



REPUBLIC OF KENYA

THIRTEENTH PARLIAMENT – (FIRST SESSION)

THE SENATE

ORDER PAPER

THURSDAY, NOVEMBER 24, 2022 AT 2.30 PM

PRAYER

1. Administration of Oath
2. Communication from the Chair
3. Messages
4. Petitions
5. Papers
6. Notices of Motion (as listed in the Appendix)
7. Statements (as listed in the Appendix)
8. **MOTION - PLIGHT OF KENYAN DOMESTIC WORKERS IN THE MIDDLE EAST**
(Sen. Veronica Nduati, MP)

THAT, AWARE THAT foreign workers from developing countries make up a large majority of the Gulf's labour, a trend driven in Kenya by the high rate of youth unemployment which stands at 34.21%, forcing young Kenyans to continue to go beyond our borders in pursuit of lucrative employment opportunities;

FURTHER AWARE THAT the *Kafala* or sponsorship system found in the Gulf Cooperation Council (GCC) countries such as, Kuwait, Oman, Qatar, Saudi Arabia, the United Arab Emirates, Jordan and Lebanon, defines the relationship between foreign workers and their local sponsor, under which the state gives local individuals or companies, sponsorship permits to employ foreign labourers, and covers travel expenses and provides housing, in the case of domestic workers in the sponsor's home;

APPRECIATING THAT the Kenyan recruitment process of domestic workers for Saudi Arabia involves a number of stakeholders including the Saudi employers, the Saudi Arabia Employment Agencies, Ministry

...../Motion

of Labour (Labour Department), National Employment Authority (NEA), National Industrial Training Authority (NITA), prospective domestic workers, Kenya Private Employment Agencies (KPEA), Saudi Arabian Embassy and the immigration Department;

NOTING THAT numerous Kenyan migrant domestic workers in Saudi Arabia have documented various forms of abuses including passport confiscation, physical abuse, sexual abuse, sleep deprivation, food deprivation, labour exploitation, imprisonment prior to deportation, religious intolerance and psychological abuse leading to some of these workers losing their lives;

COGNIZANT THAT Articles 10, 11, & 14 of the International Convention on the Protection of the Rights of All Migrant Workers and Members of their Families adopted on 18 December, 1990 espouses that no migrant worker shall be subjected to torture or to cruel, inhuman or degrading treatment or punishment, shall be held in slavery or servitude, or be subjected to arbitrary or unlawful interference with his or her privacy, family, correspondence or other communications, or to unlawful attacks on his or her honour and reputation, and the right to the protection of the law against such interference or attacks;

FURTHER APPRECIATING THAT staffing shortages and inadequate funding faced by the labour attaches in Saudi Arabia hinder the effective supervision of migrant workers in distress, lack of safe houses, lack of a comprehensive mechanism to handle labour disputes, and a lack of a legal framework defining the roles of migrant workers in order to adhere to the terms of their contracts, are some of the challenges that need to be overcome;

CONCERNED THAT under the Bilateral Labour Agreement (BLA) between the Government of Kenya (Gok) and the Government of the Kingdom of Saudi Arabia (KSA) on the recruitment of domestic workers that was developed and adopted in January 2016, Kenya was obligated to provide qualified and medically fit workers needed by Saudi Arabia according to the job specifications, and in turn Saudi Arabia was obligated to ensure that the welfare and rights of employers and domestic workers employed in the Kingdom are promoted and protected in accordance with the applicable rules and regulations which has not been the case, including the enforcement of rest hours and the identity and work permits remaining in the possession of the migrant worker;

NOW THEREFORE, the Senate resolves that the Ministries of Interior and National Administration, Labor and Social Protection, Foreign Affairs & Diaspora Affairs, Immigration Department, the National Employment the Kenya Private Employment Agencies (KPEA) cease all travel by Kenyan migrant workers to the Gulf states with immediate effect until: -

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1. the Ministry of Labour and Social Protection amends the national labour migration regulatory framework policy to address labour exportation management;
2. the Ministry of Labour and Social Protection, and the Ministry of Foreign Affairs & Diaspora Affairs adopt/ratify the multilateral declarations relating to the protection of workers such as the International Labour Organisation (ILO) Domestic Workers Convention, 2011 (No. 189) and the Private Employment Agencies Convention, 1997 (No. 181);
3. the establishment of functional overseas labour offices for the administration and enforcement of the Ministry of Labour and Social Protection policies for migrant workers;
4. a review of the Bilateral Agreement between the Government of Kenya, and the Kingdom of Saudi Arabia by the Ministry of Foreign Affairs & Diaspora Affairs to adequately address identified gaps and emerging issues;
5. there are established safe houses to serve as central huts of welfare and assistance to migrant workers and temporary shelters for overseas Kenyans in distress; and,
6. any Kenyan in distress, and in particular, Hellen Kemunto, is rescued and brought back to Kenya from Riyadh, Saudi Arabia.

(Resumption of debate interrupted on Wednesday, 23rd November, 2022 – Balance of time 2hrs 30 Minutes)

9. MOTION - INTEGRATING CLIMATE EDUCATION INTO NATIONAL EDUCATION CURRICULUM

(Sen. Moses Kajwang’, MP)

AWARE THAT climate change is a complex social and scientific issue which is characterized by uncertain and context specific knowledge, demanding that educators engage in inquiry and co-learning with students, while noting the lack of time and curriculum opportunities to address climate change in the classroom;

COGNIZANT OF THE FACT that the Constitution of Kenya in Article 42 provides for the right to a clean and healthy environment for every Kenyan, which includes the right to have the environment protected for the benefit of the present and future generations;

NOTING THAT Climate change is a global nightmare with consequences that are already quite visible and should be a priority for the national education curriculum, in accordance to Article 12 of the Paris Agreement which espouses the enhancement of climate change education, training, public awareness, public participation and public access to information;

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FURTHER NOTING THAT climate change education explores mitigation and adaptation at both local and global level, critical and creative thinking and capacity building that will enable youth to engage with the information, inquire, understand, ask critical questions and take what they determine are appropriate actions to respond to climate change;

ACKNOWLEDGING THAT the Climate Change Act 2016 addresses the integration of climate change into various disciplines and subjects of the national education curriculum at all levels, as well as requiring that the National Climate Council advises public agencies responsible for regulating universities and tertiary institutions curricula on integration of climate change into their curricula;

NOW THEREFORE the Senate calls upon the Ministry of Education in liaison with the Kenya Institute for Curriculum Development to:

1. Mainstream climate change education throughout formal education systems through integrating climate education in the school curriculum to creatively prepare children and young people for a rapidly changing, uncertain, risky and possibly dangerous future; and
2. Train and equip teachers and school administrators with the necessary information and skills to teach climate education and explore new approaches to learning that can contribute to the transformation of unsustainable climate systems, values and routines.

10. **MOTION - DROUGHT AND HUNGER MITIGATION IN TURKANA COUNTY**

(Sen. James Lomenen Ekomwa, MP)

THAT, AWARE THAT Turkana County continues to experience extremely dry weather conditions with the United Nations Office for the Coordination of Humanitarian Affairs (OCHA) reporting that the aggregate rainfall for the six-month period ending September 2022 represented only 21 percent of the normal rainfall;

FURTHER AWARE THAT the prevailing weather conditions have resulted in the drying up of wells, boreholes, loss of pasture, and crops, therefore rendering any form of farming impracticable;

ACKNOWLEDGING THAT the residents of the County are predominantly pastoralists who keep cattle, donkeys, camels, and goats for food and income, and that the loss of these livestock is a loss of livelihood for them;

NOTING THAT the prevailing drought has resulted in the death of more than half of the livestock in the County thereby pushing eight hundred thousand residents to the brink of starvation and resulting in the highest ever rate of acute malnutrition in the County at 33%;

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FURTHER NOTING THAT residents have been forced into migration with their livestock in search of pasture and water which has exposed them to raids by bandits and resulting in children dropping out of school;

CONCERNED THAT droughts have been recorded in the County since the 1960s and that the frequency of their occurrences has progressively increased with drought in the County becoming a yearly phenomenon;

COGNIZANT THAT Article 43 of the Constitution of Kenya, 2010, stipulates the rights of every person to be free from hunger, to have adequate food of acceptable quality, and to clean and safe water in adequate quantities, and obliges the State to provide social security to persons unable to support themselves and their dependants;

FURTHER COGNIZANT THAT Article 11 of the United Nation’s International Covenant on Economic, Social and Cultural Rights (ICESCR) places further emphasis on the fundamental right to food and obliges the State to take progressive steps towards achieving full realization of the right to adequate food;

NOW THEREFORE the Senate urges the Ministries of Agriculture and Livestock Development; Water, Sanitation, and Irrigation; Education, and the Ministry of East African Community (EAC), the ASALs and Regional Development through the National Drought Management Authority, to come up with a policy framework to address the perennial drought in the County and to come up with policy programs addressing the current needs of the County to include: -

- i) a roll out of a Rapid Response Initiative (RRI) programme of providing foodstuffs to the affected residents of the County to address immediate critical needs;
- ii) an introduction of feeding programme in schools across the County;
- iii) the drilling of water boreholes; and
- iv) an institution of a livestock off-take programme to buy weak livestock.

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NOTICE

The Senate resolved on 5th October, 2022 as follows:-

THAT, pursuant to Standing Order 111 (1), the Senate resolves that debate on a Motion not sponsored by the Majority or Minority Party or a Committee shall be limited in the following manner:-

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

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APPENDIX

1. NOTICE OF MOTION – ENHANCING HIGHWAY SAFETY AND CONVENIENCE

(Sen. Wahome Wamatinga, MP)

THAT, AWARE THAT the majority of highway users, most of whom are long distance travelers and some of whom are children, elderly, and sick, face a myriad of challenges including traffic delays and breakdown of their vehicles that cause them to spend long hours on the road exposing them to starvation, insecurity threats, and to the need for sanitary and medical facilities;

FURTHER AWARE THAT setting up safe stopping points for road users at regular intervals with the necessary road-side amenities such as fuel stations, parking spaces, restaurants, telephone booths, minor repair shops, medical facilities, and toilets enhances total travel experience and the lack of these points make it impractical for drivers to stop as often as they would wish to resulting into driving-related fatigue, a significant contributor to accidents on the highways;

COGNIZANT THAT the current road-side amenities operated and maintained by private companies, majorly oil companies, are located in urban centers while in the countryside there are inadequate numbers offering limited variety of facilities;

ACKNOWLEDGING THAT the cost of such developments and the uncertainty of the returns on investment restrict the supply of the facilities, the risks too great for small companies and the returns too meagre for large companies, some amenities remain unviable, and insufficiently provided for by commercial companies necessitating government intervention;

FURTHER COGNIZANT THAT governments across the world such as France and Germany have taken on the task of setting up such amenities through incorporation of the basic provisions in their road transport infrastructure through different models of Public Private Partnership (PPP), lease, or ownership;

NOW THEREFORE the Senate resolves that the Ministries of Roads, Transport and Public Works, Health, the Kenya National Highways Authority, and the National Transport and Safety Authority to come up with a policy framework to include: -

- i) the incorporation of road reserves for road-side amenities in all highway designs;

...../Appendix

- ii) undertaking a survey to ascertain the specific amenities required but not available on the existing highways and the most convenient locations to develop them; and
- iii) development of a Public Private Partnership guideline on leasing of the road reserves to developers, financing the construction of the amenities, and the packaging of incentives to attract investors.

2. STATEMENTS

a) Pursuant to Standing Order 52 (1)

- i.) The Senator for West Pokot County (Sen. (Rev.) Julius Murgor, MP) to make a statement on the importance of establishing women self-help groups especially in conflict prone areas.
- ii.) Nominated Senator (Sen. Hamida Kibwana, MP) to make a statement concerning the uprooting of baobab trees from Kilifi County for transplanting in the United States.
- iii.) Nominated Senator (Sen. Catherine Mumma, MP) to make a statement regarding the prevalent inequity in the registration and issuance of National Identity (ID) Cards.

b) Pursuant to Standing Order 53 (1)

- i.) The Senator for Taita Taveta County (Sen. Johnes Mwaruma, MP) to seek a statement from the Standing Committee on Devolution and Intergovernmental Relations regarding the county boundary cutline between Taita Taveta County and the neighbouring counties.
- ii.) The Senator for Taita Taveta County (Sen. Johnes Mwaruma, MP) to seek a statement from the Standing Committee on Land, Environment and Natural Resources concerning acquisition of land belonging to residents of Ikanga area in Mbololo Ward of Voi Sub-County in Taita Taveta County, by the Kenya Airports Authority (KAA).
- iii.) Seneta wa Kaunti ya Mombasa (Sen. Mohamed Faki, MP) kuomba kauli kutoka kwa Kamati ya Kudumu ya Barabara, Uchukuzi na Makao, kuhusu ujenzi wa barabara ya Makupa eneo la Kibarani, Kaunti ya Mombasa.
- iv.) Nominated Senator (Sen. Hamida Kibwana, MP) to seek a statement from the Standing Committee on Justice, Legal Affairs and Human Rights regarding the access of justice by the family of the late Ms. Ebbie Noelle Samuels, a former student of St. Anuarite Gatanga Girl's School.

c) Pursuant to Standing Order 56 (1) (a)

The Chairperson, Standing Committee on Roads, Transportation and Housing to issue a statement on matters for which the committee is responsible.

d) Pursuant to Standing Order 57 (1)

The Senate Majority Leader to issue a statement on the business of the Senate for the week commencing Tuesday, 29th November, 2022.

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NOTICE PAPER

Tentative Business for

Tuesday, November 29, 2022

(Published pursuant to Standing Order 43 (1))

It is notified that the Senate Business Committee has approved the following **tentative** business to appear in the Order Paper for Tuesday, November 29, 2022.

Motion - Enhancing Highway Safety and Convenience
(Sen. Wahome Wamatinga, MP)