate adopts the Report of the Sessional Committee on Delegated Legislation on its consideration of the Controller of Budget (COB) Regulations, 2021, laid on the Table of the Senate on Tuesday, 10th May, 2022 and pursuant to Section 18 of the Statutory Instruments Act, 2013 annuls the Controller of Budget Regulations, 2021.

Sen. Olekina had 12 minutes to go. I do not see any other interest. Therefore, I also defer Order No. 32.

(Motion deferred)

The Speaker (Hon. Lusaka): Let us move to the next Order!

ADOPTION OF THE REPORT ON THE INQUIRY INTO
THE ECDE LANDSCAPE

THAT, the Senate adopts the Report of the Standing Committee on Education on the inquiry into the Early Childhood Development Education (ECDE) landscape in the country, laid on the Table of the Senate on Tuesday, 10th May, 2022.

This is also deferred.

(Motion deferred)

The Speaker (Hon. Lusaka): Next Order.

ADOPTION OF THE REPORT ON ALLEGED NEGLIGENCE OF KNH
IN MEDICAL CASE OF LATE (PROF.) KEN WALIBORA

The Speaker (Hon. Lusaka): The Chairperson, Standing Committee on Health, Sen. (Dr.) Mbiti, proceed.

Sen. (Dr.) Mbiti: Mr. Speaker Sir, the Senate Standing Committee on Health which is established under Standing Order No. 218 (3) of the Senate Standing Orders, is mandated to consider all matters relating to medical services, public health and sanitation.

The Late Prof. Ken Walibora met his death at the Kenyatta National Hospital (KNH) on 10th April, 2020 following a hit-and-run road accident on Landhies Road.

According to media reports, the deceased is said to have been hit by a bus as he attempted to escape an attack by street children.

Following media reports of the alleged negligence of the late Prof. Ken Walibora prior to his death at the KNH, the Standing Committee on Health, invited the management of KNH to a meeting aimed at clarifying the circumstances that surrounded the Late Professors' death, including-

- (a) Details of how and when he was brought to KNH.
- (b) What time he was attended to.
- (c) What emergency interventions were undertaken on his behalf prior to his death.

In addition to the meeting with the management of KNH, the Committee held a consultative meeting with *Mzalendo* Trust, a civil society organization that has previously conducted studies on alleged negligence of accident victims at public hospitals in Kenya.

Article 43(2) of the Constitution and Section 7(1) of the Health Act, 2017 guarantees every person the right to emergency medical treatment.

Section 91(d) of the Health Act further obligates all private institutions and private health care workers to-

“Provide emergency services in their field of expertise as required or requested either by individuals, population groups or institutions, without regard to the prospect or otherwise of direct financial reimbursement”.

In the course of its investigations, the Committee found that the late Prof. Ken Walibora received the necessary life-saving medical emergency interventions following his admission at the KNH, and that he accessed intensive care services at the critical care unit of the A and E department in KNH.

The Committee further found that the late Professor was admitted as an unknown African, remained unidentified up to, at least, three days after his death owing to lack of identification documents.

As with accident victims with private insurance, but lack their identification documents, had his identity been known, he may have received a timely transfer to alternative private health facilities.

The Committee observed that whilst there was no proof of negligence by KNH prior to the death of the Late Prof. Ken Walibora, many victims of road traffic accidents and violence die from lack of receiving timely life-saving medical interventions and appropriate emergency health care.

The Committee also found that the delayed operationalization of the Health Act, 2017 and the Emergency Health Policy, 2019 are a key limitation in the provision of emergency treatment.

As such, the Committee identified a need for a legislative framework to operationalize the provisions of Article 43(2) of the Constitution and Section 7 of the Health Act, 20, which provide for the emergency treatment services.

The Committee further observed that for the majority of victims of road traffic accidents and violence, public hospitals are the first port of call.

As such, there is need to ensure that all public hospitals are adequately resourced and equipped in order to enable them deal with emergencies.

In relation to the above, the Committee found that the referral health system in counties is under-resourced and ill equipped. While most counties have acquired ambulances, they still lack adequate personnel, resources and equipment to provide effective emergency services.

As such, there is a need to strengthen emergency referral and Intensive Care Unit (ICU) services in county health facilities for purposes of improving access, as well as easing pressure at the KNH.

The Committee also found that weak pre-hospital care and poor handling of accident and violence victims prior to hospital admission, is a key factor affecting the survival of severely injured victims.

Based on the foregoing, the Committee recommends that the Senate intervene to provide a conditional grant to counties for purposes of strengthening the provision of emergency and critical care services.

The Committee further recommends that a mechanism be sought to link civil registration services to emergency health services for purposes of facilitating prompt identification of unknown accident victims.

In addition, the Committee recommends that the office of the Auditor-General, conduct a performance audit of the provision of ambulance emergency and Intensive Care Unit (ICU) services in the counties pursuant to Section 36(1) of the Public Audit Act, 2015 and report back to the House within a period of six months.

Mr. Speaker, Sir, in respect of the general state of the emergency care and treatment in Kenya, the committee recommends that the Ministry of Health (MOH) expedite the passage and publication of the Emergency Medical Policy 2020-2030, The Emergency Medical Care strategic plan, 2020-2025, The Emergency Medical Care Regulations in accordance to Sections 15 and 112 of the Health Act respectively.

The Committee further recommends that the National Treasury and the MOH act to expedite the integration of emergency medical treatment and care of the UHC package. Additionally, the Committee recommends that the MOH expedite the development of the Emergency Treatment and Care Bill, with a view towards operationalizing the provisions of Article 43(2) of the Constitution and Section 7 and 97 of the Health Act.

The Committee also recommends that all public and private health care providers develop and implement policies for timely and appropriate emergency health care and treatment in accordance with Article 43(2) and Section 7 and 91 of the Health Act. In order for the recommendations of the Committee to be actionable, the Committee resolves to table its report for the consideration and adoption by the Senate. I beg to table this report. I thank you.

I request my fellow senator, Sen. Cherargei to second.

The Speaker (Hon. Lusaka): Correct term is you beg to move the Motion.

Sen. Mbito: Pardon, Mr. Speaker, Sir. I beg to move this Motion and I request Sen. Cherargei to second.

The Speaker (Hon. Lusaka): Thank you. Proceed, Sen. Cherargei.

Sen. Cherargei: Mr. Speaker, Sir, I rise to second this Motion. In as much as we continue to condole with the family, friends and colleagues of the late Prof. Ken Walibora, who most of us knew through his writing of brilliant Kiswahili books. Most of his books were used by some of us during high school as the approved set-books.

I have read a number of his books. One of the good one is *Siku Njema*. He was a remarkable person, an educationist and a writer but unfortunately because of that accident he passed on. I agree with the Committee recommendations. When the investigation was done, the Kenya National Hospital (KNH), did its best to ensure that Prof. Ken Walibora-after that fateful accident that later claimed his life-was attended to.

The KNH is one of the few referral hospitals that we have in the country. Most of the accident and emergency units within our counties and hospitals are not well resourced. We must train and ensure that there are critical caregivers to ensure that the people who get into accidents such as drowning and car accidents, are able get the first aid. Therefore, it is very important to get the necessary personnel for emergency and critical care when we get the money.

I am happy that the Conditional Grants Act has been signed into place to ensure transparent and accountable use of funds that are provided through conditional grants that are given by donors and other agencies in this Republic.

An important point that the Committee has noted is the civil registration. We need to harmonize registration. We need to use biometrics and it will be easy to identify. If the biometric statistics had been synchronized and linked to the civil registration it would have been easier to identify Prof. Ken Walibora.

Most families who lose their loved ones go to police stations and mortuaries but do not positively identify their kins. Mostly, you will find that their loved ones have been admitted in hospital and by the time the accident happened the individual had not been carrying identification documents. The hospitals are hard pressed. I agree that we must improve on linkable civil registration.

The *Huduma* Number, was supposed to be issued and synchronized. I saw our colleague in the National Assembly Speaker, Hon. Justin Muturi, has returned some of those issues for public participation. I hope that when those bills come to the Senate, we shall also put in the same effort.

Allow me to talk about the issue of emergency and ICU services. Mostly, when accidents happen many people survive. However, how they are handled up to the time of recovery or death is a big challenge. The medical leasing program was very important for our counties to be able to access medical facilities including the ICU, Dialysis machines and many others that were being leased to the county governments. Therefore, we need to improve ICU Service provision in the counties. Every county should at least at minimum have five to ten ICU beds to ensure that when emergencies happen our people can get the necessary medical attention.

On operationalizing of the Health Act, 2017 and Health Policy 2019. This is a straight forward matter. Somebody in the MOH is sleeping on the job. This Bill was passed in 2017. Why does the MOH not want to operationalize the Health Act, 2017 and the Emergency report, Health Policy, 2019? Someone must be held accountable.

As this report comes from the MOH, they must tell us who was preventing this policy and the law from being operationalized. Somebody must be sleeping on the job. I hope that in the next three months, before this House lapses, we should be given clear answers in the next Senate.

This is an important law; ours is to make the laws and the Executive must implement them. They do not have an option. They cannot cherry-pick the laws we pass here. They cannot implement the laws that favor them and not implement those that do not. We want to ask the Executive to fully implement the laws because we are a lawmaking body and they do not have an option of cherry picking what we are giving.

On the issue of public awareness, I can clearly state that most Kenyans do not have basic knowledge of first aid. If anybody was to collapse in this Chamber, I highly doubt that a number of us would know what to do. We need to ensure that we train and create public awareness. Whenever an accident happens people mishandle that individual until they die. Most people die not because of the accident but the management of that person.

If the people who took Prof. Ken Walibora to the hospital knew how to handle him and how to do some first aid, maybe he could have survived. All in all, these are good recommendations. I thank the Committee for going beyond the call of duty and bringing a report that we can use as a reference point. A precedent in this House to make sure that such deaths do not occur.

Many people might ask why the alleged negligence and death of the late Prof. Ken Walibora was not being investigated yet he was one of the renowned and prolific writers, an important educationist who wrote extensively on the issues and growth of Kiswahili in this republic and across East Africa and the world.

He was also a lecturer in universities abroad. The late Prof. Walibora was a global citizen. In as much as there was the alleged negligence, the investigation by the Committee found out that KNH was not culpable through commission or omission in terms of negligence that led to the death of Prof. Ken Walibora.

We thank the membership and the Chairperson of the Committee. We look forward to further recommendations. I also thank the House because this is also an honor to the life and times of Prof. Ken Walibora. I know his family, friends and colleagues really wanted to know what happened in his last moments.

With those many remarks, I beg to second.

The Speaker (Hon. Lusaka): Thank you so much Sen. Cherargei.

Hon. Senators, I want to clarify something concerning Order No.32 before I propose the question. It was a continuation of debate. There being no further interest to contribute, the debate on the Motion was concluded. The Motion shall, therefore, be listed for Division in the next sitting.

(Question proposed)

Sen. (Dr.) Musuruve: Thank you, Mr. Speaker, Sir, for the opportunity. I congratulate the Committee on Health for coming up with this report. Sen. (Dr.) Mbiti together with his team have done a good job.

The late Prof. Ken Walibora, who was a journalist and writer, left a legacy. His death was painful. Sometimes when you read about the cause of his death, people say that he suffered some blows on his cheek, some teeth were removed, blood was oozing from his brain and all that. Although it was a painful death, it is supposed to be an eye opener for Kenyans because his death could have been averted.

From the look of things, it is clear that the late Prof. Ken Walibora was not given speedy attention that he required. That is something that all hospitals should take note of and not just Kenyatta National Hospital (KNH).

There is need to interrogate and find out if the emergency wings are doing what they are supposed to. You could tell that there was a glaring gap in the emergency services section because they were not fast enough but there could be many reasons. Probably they did not have enough paramedics.

There is need to ensure we have not only the right equipment but also the personnel in all our emergency services units. In every emergency section, we should have paramedics who are ready to do their work. They should be on standby in case of an emergency. That is why they are called emergency units.

If they are well equipped and have the right personnel, they can save many lives if interventions are done speedily and efficiently. If Ken Walibora's case was taken up with the speed and due attention that it needed, probably he would still be here with us.

Mr. Speaker, Sir, Kenya is one of the countries that signed the Abuja Declaration, where State parties agreed that they are going to set aside a percentage of money for

purpose of provision of healthcare. They agreed that 15 per cent of the national revenue should go to health. If the money that goes to provision of healthcare is well utilized, we will protect some Kenyans who die because of lack of emergency treatment.

There is also need to ensure that emergency sections have adequate personnel. Training of health personnel should be a priority because we are bound by our Constitution.

When you look at Article 43(1), it states clearly that health is a human right. All Kenyans have a right to the highest attainable standards of health. The highest attainable standards of health entails emergency cases being given the attention they deserve.

When a woman is going to a labour ward but she unable to reach before giving birth, an ambulance should be send with paramedics to ensure that mother and baby's lives are protected.

There is need to ensure that emergency units are managed appropriately. There should be a provision on how things should be done during emergency cases. Someone should be answerable when things are not working in an emergency wing.

When it is established that there was negligence that led to death, somebody should be accountable. It should not only be about death. We also need answers when a situation becomes worse in an emergency room.

For example, when a patient is taken to the emergency section, people should be told the progress and whether they were doing well or bad thereafter. There should be a way of ensuring that emergency cases are accounted for.

Even though Prof. Ken Walibora died, it should be an eye opener. There should be a way of investigating emergency units. Money should also be set aside for emergency units. When money is set aside by the national Government, the Auditor-General should carry an audit to ensure that the equipment in the emergency units is adequate and appropriate and everything is working well.

We have a duty to protect Kenyans. We know well that people are productive when they are healthy. Everyone should be in good health so that they are productive. That way, our Gross Domestic Product (GDP) will go up, which is a good thing for every citizen in this Republic.

As I support the report by Sen. (Dr.) Mbiti, I hope that there will be intensive follow-up, so that we avert situations that need to be averted in order to protect Kenyans.

It is a mandatory requirement that everyone has a right to health or everyone should have a clean bill of health. That is possible and doable if we are serious. In as much as health is a devolved function, we need to ensure that emergency services are available in the counties.

Mr. Speaker, Sir, let me just say it here. It is a sad affair because sometimes when you go to the counties, you find people helpless. When they go to the hospital, sometimes medicine is not there, equipment is faulty and things are not happening right, yet a lot of money goes to the counties for provision of healthcare.

There is need to interrogate and intervene, so that we ensure that the well-being of all Kenyans is accounted for. Everyone should be in good health because it is a constitutional requirement under Article 43(1) of our Constitution.

I support this report and thank you.

The Speaker (Hon. Lusaka): Hon. Senators, I now call upon the Chairperson to reply.

Sen. (Dr.) Mbito: Let me take this opportunity to thank my colleagues for the comments they have made on the Statement on the death of Prof. Ken Walibora. I thank my colleagues in the Senate Committee on Health for the input they made in this Report.

I assure Kenyans that the issues that we have recommended here, we will make a follow-up to ensure they are all implemented. We have to work towards ensuring that each and every Kenyan is entitled to the best medical care including emergency treatment.

I thank you, Mr. Speaker Sir.

(Question put and agreed to)

The Speaker (Hon. Lusaka): I defer Order Nos. 35, 36, 37 and 38, and move to Order No.39.

ADOPTION OF FIRST PROGRESS REPORT ON
COVID-19 PANDEMIC SITUATION IN KENYA

THAT the Senate adopts the First Progress Report of the Standing Committee on Health on the Covid-19 pandemic situation in Kenya, laid on the Table of the Senate on Tuesday, 30th March, 2021.

(Motion deferred)

ADOPTION OF SECOND PROGRESS REPORT ON COVID-19
SITUATION IN KENYA AND SPECIAL

THAT the Senate adopts the Second Progress Report of the Standing Committee on Health on the COVID-19 situation in Kenya and preliminary findings of the Committee, on the Special Audit Report on the Utilization of COVID-19 funds by County Governments, laid on the table of the Senate on Tuesday, 30th March, 2021.

(Motion deferred)

ADOPTION OF THE THIRD PROGRESS REPORT ON THE
NATIONWIDE COVID-19 VACCINATION ROLL OUT

THAT the Senate adopts the Third Progress Report of the Standing Committee on Health on the COVID-19 situation in Kenya and preliminary findings on the nationwide COVID-19 vaccine roll out, laid on the Table of the Senate on Tuesday, 21st September, 2021.

(Motion deferred)

ADOPTION OF FOURTH PROGRESS REPORT OF COVID-19
PANDEMIC SITUATION AND IMPLEMENTATION OF
NATIONWIDE COVID-19 VACCINE DEPLOYMENT

THAT the Senate adopts the Fourth Progress Report of the Standing Committee on Health on the Covid-19 pandemic situation and the implementation of the Nationwide Covid-19 vaccine deployment, laid on the Table of the Senate on Thursday, 2nd December, 2021.

(Motion deferred)

MOTION FOR ADJOURNMENT

ADJOURNMENT OF THE SENATE PURSUANT TO THE
APPROVED CALENDAR FOR THE 2022 SESSION

The Speaker (Hon. Lusaka): Senator (Dr.) Mbitio, you may proceed.

Sen. (Dr.) Mbitio: Mr. Speaker Sir, I beg to move –

THAT pursuant to Standing Order No.28 and 29, the Senate do adjourn until Tuesday 7th of June 2022.

I believe that this is an opportunity that will give Senators time to rest after a very busy schedule. It will also give an opportunity for Committees to basically wind up their matters because they are approaching the end of our term. Therefore, this will be a welcome recess.

I, therefore, beg to move and request my colleague, Sen. Cherargei, to second.

Sen. Cherargei: Mr. Speaker, Sir, this adjournment has come at an appropriate time, noting that this will be an important period where Committees and Members can retreat to finalize on exit legacy reports of the House.

When we resume on 7th June, 2022, that will be our last session as a House before we break for the General Elections of 9th August, 2022. This Adjournment Motion will also allow us to campaign, noting that this is a campaign season for most of us who want to become Governors, Members of National Assembly and those of us who will be defending our seats. This is an opportune time to relax with our families and catch up with our friends.

More importantly, this being a very busy season, it is important to go back to our people, take our scorecard of what we have been doing for the last five years on the Floor of the Senate in ensuring that devolution works. It is also an opportunity for Senators to move around our counties and check the progress of our projects that we have had.

Colleagues, when you get time, as people who are in charge of oversight, visit some of the county projects and assess whether they have met standards as provided for.

I appeal to my colleagues in the political arena to continue preaching peace. Kenya is bigger than all of us. Let us not sacrifice the peace and tranquility of the country for the expediency of politics of the day. We have different political formations, but that should not be an opportunity to incite Kenyans by making comments that can bring disharmony.

We should use this opportunity as Senators; as the ‘Upper House’ of union, to preach peace as we campaign. As we sell our agenda, let us encourage people to live in harmony.

They can notice that because in this House, we have people who support different political formations. I support the *Kenya Kwanza* formation. My colleague supports the *Azimio la Umoja* formation. All said and done, we enjoy camaraderie in this House.

I appeal to Kenyans not to fight for the sake of politicians. By the time you are dead and buried, you will be forgotten. By the time you are locked in cell for committing political violence, you will be forgotten. The same politicians will be popping champagne, engaging, talking and telling themselves how that was a gruesome competition.

I appeal to my colleagues to be agents of peace. Let us move around encouraging our people to maintain peace. I know we are living at a time when there is a high cost of living. The cost of bread, milk and cooking oil has gone up.

Today, when you go to supermarket, they have increased security features of our cooking oil. This is because the prices have shot up astronomically. It points to a clear issue that most of our people cannot afford to put a meal on the table.

Especially for us men, this is an issue that will come up in the next Men’s Conference. As the head of the family, if a man cannot provide for his house, one no longer has dignity and respect as a man. Most father figures in our families are struggling. That also includes women.

There are many people who are working in *mjengos*; they are ‘hustling.’ We say that every hustle matters. The cost of living including cost of fuel also continues to rise. Fares will continue skyrocketing.

We saw challenges when Form Ones were reporting. My colleagues will attest that most parents were unable to take their children to report to Form One. Some of them were paying commitment fees.

We have heard the Cabinet Secretary (CS) for Education saying that the principals must admit the children to join Form One. That is contrary to what is happening on the ground. I have a number of children from Nandi County who were called to good schools, but due to lack of school fees, they cannot be admitted to Form One. I appeal to the Ministry of Education to intervene.

There is a case of a student who wanted to pay school fees using cockerel. There was another student who went to school with an empty box. Thanks to well-wishers, he was able to be admitted. We have a number of such cases. All of us, as leaders, when we wake up in our houses, always get parents who cannot afford school fees.

I appeal to the Senate Committee on Education, the Ministry of Education and county governments to intervene. In my county, bursary was last issued in 2019. Up to date, there is no bursary that has been issued in the County of Nandi to ensure that our children continue with their secondary and higher education. Nandi County has not released bursaries even for those joining Form One.

I appeal to Governors, including those of Kakamega and Bungoma to release bursaries. We should not allow our people to beg for handouts because of county governments not releasing bursaries. It is so sad. The National Government - Constituency Development Fund (NG-CDF) and many others agencies are releasing bursaries.

I want to single out most of the Commercial Banks in this Republic, including Equity Bank Wings to Fly, Kenya Commercial Bank (KCB), Safaricom and many others have gone ahead to provide necessary support and scholarships to those joining Form One. We thank them and hope that in the future we can get many more.

As I conclude, I wish to single out a police station, I think in Machakos, that fundraised for a Form One student to a tune of Kshs200,000.

Police are not paid good salaries. They do not have good living conditions, but they thought it wise to fundraise for a student to report to Form One.

Those are clear cases that show that there is a problem in terms of access to education in this Republic. We cannot celebrate this Constitution and say that we have made tremendous progress in access to education, yet we cannot actualise that issue of access to bursary.

Finally, God willing, when we report back for the final leg, the *Kenya Kwanza* brigade led by His Excellency the Deputy President, Dr. William Ruto, Co-principals Sen. Wetangula, hon. Musalia Mudavadi, Gov. Alfred Mutua, hon. Moses Kuria, Gov. Kabogo and our running mate, the Deputy President designate, Hon. Rigathi Gachagua, the Member of Parliament of Mathira Constituency--- As we campaign across the country as *Kenya Kwanza*, I want to give this assurance to the Nation that we shall do peaceful, gender-oriented and respectful campaigns. We shall respect and engage our competitors on issue-oriented politics.

I want to call upon our competitors, the *Azimio* brigade to also engage in issue-based politics, preach peace and also accept and concede defeat when we give them a resounding defeat on 9th of August 2022.

I want to wish success to my colleagues Sen. (Dr.) Mbiti, our sister, Sen. (Dr.) Musurwe, colleagues who are running for governor, others who are defending their seats, like myself, and other colleagues who are going to run for seats in the National Assembly.

Mr. Speaker, Sir, I wish you well as you receive the higher calling of going back to serve your people of Bungoma. As *Kenya Kwanza*, we are praying for you and we will support you where necessary. As colleagues, we should also put each other in prayers. Being a politician comes with casualties of high blood pressure and confusion. You can even temporarily lose your mind. I would like to appeal to our colleagues that even as we proceed, in future, Parliament and Senate should put in place a counselling department, so that some of the people who lose an election do not imagine it is the end of the world. I hope that the Secretariat is noting this as part of the package in future. It is good that the Chairman of the Committee on Health is here.

We need to encourage each other that even if you have lose an election, it is not the end of the world. The Bible says that when one door closes, several others open. We wish the colleagues who did not succeed well in their endeavours and assure them. God willing, if we will be in government, we shall ensure that we hold their hands to ensure that they continue serving this country in different capacities.

With those many remarks, I wish to thank the people of Nandi for allowing and nominating me to fly the United Democratic Alliance Senatorial flag on 9th August, 2022. That is a clear indication of confidence in my leadership. I will endeavour to serve them,

the Republic of Kenya and Kenyans of goodwill in terms of ensuring that we protect devolution and that it works for this country.

I want to pass my warmest regards to the people of Nandi and thank them for this opportunity and also thank the UDA and party leader, Dr. William Ruto and the principals in *Kenya Kwanza*. I would have liked to see Sen. (Dr.) Mbiti being part of us, but I know that he might not be part of us physically, but spiritually and in prayers, he is part of us.

With those few remarks, I beg to second.

I thank you.

(Question proposed)

Sen. (Dr.) Musuruve: Thank you, Mr. Speaker, Sir, for giving me an opportunity to support this Motion. Indeed, the adjournment is necessary as it will help us do many things in terms of legislation. There are still ends that are loose and we must have a neat finishing in terms of legislation.

Having the recess will also help the committees to have a retreat and wind up what is in the in-tray. The retreat is very important because that is when the Senators will come up to work on what has not been worked on.

Even as we reach a conclusion in terms of law-making, I must say that the law-making process, especially being in the Senate, has been a big privilege for me because I have found myself in a situation where I am legislating and also representing people of my type, the PwDs, women, and the vulnerable.

It is indeed a good opportunity and I must thank my party leader, Baba Raila Amolo Odinga, for giving me this opportunity to legislate and to represent PwDs. It is a big and good platform, and one that I am thankful for because it has helped me to give back to the society.

It has helped me in looking at real and concrete issues out there and bringing them here on the Floor of the House that they can be legislated on. I would also like to wish my colleagues well, who are vying for different positions.

Hon. Speaker, I take this opportunity to also thank you for doing a diligent job in this House. As you go for your campaigns as the Governor for Bungoma County, I wish you all the best in your campaigns. I am sure as you continue working on the ground, God will hear the desires of your heart. We still need you in leadership position because of the skills that you have.

I would like to wish all my colleagues who want to come back to this House, as Senators, and also those who want to go to the 'Lower House,' all the best in their campaigns.

As I wish them the best, I want to say thank you very much for the appointment that Baba Raila gave me because it has kept me strong and given me the urge to continue fighting for the needs of Kenyans. It has made me realize that I should always be a voice for others and forget myself and be selfless in the manner in which I conduct myself because other lives matter and they are relying on the way I represent them.

Mr. Speaker, Sir, as we go for electioneering, I want to congratulate hon. Martha Karua on being nominated as the running mate for *Azimio* Coalition. I know very well that hon. Karua has political and social experience, and being a woman, I believe that she has

the woman's lens in whatever she is doing. She has the innate strength in her and I believe that she is actually going to perform. As we continue with the campaigns, I know that depending on how we do our campaigns, our country will remain united.

One message I want to pass to Kenyans and colleagues is that as we campaign let us be peaceful in the campaigns that we are conducting out there because we should not tear our country apart. We need to be united in as much as we are doing campaigns.

Our campaigns should be peaceful and geared towards ensuring that we get leadership that is going to help this country and take us far. As we continue campaigning, I know that the *Azimio* brigade are up to the task and are working very hard. I wish them all the best even as they continue with their activities.

I also wish the opponents the best because, at the end of the day, the leader will come from God.

As we continue campaigning, I pray that God will hear our prayers as a nation and give us the leaders that he intends to.

I support this Motion.

The Speaker (Hon. Lusaka): Hon. Senators, I take this opportunity to thank all of you who have had time to be here physically or joined us through *Zoom* to make important contributions to this nation.

I know that we are now drawing to a close. This is our second last adjournment before we wind up and go to look for *kura* and other things. I do not take it for granted that you have been here to transact business.

Use this opportunity to conclude Committee matters and visit your constituents. Go and advise and call upon them to carry out their activities in a peaceful manner as we approach the elections. Just as most Senators have said, we would like to see a peaceful campaign and a united country. Nobody is more important than this country.

As we go across selling our policies, let us do it in a respectful manner, so that Kenya remains united and a country to be admired by the rest of the world.

ADJOURNMENT

The Speaker (Hon. Lusaka): Hon. Senators, there being no other Business on the Order Paper, the Senate stands adjourned until Tuesday, 7th June, 2022, at 2.30 p.m.

The Senate rose at 4.42 p.m.