

PARLIAMENT OF KENYA

THE SENATE

THE HANSARD

Tuesday, 8th November, 2022

*The House met at the Senate Chamber,
Parliament Buildings, at 2.30 p.m.*

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

PRAYER

The Speaker (Hon. Kingi): First Order, please.

ADMINISTRATION OF OATH

NOMINATED SENATOR - OKENYURI ESTHER ANYIENI

*(The nominated Senator (Okenyuri Esther Anyieni) entered
the Chamber escorted by Sen. Thang'wa and Sen. Orwoba)*

Sen. Orwoba: Hon. Speaker, it is my pleasure and privilege to introduce to you and the Senate, our newest nominated Senator, Sen. Okenyuri Esther Anyieni.

The oath of allegiance was administered to the following Senator-
Sen. Okenyuri Esther Anyieni.

*(Sen. Okenyuri Esther Anyieni approached the Bar, bowed to
the Chair and took her seat)*

(Several Senators walked into the Chamber)

The Speaker (Hon. Kingi): Hon. Senators, before we move to the next Order, I will give an opportunity to one or two Senators to pass a message of congratulations to the newly sworn in Senator.

Sen. Orwoba, proceed.

Sen. Orwoba: Thank you, Mr. Speaker, Sir, for this opportunity. I welcome my fellow nominated Senator, Okenyuri Esther Anyieni, to the family. We are very happy to have an additional resource in the group of nominated Senators.

We believe that you are going to represent the women, for whom you have been nominated to ensure their matters are being touched on. We believe you are going to do a good job. *Karibu sana*. We look forward to very engaging four years with you.

The Speaker (Hon. Kingi): Sen. Osotsi, proceed.

Sen. Osotsi: Mr. Speaker, Sir, I did not intend to speak now but somehow, my button was on.

The Speaker (Hon. Kingi): There is someone who wants to speak. So, do not do what you are not prepared to do.

Sen. Mungatana, the Floor is yours.

Sen. Mungatana, MGH: Mr. Speaker, Sir, I would like to join my colleague, Sen. Orwoba, in welcoming our sister Senator into the House. We are looking forward to her robust contribution on the Floor of this House and in the Committees.

We encourage her to speak and speak more about the issues of women in the country and to be a true representative of what brought her into this Senate. We also encourage our colleague that she will probably make one or two mistakes on the Floor of the House and in the Committees however, she should not be discouraged. We will work with her to ensure that she is as productive as possible in the next five years.

The Speaker (Hon. Kingi): Sen. Oketch Gicheru, proceed.

Sen. Oketch Gicheru: Thank you, Mr. Speaker, Sir. It is my humble honour and pleasure to also convey my humble congratulations to Sen. Okenyuri for being nominated into the House.

Despite the fact that she is nominated to represent the interest of women, this is also the House that anchors devolution. We are a House that is established honourably under Article 96 of the Constitution and we enjoy the privileges given to us by the power of the people under Article 1(2).

Being a House of reason where most of the issues that we talk about tend to be bipartisan, I wish you the courage to stand strongly for devolution. All the Senators here have women in different positions in their counties and those women face different challenges and eminent opportunities that can be worked towards. May these coming five years be fruitful in anchoring devolution in our country with your voice represented.

The Speaker (Hon. Kingi): Thank you. With four of us speaking, we should rest that matter there.

Let us move on to the next Order, Clerk.

COMMUNICATION FROM THE CHAIR

WELCOME TO HON. SENATORS TO PART THREE OF THE FIRST SESSION

The Speaker (Hon. Kingi): Hon. Senators, I take this opportunity to welcome you back to Part Three of the First Session that will run from today, Tuesday, 8th November, 2022 to Thursday, 1st December, 2022.

Indeed, it was a short recess that was largely taken up by induction programmes of the Senate Business Committee (SBC) and all Senators. The programmes that we were

taken through were rich with information crucial to the execution of our constitutional mandate, as the institution of the Senate and respective Senators.

As the Senate leadership, we were impressed with the commitment, dedication and interaction during the induction programmes. We developed a concrete road map to navigate this August House and enhance the Senate legislative output.

(Hon. Senators stood at the door)

Hon. Senators, you can come in.

(Several hon. Senators walked into the Chamber)

As you may recall, on the eve of the recess, Membership for respective Committees was approved. Subsequent elections of Chairpersons and Vice-Chairpersons was done. Respective Committees have since settled and held series of meetings, evidenced by the various requests and documents that have been submitted to my Office.

Allow me to reiterate that the work of Committees and Plenary is symbiotic. Therefore, it is crucial that Committees observe the respective timelines in expediting business referred from Plenary and to utilise the various legislative tools at our disposal, to enhance the Senate legislative foot print and output.

Hon. Senators, as we commence the Third and final Part of the First Session, allow me to take this opportunity to outline some of the Business that we will be required to expedite during the session:

- (1) Approval of the nominee to the office of the Inspector General of the National Police Service (NPS), pursuant to Article 245(1) of the Constitution.
- (2) Election of Members of the East African Legislative Assembly (EALA), pursuant to Article 50 of the East African Community (EAC) Treaty.
- (3) Approval of nominees to the Parliamentary Service Commission (PSC), pursuant to Article 127(2)(c) of the Constitution.
- (4) Approval of nominees to the Commission of Revenue Allocation (CRA), pursuant to Article 215(2).

Hon. Senators, as I conclude, I impress upon each of us to rededicate ourselves to the execution of our constitutional mandate and to undertake the task ahead of us with utmost integrity in service to a great country. I assure you that my Office and the offices of the Senate leadership and the secretariat, are always at your disposal to facilitate you to do your work.

Thank you and wish you a fruitful session.

(Applause)

Next order.

MESSAGE FROM THE NATIONAL ASSEMBLY**APPROVAL OF MPs FOR APPOINTMENT TO THE
PAN-AFRICAN PARLIAMENT**

The Speaker (Hon. Kingi): Hon. Senators, I wish to report to the Senate that pursuant to Standing Order No.46(3) and (4), I have received the following Messages from the Speaker of the National Assembly, regarding the approval by the National Assembly of Members of Parliament (MPs) for appointment to the Pan-African Parliament. Pursuant to the said Standing Order, I now report the Message:

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

In accordance with the provisions of Article Five of the Protocol to the Treaty establishing the African Economic Community (AEC) and relating to the Pan-African Parliament by a resolution passed on Thursday 3rd November, 2022, The National Assembly approved the appointment of the following Members of Parliament to the Pan-African Parliament –

- (1) Hon. Rahab Mukami Wachira, MP
- (2) Hon. Joseph Kalasinga Majimbo, OGW MP
- (3) Hon. Esther Muthoni Passaris, MP
- (4) Sen. (Prof.) Margaret Kamar, EGH, MP
- (5) Sen. Danson Buya Mungatana, MGH, MP

Now, therefore, in accordance with the said provisions of the Standing Orders, I hereby convey the affirmation resolution of the National Assembly and invite the Senate to also consider the Members for appointment to the Pan-African Parliament and further, at the appropriate time, convey the decision of Parliament of Kenya to the President of the Pan-African Parliament accordingly.”

Hon. Senators, as you are aware, Pan African Parliament is one of the organs of the African Union (AU).

It is the consultative and advisory organ that is in place to ensure full participation of the people of Africa in the development and economic integration of the continent.

Hon. Senators, each respective national parliament or any other deliberative body is required by the Protocol to the Treaty establishing the African Economic Community (AEC) relating to the Pan-African Parliament to elect or designate the Pan-African parliamentarians from among their Members.

Further, the Protocol requires each member state to be represented in the Pan-African Parliament. The five Members, at least one of whom must be a woman, and the representation of each member state, must reflect the diversity of political opinions in each national parliament or other deliberative organs.

Hon. Senators, the term of the five Members of Parliament who represented Kenya in the Pan-African Parliament expired on the date of the general elections. The Thirteenth Parliament is now required to elect and designate new Members to the Pan-African Parliament.

Hon. Senators, the Senate Business Committee (SBC), during its meeting held today, deliberated on the matter of appointment of Members to the Pan-African Parliament and resolved to have Notice of Motion and Motion listed in this Afternoon's Supplementary Order Paper. In this regard, the Senate Majority Leader, will at the appropriate time, be called to give Notice of Motion for adoption of names for nomination to the Pan-African Parliament, and further, move a Motion for adoption of the names this afternoon with leave of the House.

I thank you.

Let us go to the next Order.

POINT OF ORDER

PROCESSING OF MOTION ON APPOINTMENT OF MEMBERS TO THE PSC

Sen. Madzayo: On a point of order, Mr. Speaker, Sir. This morning when we were in the SBC meeting, there is a Motion that was supposed to come this afternoon. That Motion is about appointment of Members of the Parliamentary Service Commission, which was deliberated upon and we agreed that it would form part of the business on the Order Paper for today.

I have with me here the Supplementary Order Paper but that particular Motion does not seem to be there. I would like to know the reason for dropping that particular Motion which is very dear to this House.

The Speaker (Hon. Kingi): Sen. Madzayo, indeed, you are right that in the meeting held today in the morning, the SBC resolved to have that particular agenda in today's Order Paper. After we had finished the meeting and having looked at the flurry of letters on this particular subject, I held a meeting with the Speaker of the National Assembly so that we do not work at cross purpose.

From the meeting I had with him, it was evident that indeed if we proceed *pari passu*, chances are that both Houses may come up with different membership to the Parliamentary Service Commission. Therefore, it was deemed that we allow one House to originate that Motion and in this case the National Assembly.

After that, I held a meeting with you, Sen. Madzayo and Sen. (Dr.) Khalwale, the Majority Whip and asked him to communicate this. Indeed, we all agreed that we do not need to have this particular order contained in today's Order Paper.

Pursuant to that concurrence, I proceeded to implore upon the Clerk not to include that particular agenda in today's Order Paper. Everything we did was purely based on consultation. I consulted both sides before taking that particular position. The matter will be contained in tomorrow's Order Paper.

Sen. Omogeni: Mr. Speaker, Sir---

The Speaker (Hon. Kingi): Sen. Omogeni I do not remember giving you an opportunity to speak. Now that you are already up, kindly proceed.

(Laughter)

Sen. Omogeni: Mr. Speaker, Sir, for the short time that I have been a Member of this House, the tradition has always been that---

The Speaker (Hon. Kingi): Senator, first, I need to understand why you are on your feet. Are you on a point of order?

Sen. Omogeni: I wanted to make a comment because this is a House of record and procedure. What we do today may come back to haunt us tomorrow.

Mr. Speaker, Sir, the tradition of this House has always been that if the SBC meets to consider the business that should be transacted on a particular day, that business can only be stood down by this House, unless a subsequent meeting of the SBC is held and they come up with another agenda.

Mr. Speaker, Sir, I have heard you communicate to the House that there was a unilateral discussion between you and the Speaker of the National Assembly who convinced you to withdraw the Motion that was to be before this House. The clarity I need to get from you is whether the Motion that is before the National Assembly is proceeding or they also agreed to drop it.

We have had such a debate in this House. If you want to lift up our hands and say we are giving up because we are the “Lower House” and we will be dictated by the National Assembly, let us know so that we do not waste time coming to this House.

Why should the National Assembly be the one setting the agenda for this House? We garnered votes like our colleagues in the National Assembly. This business of us playing subservient to the National Assembly is, to say the least, annoying and you are going to kill the spirit of many of us who have the passion to serve this Senate as the “Upper House.” Why can it not be the other way round? Why would you not convince your colleague to drop their Motion, so that we start with ours?

(Applause)

If this matter was deliberated by the SBC, it should be included in our Supplementary Order Paper today. If there is any decision that is to be made to drop that particular agenda from the Order Paper today, it should be with the concurrence of the House. Otherwise, if we start running our business as people who are under instructions from the National Assembly, we shall remain a House that plays subservient to the dictates of the National Assembly.

The Speaker (Hon. Kingi): Sen. Omogeni, the matter at hand is a matter that relates to the two political divides, hence the reason I had to consult with the two parties.

The decision to drop the Motion from today’s Order Paper was not arrived at unilaterally.

I took you through the series of events. We engaged at the Senate Business Committee level, but wisdom demanded that we seek to understand some of the things that were happening. I had to sit down with the Speaker of the National Assembly to understand the whole matter.

After that meeting, I did not make a decision to drop this matter. I had to seek audience with representatives of the two coalitions: Sen. Madzayo and Sen. (Dr.) Khalwale.

After lengthy deliberations, reasoning and wisdom, we agreed, unanimously, that it will be neater for us to drop this matter from today's Order Paper and have it contained in tomorrow's Order Paper. The decision was a product of consultation. Let us leave it at that.

Sen. Wambua, proceed.

Sen. Wambua: Thank you, Mr. Speaker, Sir. When you read your Communication from the Chair, you pointed out the fruitful discussions and deliberations that we had during our retreat in Mombasa. If you recall, this is one of the issues that came up in the robust debates – about the place of the Senate of the Republic of Kenya *via-a-vis* the National Assembly. One thing that is outstanding in our Standing Orders is that we cannot anticipate debate. In the same vein, we cannot anticipate the outcome of a debate.

What pains some of us and deeply so, is that every time there is a conflict, either real or imagined between what the National Assembly should do and what we should, we are always invited to give way to the National Assembly.

In this Senate, we are deliberate to restore the lost glory of the Senate of the Republic of Kenya. There is nothing that would have gone wrong if we had concurrent Motions. If the outcomes are different from the two Houses, the procedures are clear on how to cure them. We should never run away from our own issues.

Representatives of the Parliamentary Service Commission from the Senate are supposed to fight for the interest of the Senate first before they consider the general Parliament. I know that you have consulted the Senate Majority Whip and the Senate Minority Leader, which we respect.

I urge fellow Senators to debate whatever Motion comes to the Floor. Once we get an outcome of that debate, we will deal with the consequences without reference to the National Assembly.

The Speaker (Hon. Kingi): Sen. (Dr.) Khalwale, you have the Floor.

Sen. (Dr.) Khalwale: Mr. Speaker, Sir, the Parliamentary Service Commission is one of the 10 Commissions under Chapter 15 of the Constitution of Kenya. A Constitutional commission is a serious institution.

When you took the decision, you went out of your way and presented it to the Senate Business Committee and consulted both the majority and minority sides. You are not ignorant of the provisions of the Constitution which provides that a Commission serves to protect the sovereignty of the people.

Honourable Members from the Minority side have misled this House and the whole country that there is a dispute over this matter; between the Senate and the National Assembly which is not true. There is no such a dispute. If you are a good debater---

(Loud consultations)

The Speaker (Hon. Kingi): Hon. Senators, can the Senator for Kakamega County be heard in silence?

Sen. (Dr.) Khalwale: These are things the children in the gallery know. In a debate, you listen then you respond. There is absolutely no disagreement between the Senate and the National Assembly over this matter. The issue at hand is that the two Speakers are going out of their way to assist one of the coalitions to put its house in order.

I happen to know that a certain coalition has no problem. These points of orders should not be raised by the side with problems, but by us who are wondering why these people are delaying us when the country is waiting for the Parliamentary Service Commission; a Commission under this Constitution.

Hon. Senators, put your House in order. We want a Parliamentary Service Commission. Stop wasting the time of this House.

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

The Speaker (Hon. Kingi): Sen. Sifuna, proceed.

Sen. Sifuna: Thank you, Mr. Speaker, Sir. It is good to see you back in that chair; we have suffered. However, that is beside the point. You are the one who has informed this House that there is a variance between the names that have been submitted before this House and the ones submitted in the National Assembly. This matter did not come from us.

I need your assurance that if indeed you have said this Motion will come back to the Floor of the Senate tomorrow; it will come back in the same form that it appears in today's Order Paper.

If that assurance is granted, then we are willing to indulge your seat. From the communication you have given, if this House proceeds at the same time with the National Assembly, different names of Members of Parliament will be endorsed by the National Assembly and by the Senate. This tells us that there is a problem somewhere. This information has come from you and not from us. As far as we are concerned, and as one of the leaders in this coalition---

Sen. Wambua: Mr. Speaker, Sir, on a point of information.

The Speaker (Hon. Kingi): Would you wish to be informed?

Sen. Sifuna: Very much so, Mr. Speaker, Sir.

Sen. Wambua: Thank you, Mr. Speaker, Sir. I would like to inform the Senator for Nairobi City County that as we insist that the Motion comes in the same format as it is, it should not come to us as a communication from the National Assembly. It should come here as a substantive Motion of the Senate of the Republic of Kenya.

Sen. Sifuna: Mr. Speaker, Sir, in fact, he has captured my fears. We are removing this Motion from the Order Paper. However, all the Clerk needs to do is to cut and paste it on tomorrow's Order Paper. If there will be as much a variance as a comma, we will know that it is not a Motion of this House. As long as you assure us of that, you have my full support. I am sure you will exercise Solomonian wisdom.

The demons we are trying to cast out are serious and they will rear their ugly faces tomorrow. We will be here to combat these demons. It is time to come out strongly

to fight against greed in this House and impunity from some of these people who call themselves leaders. It is time we massacre greed on the Floor of this House.

The Speaker (Hon. Kingi): Sen. Sifuna, I wish that I could give you that assurance but I am afraid I cannot do it now. As I stated earlier, this matter is in the hands of the coalitions. I will not be surprised if by 6.00. p.m. today, I receive another letter containing a different name.

(Sen. Sifuna spoke off record)

Sen. Sifuna: Mr. Speaker, Sir, we are the coalition,

The Speaker (Hon. Kingi): I have seen several letters from that coalition. I do not think the one that I have is the last one. Should there be no other communication other than the one that I have, I am duty bound to bring the Motion as it is.

Proceed, Sen. Cheptumo.

Sen. Cheptumo: Mr. Speaker, Sir, you heard the Senator for Nairobi City County talk of demons being chased away. I want to confirm that those demons are on the other side, they do not belong to this side.

(Laughter)

The Speaker (Hon. Kingi): We are going to have that matter contained in tomorrow's Order Paper. We shall have time to ventilate it further.

Next Order.

PAPERS LAID

REPORTS OF THE AUDITOR-GENERAL ON FINANCIAL STATEMENTS OF VARIOUS ENTITIES

Sen. (Dr.) Khalwale: Thank you, Mr. Deputy Speaker, Sir. I beg to lay the following Papers on the Table of this Senate, today, 11th November, 2022, the year of our Lord. These are Reports of the Auditor-General for the year ended 30th June, 2021, on the financial statements of the following counties and institutions-

Report of the Auditor General on the Financial Statement of Nandi County Executive Committee Car Loan & Mortgage Scheme Fund for the year ended 30th June, 2021.

Report of the Auditor General on the Financial Statement of Nandi County Assembly Car Loan (Members) Scheme Fund for the year ended 30th June, 2021.

Report of the Auditor General on the Financial Statement of Nandi County Education Fund for the year ended 30th June, 2021.

Report of the Auditor General on the Financial Statement of Kapsabet Nandi Water & Sanitation Company Ltd for the year ended 30th June, 2021.

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Report of the Auditor General on the Financial Statement of Homa Bay County Executive Car Loan & Mortgage (Members) Scheme Fund for the year ended 30th June, 2021.

Report of the Auditor General on the Financial Statement of Homa Bay County Assembly Car & Mortgage Loan Fund for the year ended 30th June, 2021.

Report of the Auditor General on the Financial Statement of Homa Bay County Education Bursary Fund for the year ended 30th June, 2021.

Report of the Auditor General on the Financial Statement of Homa Bay County Water & Sanitation for the year ended 30th June, 2021.

Report of the Auditor General on the Financial Statement of Homa Bay Municipal Board for the year ended 30th June, 2021.

Report of the Auditor General on the Financial Statement of Kwale County Assembly Members & Staff Loan Scheme for the year ended 30th June, 2021.

Report of the Auditor General on the Financial Statement of Kwale Water & Sewerage Company Ltd for the year ended 30th June, 2021.

Report of the Auditor General on the Financial Statement of Kwale Municipal Board for the year ended 30th June, 2021.

Report of the Auditor General on the Financial Statement of Diani Municipal Board for the year ended 30th June, 2021.

Report of the Auditor General on the Financial Statement of Kakamega County Alcoholic Drinks Control Fund for the year ended 30th June, 2021.

Report of the Auditor General on the Financial Statement of Kakamega County Dairy Development Corporation for the year ended 30th June, 2021.

Report of the Auditor General on the Financial Statement of Kakamega County Micro Finance Corporation for the year ended 30th June, 2021.

Report of the Auditor General on the Financial Statement of Mombasa County Alcoholic Drinks Control Fund for the year ended 30th June, 2021.

Report of the Auditor General on the Financial Statement of Mombasa County Consolidated Revolving Fund for the year ended 30th June, 2021.

Report of the Auditor General on the Financial Statement of Mombasa Water Supply & Sanitation Company Ltd for the year ended 30th June, 2021.

Report of the Auditor General on the Financial Statement of Taita Taveta County Assembly Mortgage (Members) Scheme Fund for the year ended 30th June, 2021.

Report of the Auditor General on the Financial Statement of Taita Taveta County Government Education Fund for the year ended 30th June, 2021.

Report of the Auditor General on the Financial Statement of Taita Taveta County Datu Sawazisha Fund for the year ended 30th June, 2021.

Report of the Auditor General on the Financial Statement of Taita Taveta Car Loan Scheme Fund for the year ended 30th June, 2021.

Report of the Auditor General on the Financial Statement of Bungoma County Assembly Employee Car Loan & Mortgage Scheme Fund for the year ended 30th June, 2021.

Report of the Auditor General on the Financial Statement of Bungoma County Education Support Scheme for the year ended 30th June, 2021.

Report of the Auditor General on the Financial Statement of Bungoma County Trade Development Loans Fund for the year ended 30th June, 2021.

Report of the Auditor General on the Financial Statement of Bungoma County Youth & Women Empowerment Fund for the year ended 30th June, 2021.

Report of the Auditor General on the Financial Statement of Bungoma County Trade Development Loans Fund for the year ended 30th June, 2021.

Report of the Auditor General on the Financial Statement of Kisii County Assembly Car Loan & Mortgage Fund for the year ended 30th June, 2021.

Report of the Auditor General on the Financial Statement of Kisii County Health Facilities Improvement Fund for the year ended 30th June, 2021.

Report of the Auditor General on the financial statement of Kisii County Emergency Fund for the year ended 30th June, 2021.

Report of the Auditor General on the Financial Statement of Kisii County Loans and Mortgages Fund for the year ended 30th June, 2021.

Report of the Auditor General on the Financial Statement of Kisii County Alcoholic Drinks Control Fund for the year ended 30th June, 2021.

Report of the Auditor General on the Financial Statement of Kisii County Covid-19 Emergency Fund for the year ended 30th June, 2021.

Report of the Auditor General on the Financial Statement of Gusii Water & Sanitation Company Ltd for the year ended 30th June, 2021.

Report of the Auditor General on the Financial Statement of Demonstration Farm Fund Kisii for the year ended 30th June, 2021.

Report of the Auditor General on the Financial Statement of Kisumu County Assembly Car & Loan Mortgage Scheme Fund for the year ended 30th June, 2021.

Report of the Auditor General on the Financial Statement of Kisumu County Education Fund for the year ended 30th June, 2021.

Report of the Auditor General on the Financial Statement of Kisumu County Covid-19 Emergency Response Fund for the year ended 30th June, 2021.

Report of the Auditor General on the financial statement of Kisumu Water & Sanitation Company for the year ended 30th June, 2021.

(Sen. (Dr.) Khalwale laid the documents on the Table)

The Speaker (Hon. Kingi): Next Order. Proceed, Sen. (Dr.) Khalwale.

NOTICE OF MOTION

APPOINTMENT OF MPS TO THE PAN-AFRICAN PARLIAMENT

The Speaker (Hon. Kingi): Where is the Senate Majority Leader?

Sen. (Dr.) Khalwale: Mr. Speaker, Sir, I apologize for wasting the Houses time, it slipped me that I was holding brief for the Senate Majority Leader.

Mr. Speaker, Sir, I beg to give notice of the following Motion-

THAT, pursuant to Article 5 of the Protocol to the Treaty establishing the African Economic Community and relating to the Pan-African Parliament, the Senate approves the appointment of the following Members of Parliament to the Pan-African Parliament –

- (1) Sen. (Prof.) Margaret Kamar, EGH, MP;
- (2) Sen. Danson Buya Mungatana, MGH, MP;
- (3) The Hon. Rahab Mukami Wachira, MP;
- (4) The Hon. Joseph Kalasinga Majimbo, OGW, MP; and
- (5) The Hon. Esther Muthoni Passaris, MP.

I thank you.

COMMUNICATION FROM THE CHAIR

VISITING DELEGATIONS OF TEACHERS AND STUDENTS FROM VARIOUS SCHOOLS

The Speaker (Hon. Kingi): Hon. Senators, before we proceed to the next Order, I have a communication to make.

In the public gallery, we have 46 pupils accompanied by five teachers from Kiahuko primary school in Nyeri County who are in the Senate on an educational tour. In our usual tradition receiving and welcoming visitors to Parliament, I extend a warm welcome to them and on behalf of the Senate wish them a fruitful visit.

Hon. Senators, also in the public gallery, we have 54 pupils accompanied by six teachers from Kamatungu primary school, Kieni Constituency, Nyeri County, who are in the Senate on an education tour. In our usual tradition receiving and welcoming visitors to Parliament, I extend a warm welcome to them and on behalf of the Senate wish them a fruitful visit

Hon. Senators, if the Senator for Nyeri County is around, I will allow him to welcome the visitors.

Sen. Wamatinga: Mr. Speaker, Sir, I take this opportunity to welcome the pupils from Nyeri County, Kieni West sub-county to the Senate. The journey to this place - for all of us - has not been easy but they have what it takes. After completion of their education, they too can work very hard and join the Senate.

This is the House that regulates, controls and oversees the county governments. I am pleased to say that these are pupils from humble backgrounds; one of the drought ravished areas in Nyeri County. I welcome them to this House, so that they can see how we transact business.

I also take the opportunity to thank their teachers for taking the time to organize the tour. As they go back home, I ask that they send warm greetings to their parents. I request to meet them briefly after this.

I thank you.

The Speaker (Hon. Kingi): Thank you. Next Order.

STATEMENTS

ACTUALIZATION OF THE TWO-THIRDS GENDER RULE

Sen. Beth Syengo: Thank you, Mr. Speaker, Sir. I rise, pursuant to Standing Order 52(1) to make a Statement on an issue of general topical concern namely, the actualization of the not more than two-thirds gender rule.

Article 27 (8) of Kenya's Constitution, 2010 provides for legislative and other measures to implement the principle that not more than two thirds of the members of elective or appointive bodies shall be of the same gender. Ten years later, after numerous attempts, the government still has not adopted legislation to fully implement this Constitutional requirement.

At the core of the Constitution of Kenya, is the belief that there can only be real progress in society if all citizens participate fully in their governance, and that all, male and female, persons with disabilities, marginalized and excluded groups are included in the affairs of the Republic.

It is important to note that the drafters of the Constitution took to account the barriers faced by women stemming from historical and cultural injustices that excluded them from fully participating in the politics of their nation.

The struggle to introduce more women in Parliament in Kenya can be traced back to 1996 when the hon. Charity Ngilu moved a motion for more women to be nominated. However, it was not successful. In 1997, hon. Phoebe Asiyo tabled the first Affirmative Action Bill in Parliament, but it failed.

Despite the failure, this created an opportunity for other female Members of Parliament to demand for an increase in the number of women in Parliament. The hon. Martha Karua tabled the Constitutional (Amendment) Bill in 2007 on affirmative action that aimed at creating fifty seats for women in the 10th Parliament.

She defended the creation of fifty special seats as an affirmative action issue, which sought to put women's representation in Parliament at par with their population size.

Mr. Speaker, Sir, Parliament's inaction on ensuring Article 27(8) is implemented could be largely explained by its poor performance on the not more than two-thirds gender principle. Even the Chief Justice advised the President to dissolve Parliament in line with Article 261(7) of the Constitution of Kenya, 2010.

Parliament immediately went to court and obtained orders barring dissolution of Parliament until the issues raised in the Petition were heard and determined.

The court gave an order of *mandamus* directing Parliament to take steps to ensure that the required legislation is enacted within a period of sixty days. Up to now, Parliament is still lagging behind since no legislation has been enacted. This means that the not more than two-thirds gender rule still lacks legislation on the method of implementation.

The fight to introduce more women in Parliament finally bore fruit as the Kenyan Constitution, 2010 represented a legal framework for gender equality. Another milestone is the election of women legislators elected into single member constituencies. In this

year's election, 29 women were elected Members of the National Assembly, six more than were elected in 2017.

The Senate fulfilled the not more than two-thirds gender rule in the 12th Parliament, with 4 elected women Senators and 18 nominated women Senators. However, in the 13th Parliament the rule has not been met. It is essential for Parliament to adhere to the not more than two-thirds rule as stipulated in the Constitution.

It is my duty as the president of women in the Orange Democratic Movement (ODM) to raise awareness in ensuring more representation of women at the National Level. The Legislature is where it is primarily because there is no legislation that has been enacted to tackle the issue of women elected leaders not garnering at least a third of the House Membership. We must lead by example.

On the representation of women in the counties, the County Executive Committees are other areas of interest that this Parliament can look into.

In conclusion, I request that this matter be referred to the Standing Committee on National Cohesion, Equal Opportunity and Regional Integration to -

(1) Undertake an audit in the appointments of members of the County Executive Committees and Chief officers in all Counties; and

(2) Scrutinize affirmative action being implemented by the Counties in the promotion of women in leadership positions.

I thank you.

The Speaker (Hon. Kingi): Pursuant to Standing Order 52(3) I refer this particular Statement to the relevant Committee.

(The Statement was referred to the Standing Committee on National Cohesion, Equal Opportunity and Regional Integration)

ILLEGAL DIVERSION OF FUNDS FROM KMA STAFF TRAINING FUND

Sen. Faki: Thank you Mr. Speaker, Sir. I rise, pursuant to Standing Order 52(1), to make a Statement on a matter of general topical concern and national importance, namely; the illegal diversion of Kshs47,394,600/- from the Staff Training Fund of the Kenya Maritime Authority (KMA) to the Kenyan High Commission in London.

The Kenya Maritime Authority (KMA) was set up in the 2004 as a Semi-Autonomous Government Agency (SAGA) in charge of regulatory oversight over the Kenyan Maritime Industry and Maritime Safety and Security.

KMA strives to strengthen National Maritime Administration through enhancement of regulatory and Institutional capacities for safety and security, fostering effective implementation of the International Maritime Convention and other mandatory instruments on safety and security.

Other functions include- promoting maritime training, coordinating search and rescue operations in water bodies, preventing maritime pollution and promoting preservation of marine environment as well as promoting trade facilitation and maritime Investments.

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The KMA falls under the Ministry of Transport, Infrastructure Housing, Urban Development and Public Works. Currently there is a Ministry of Mining, Blue Economy & Maritime Affairs,

Sometimes in June, 2022, the Principal Secretary (PS) in charge of the State Department of Shipping and Maritime wrote to the Acting Director-General of KMA seeking a budget line for establishment of the office of a Maritime Attaché at the Kenya High Commission in the United Kingdom.

On 14th August, 2002 the Ag. Director General wrote to the Principal Secretary, State Department of Shipping and Maritime, conveying the Board's approval of the reduction in the Training Budget of Kshs47,394,600 and allocation of the same to the Enhancement of Partnerships and Collaboration Department.

On 14th October, 2022, the Ag. Director General paid the sum of Kshs47,394,600 to the State Department of Shipping and Maritime for purposes of establishing a Maritime Desk at the Kenya High Commission in the United Kingdom (UK).

Mr. Speaker, Sir, it is my humble submission that this payment is illegal and should not be allowed to stand. The Kenya Maritime Authority (KMA) is the regulator in matters shipping and maritime. The Government has a specific department dealing with the Blue Economy, which is headed by Rt. General Samson Mwathethe. This should be the Department responsible for matters to do with liaison. Therefore, funds meant to train staff at KMA have be transferred to open a liaison office abroad, while the shipping industry here in Kenya is starved of funds to train our seamen.

These are the dangers posed by having one individual in the Ministry of Transport, who handpicks the Board of KMA and its Director General, so that he or she can direct them at her will.

Our Seamen are losing jobs because we do not have credible maritime training institutions to train them. Our maritime institutions do not have sufficient training facilities and qualified tutors. We do not have a training ship and our graduates from the Jomo Kenyatta University (JKUAT) and the Technical University of Mombasa (TUM) rely on foreign vessels to take their graduates for practical sea training, yet KMA has the luxury to allocate Kshs47,394,600 per year from funds meant to train maritime staff. The money goes to a liaison office, which may not add much value to our maritime industry.

Mr. Speaker, Sir, the cost of a training ship such as the Virgo, owned by Seychelles, is approximately USD375,000. This is equivalent to Kshs45,000,000 at the current exchange rate.

High quality education and training is vital to preserve the quality, practical skills and competence of qualified seafarers in keeping vessels safe, protecting the environment and keeping trade flowing in our country. Such cannot be accomplished when the premier maritime regulator is insensitive to the training needs of our own.

Mr. Speaker, Sir, as I conclude, I plead with you to consider the gravity of this matter and refer this Statement to the Standing Committee on Roads and Transportation, pursuant to Standing Order No.52(3). I pray that the Committee shall endeavour to investigate the matter and come up with strong policy frameworks, to deter such violations of the law in future.

The Speaker (Hon. Kingi): It is so referred.

*(The Statement was referred to the Standing Committee
on Roads, Transportation and Housing)*

Proceed, Sen. Sifuna.

ONGOING STRIKE BY KALPA

Sen. Sifuna: Thank you, Mr. Speaker, Sir. Like my colleagues who have gone before me, I rise pursuant to Standing Order No. 52(1), to make a Statement on an issue of national and general topic of concern, namely, the ongoing strike called by the Kenya Air Line Pilots Association (KALPA), that has grounded the operations of our national carrier, Kenya Airways (KQ).

Mr. Speaker, Sir, I am making this Statement as a Member of the Senate Standing Committee on Roads and Transportation and also as a concerned citizen and customer of KQ, who was stranded over the weekend in Mombasa together with many of my colleagues due to this strike.

While the events that happened are costly, crippling to transport operations and an embarrassment to our country, it is time this issue is sorted out once and for all. This is not the first time that we are witnessing this and even worse. The fact that threats are being employed instead of addressing the issue, means that we have not learned anything from our past mistakes. We are basically back to square one.

Mr. Speaker, let me remind this House that KALPA has undergone several changes of guard over the years. However, the problem seems to remain the same. Therefore, the issue is not about the pilots at the helm of this union, but the underlying work conditions.

It is astounding that the same Government that supposedly came into power on the promise of voicing the perceived suffering of the masses, promising to improve the general welfare of our people, is the same one now issuing threats to a union that is only fighting for the rights of its members lawfully.

(Applause)

Mr. Speaker, Sir, when the pilots gave their strike notice on 19th October, 2022, we expected that negotiations should have been stepped up to avert the strike. Instead, intimidation was deployed after KQ obtained a court injunction on 31st October, 2022, against the strike notice from the Employment and Labour Relations Court.

The airline's threats of disciplinary action if the pilots refuse to observe their rosters did not work then. The result of this hard stance was the costly strike that is costing the airline Kshs300 million daily. I must add that those threats continue even as I speak.

As Lawmakers, our job is to uphold the law and ensure that no one abuses their power, by subverting what is stipulated in our Constitution. With a mere comment of calling the KALPA pilots "saboteurs of the Government", the Cabinet Secretary (CS) for

Roads and Transport, our friend, Hon. Kipchumba Murkomen, has cheapened this conversation as just some hot air from our very competent pilots.

The union followed the law by giving notice and trying to air their grievances in many negotiating forums. Obviously, these did not work. The problems raised by the pilots have been recurring from time to time, with the administrative ones being opaque management of the airline's financial and commercial issues and contracts; bad leadership and governance; violation of the Collective Bargaining Agreement (CBA)---

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

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

Sen. Mungatana, MGH: Mr. Speaker, Sir, I support my learned friend, but with due respect, he has referred us to a matter that is active in court. By operation of the *sub judice* rule, this matter cannot be handled at this level.

Mr. Speaker, I am referring to Standing Order No.103. Matters *sub judice* cannot be discussed in this House. Otherwise, we might end up having different results in two important arms of Government and, therefore, cause embarrassment. I know for a fact that the Employment and Labour Relations Court has retreated to write a proper ruling on this matter after submissions from the Council. I was following that matter.

Is it in order for this matter to be discussed at this point? I invite your ruling.

The Speaker (Hon. Kingi): Sen. Omogeni, kindly proceed.

Sen. Sifuna, have your seat for a while.

Sen. Omogeni: Thank you, Mr. Speaker, Sir. My good friend and classmate, Sen. Mungatana, has raised as important issue on that matter of *sub judice*. That particular order has conditions. The burden on who must prove that this matter is active in court is on the Senator invoking the rule on *sub judice*.

If a may read to you, Standing Order No.103 (4) reads:

“A Senator alleging that a matter is *sub judice* shall provide evidence to show that paragraphs (2) and (3) are applicable.”

The word used is “shall”.

The only way this particular Standing Order can be of assistance to my learned friend, Sen. Mungatana, is by him tabling evidence before the House, showing that there are proceedings before a court of law that are active. You cannot seek to be assisted by Standing Order 103 without tabling evidence before the House.

Mr. Speaker, Sir, having listened to him, he has made general comments on matters pending before courts of law. However, he has not made reference to particular cases, the stage of the matter and how what is being discussed here will affect the outcome of the matter.

The Speaker (Hon. Kingi): Sen. Mungatana, I think you have already made your point of order.

The Standing orders are very clear on matters *sub judice*. The Chair can only rule that a matter is *sub judice* if the Chair is seized of the pleadings. Basically, that is the evidence.

Where I sit, I am not seized of any document proving that this matter is active. In the absence of those pleadings, court orders or any document in this regard, I am afraid I may have to overrule your Standing Order.

Sen. Mungatana, MGH: Mr. Speaker, Sir---

The Speaker (Hon. Kingi): Sen. Mungatana, unless it is a different matter because the Chair has ruled.

Sen. Mungatana, MGH: Mr. Speaker, Sir, I am not challenging the ruling. However, in his own submission, my learned friend and Senator for Nairobi has referred to an active case. Do I need to bring the labour case number here? I do not need to. It goes without saying that you can take judicial notice of the fact that he has already stated so in his own submissions.

The Speaker (Hon. Kingi): Sen. Mungatana, I thought you are coming up with a different thing, but you are still stuck there. If you look at Standing Order No.102 (5), I still have that latitude to allow you to proceed.

Sen. Sifuna, you may not want to delve in the merits and demerits of what is before court. However, making reference to a matter and leaving it there should be good enough.

Kindly, proceed.

Sen. Sifuna: Mr. Speaker, Sir, I will if it is of any comfort to my colleague. As a lawyer, I am very much aware of the *sub judice* rule. We know that the matters that are dealt with by the Employment and Labour Relations Court are labour related. They deal with disputes between the employers and the employees.

What I am addressing in my Statement are historical issues surrounding the management of the national airline and the general relationship with the employees. So, allow me to proceed.

Further, the union has raised other grievances that touch on matters of safety and security that should not be taken lightly, especially by this House. Sen. Mungatana will be comforted in knowing that this is not a matter being litigated in the Employment and Labour Relations Court, namely, the non-adherence to various Kenya Civil Aviation Authority (KCAA) Regulations, most importantly regarding the requirements that airlines should continue having a valid Air Operator Certificate (AOC).

The pilots have also pointed out that the perennial loss made by the airline is not a result of industry-wide problems but internal ones, primarily, poor management. Indeed, this has been their chorus over the years for over a decade, yet their concerns are being dismissed as they are issued with ill-informed ultimatums.

The country will thereafter wait for Kenya Airways (KQ) to release another report showing loss again next year, then waste more time debating why this is so, or worst still, offer or request for bailouts from the taxpayer. According to the pilots, gross incompetence, dubious business strategies, including poor leadership that has failed to speak to internal customer who is the employee, to reverse this trend, are to blame.

As I conclude, just two months ago, KQ reported a first half loss of Kshs9.8 billion. For a full year 2021, the loss was at Kshs15.8 billion, while the previous year, it had been Kshs36 billion.

I know that for the past three years COVID-19 has been a major factor in world travel. However, the airline has accrued losses over the past nine years. So, COVID-19 alone cannot be used to explain year-on-year losses.

Instead of looking at this critically in order to come up with a lasting solution, the Government wants to bury its head in the sand by pretending that it did not see this coming. Next, you will hear a bailout being proposed. The bailout will go into a pit that does not seem to have an end.

Who is listening to the financial concerns that the pilots are raising on a serious note, instead of just dismissing them and continuing to act like it is business as usual? This is East Africa's biggest economy and this is an airline we take pride in, as the Pride of Africa, yet we are running a sick national airline.

Part of upholding the law lies in ensuring investors rights, including that of the very Government that is now sabotaging itself by waging a war against the pilots, who are merely speaking up to safeguard its interests at the airline.

Let us not politicize this issue, but put forward efforts to genuinely seek a lasting solution that will lift this airline from sinking into a decade of losses and lead to the restoration of its pride. It is time to end the economic and labour relations calamity at KQ.

I thank you.

The Speaker (Hon. Kingi): What is your prayer, Sen. Sifuna?

Sen. Sifuna: Mr. Speaker, Sir, as a Member of the Committee on Roads, Transportation and Housing, I would like the Committee to invite the management of KQ and the Cabinet Secretary for Roads, Transport and Public Works, to enable us have an insight as to what he has done in order to bring a speedy end to this particular strike.

The Speaker (Hon. Kingi): The Statement is so referred.

*(The Statement was referred to the Standing Committee
on Roads, Transportation and Housing)*

Proceed, Sen. (Prof.) Tom Ojienda, SC.

Sen. (Prof.) Tom Ojienda, SC: Mr. Speaker, Sir, I would like to weigh in on the Statement by Sen. Sifuna on the KQ pilots' strike that is currently going on. This is a matter that we must speak to because of the public interest and the shareholding in KQ, and the fact that this an entity that often seeks for bailout from the Government every time. Therefore, it is the 'hustler' or the poor individual out there in the counties who suffers when a bailout of Kshs15 billion or Kshs20 billion is ordered in favour of KQ.

We have been told, and the Senate Majority Leader will confirm, that on a daily basis KQ is losing a whopping Kshs300 million because of the strike. The Kenya Airline Pilots Association (KALPA) has asked the management to negotiate and settle the questions.

I can remember the pilots' Chairman saying yesterday that the money that has been lost in the past four days is sufficient to meet all the needs of the Association. The deliberate action of firing staffs or pilots at KQ and ignoring demands for transport safety are issues that not only concern the pilots, but the public at large.

Mr. Speaker, Sir, I support Sen. Sifuna's Statement that this is a matter of public interest and should be referred to the Committee. The Committee should not only

summon the management, but also understand the issues with a view to settling this question, which is of huge public interest.

I support.

Sen. Kinyua: Mr. Speaker, Sir, I would excuse Sen. (Prof.) Tom Ojienda, SC, but not Sen. Sifuna because he sits in the Committee on Roads, Transportation and Housing. Instead of him coming to lament here, they are supposed to have brought answers by now because the strike began on Saturday, and today is Tuesday.

They would have called the Cabinet Secretary or the management they are talking about. The Committee, on its own Motion, would have done that without necessarily coming to this House to lament.

Mr. Speaker, Sir, what I thought you are supposed to be doing---

The Speaker (Hon. Kingi): Sen. Kinyua, this matter has been committed to the relevant Committee. If there is any contribution, let it be on the---

Sen. Kinyua: I want to advise him on what he should do in the future, instead of waiting. We have a very able Chairperson, Sen. Thang'wa. Instead of waiting and anything can happen---

The Speaker (Hon. Kingi): Point taken, Sen. Kinyua.

Sen. Kinyua: I thank you, Mr. Speaker, Sir.

The Speaker (Hon. Kingi): Sen. Onyonka, you may proceed.

Sen. Onyonka: I thank you, Mr. Speaker Sir, for allowing me to engage myself on this matter. Without casting aspersions on Sen. Kinyua, I want him to know that it is true that we are on this side, but we are giving them time to try and fix the mess. We could not have rushed last week, on Friday, when the strike started.

Secondly, I happen to share one or two friends of mine with you. One of them is a pilot, and he is also your friend. He is actually my brother. His message has been very simple; Kenya Airways (KQ) lost it about 20 years ago when we bought airplanes, but nobody knows who owns them. We went into contracts where people and companies are the ones servicing the airplanes, and nobody knows who they are.

He further said that KQ lost it when there was a unilateral decision to reduce the pilots without consulting the members of the Pilots Association. These are things they need to deal with and I am glad that Sen. (Prof.) Tom Ojienda, SC and Sen. Sifuna also share the same view. Kenya Airways needs much more than a court case.

We need to have a Commission of Inquiry that will bring all the players and stakeholders together to look at what is happening in KQ. This airline was doing very well about 15 years ago.

When you ask who the owners of KQ are, you will never be told. Nobody knows the contracts that were signed when the Embraer airplanes were bought from Brazil. Nobody actually knows who owns those airplanes till today.

The issue of KQ is similar to the agreements that were signed on the provision of private power suppliers. I am sure you remember that story. The owners finally came out and left the market after that. These are the same cartels. This House should follow up and find out what the issues of KQ are. I hope that our Committee on Roads and Transportation will be engaged for them to come up with an appropriate solution once

and for all. Some of us are even scared of taking those KQ flights. The servicing of the planes is now an issue.

I, therefore, commend the mover of the Statement and hope that we will adopt a bipartisan approach to try solve the issues of KQ.

The Speaker (Hon. Kingi): Sen. (Dr.) Khalwale, what is your point of information?

Sen. (Dr.) Khalwale: Mr. Speaker, Sir, I agree with the anger of the Members regarding KQ. However, I request Sen. Onyonka to allow me to inform him.

This culture of saying that everything that happens in public is a result of cartels, staff and so on should stop. We should instead base our arguments on facts. He has said that the ownership of KQ is not known but, please, allow me to inform him that KQ is a Private-Public ownership. In that ownership, 48.1 per cent of the shares are owned by the Government of Kenya and 7.8 per cent of the shares are owned by the KLM. Finally, 38.9 per cent of the shares of KQ are owned by a consortium called the KQ Lenders.

Is he saying that Kenya is a criminal enterprise that such a multi-billion company can be owned by Tomcats and gangsters?

He should be informed!

The Speaker (Hon. Kingi): Senator for Kiambu County, Sen. Thang'wa, please, proceed.

Sen. Thang'wa: Thank you, Mr. Speaker, Sir. I am the Chairperson of the Committee on Roads, Transportation and Housing. In as much as the Statement has been read by one of my Members, I believe that this is an issue of the Committee on Labour and Social Welfare because it involves the workforce between KQ and the pilots. Can you refer the same to the Committee on Labour and Social Welfare for them to expedite it?

Regarding the issues that have been raised, I want to say that we have a very transparent Government. I believe that our very transparent Cabinet Secretary, Hon. Murkomen, will respond to questions by anyone on how KQ is run. He just released a contract that had been hidden by the previous Government and their 'handshake' brothers the other day. That Government never wanted anybody to know about it, but we now have copies of that contract.

I am grateful that the Sen. (Dr.) Khalwale has elaborated on who owns KQ. If they want documents, we would be very happy to produce them because this is a transparent Government. We are committed to turnaround this national carrier for it to perform its duties.

I, therefore, seek your indulgence to refer Sen. Sifuna's Statement to the Committee on Labour and Social Welfare.

I thank you, Mr. Speaker Sir.

The Speaker (Hon. Kingi): Sen. Maanzo, you may proceed.

Sen. Maanzo: Mr. Speaker, Sir, the matter of the strike of the pilots is very grave. It affects many countries and not only Kenya. It is not just a labour matter, but also a transport matter. You have heard their concerns about the security and safety of the planes and this affects everyone, including us.

All of us in an effort to support this country do support KQ. I always fly KQ so as to support the Kenyan child out there and whoever is running that very important enterprise.

Safety of planes is a very serious matter. One courts disaster the moment they do not have pilots in their right frame of mind and in good spirits. We should know that from the history of this country. I am sure that you are all aware of the story of a pilot who was not happy. He waited for his colleague to go relieve himself, locked himself in the cockpit and brought everyone down. I, therefore, want the Government to take this matter seriously.

I challenged the Government yesterday that the President should take this matter personally. This is a matter beyond the courts. The President should personally meet these pilots and inspire them. He has been in this country and knows what the problems are. He should give them hope. I am very sure that if he does that, they will immediately go back to work. There will be no need to frustrate them in court. We shall also sort out this matter here in the Committees of this House.

The Chairperson should not shy away from this responsibility. The two Committees; the Committee on Labour and Social Welfare and the Committee on Roads, Transportation and Housing, should work together on this matter. I am sure that this Senate can address this matter because it has the capacity. It can sort out the issues that are not being addressed in courts. When we do that, we shall all be safe while flying.

Many Kenyans and people around the world rely on this airline. When the pilots are on strike, it is not possible for some of them to connect with different airlines. Many passengers are stranded all over the world. The biggest disadvantage is that many people do not want to board these planes again. Consequently, Ethiopian Airline is taking over our business. This is a serious matter.

Mr. Speaker, Sir, with your permission, allow me to thank the 53 Senators who supported me when I lost my mother due to a heart problem. You came in for me. Although I was not with you in Mombasa, you were all with me in spirit; the whole House. Thank you very much.

I challenge the country to train more cardiologists. The few that we have are overloaded. I wish more doctors could specialize in that area because we have very many Kenyans suffering from heart diseases.

Thank you, Mr. Speaker, Sir.

The Speaker (Hon. Kingi): Sen. Mandago, you have the Floor.

Sen. Mandago: Mr. Speaker, Sir, I thank you for this opportunity. I rise to add my voice to the matter of Kenya Airways (KQ). As you know, KQ has been the Pride of Africa. Although there are a lot of blame games on the pilots, there are a lot of management issues affecting KQ.

I am not sure how many of the KQ Board Members have an understanding, training or experience in the aviation sector that would help improve resolve outstanding issues. I am sure you are aware that in the past, part of the decisions that have been made in KQ are not strategic at all. How can KQ close all its sales offices, nationally and internationally, and expect to compete with airlines like Emirates?

The pricing model that KQ uses for its tickets is a growing concern. There is no way, even if left to run on its own, it can survive. This matter must be taken seriously by this House. The Standing Committees on Roads and Transportation together with the Committee on Labour and Social Welfare should sit jointly look into the matters affecting KQ.

Mr. Speaker, Sir, on the matter of KQ Financing, the Government has bailed them out so many times. If what I read in the newspapers recently is true, KQ started by making losses running to approximately over Kshs20 billion before it came down to Kshs14 billion. With the current strike, the losses have been estimated to be Kshs8 billion. It looks like the KQ strike is causing some savings. I see the way the Senate Majority Leader is looking at me. However, we must address issues that affect this country in a bipartisan manner.

In my opinion, the ownership of KQ should be made public. We want to know those who have leased aircrafts to KQ, at what cost and why KQ has not leased aircrafts directly from the manufactures like the other airlines. A struggling airline like KQ cannot afford to lease aircraft from third parties and expect to compete with Emirates, who are leasing aircrafts directly from the manufactures.

Mr. Speaker, Sir, I implore upon this House and the two Committee to take the matters of KQ seriously, bearing in mind that this is the national carrier and the Pride of Africa.

Thank you.

The Speaker (Hon. Kingi): Sen. Osotsi, you may have the Floor.

Sen. Osotsi: Mr. Speaker, Sir, the matter of KQ is a very serious. I do not think it is just a labour related issue, as the Senator of Kiambu has put it.

May I remind Members that this is not the first time Parliament is looking into this matter. The Second Senate had a very intensive process of looking at this matter under the Chairmanship of then then Senator for Kisumu County, Prof. Anyang'-Nyong'o, and the Report is available.

The National Assembly, in the 12th Parliament, took almost a year to look into this matter. They invited all the stakeholders and came up with a Report detailing very serious recommendations. I remember one of the recommendations was to come up with a law on management of Kenyan aviation. A Bill on the Kenya Civil Aviation Management was brought to the Floor of the House, but it collapsed at Second Reading Stage.

A lot of work has happened on this matter. As the Committee retires to look at this matter, they need not to re-invent the wheel. They should look at the past reports to see what has been implemented and what has not been implemented.

Mr. Speaker, Sir, I remember when the former Chief Executive Officer (CEO) of KQ was resigning, he said that even God cannot save the airline. He stated that even if KQ bring whatever manager, with the level of experience and knowledge, he will not manage. The current manager, CEO of KQ, Mr. Kilavuka, happens to be my resident of Vihiga County. He did so well when he was at Jambo Jet and that is why he ended up getting this job. I think the problems facing KQ are beyond him. This problem is much bigger.

Parliament of Kenya has a responsibility to address this matter once and for all. I do not think that the matter is just limited to the ability and performance of the current CEO. The issues facing KQ are more than the CEO. The issues have to do with financial misappropriation and wrong decisions that have been made. The Report by the National Assembly pointed out that it is not competitive for KQ to compete with other airlines. This is because of the high taxation regime on the aviation industry in Kenya.

There are wide issues that the Committee needs to look at. The starting point is to look at the Report by the Committee led by Prof. Anyang' -Nyong'o and the Report of the Standing Committee of Roads and Transport of the National Assembly, which had a raft of measures that can be taken to bring back the airline to life.

Thank you.

The Speaker (Hon. Kingi): Sen. Wakili Sigei, you may have the Floor.

Sen. Wakili Sigei: Thank you, Mr. Speaker, Sir. I equally applaud the Senator for Nairobi City County, Sen. Sifuna, for the Statement that he has brought before the House today.

This House was out in the course of last week and a number of Members complained on what they went through coming back to Nairobi. The matter of KQ is bigger than the Statement by Sen. Sifuna and what the Members here have contributed.

When we speak about the strike, I look at the strike beyond the terms and condition of service of the pilots. What we have read in the media and seen on Television (TV) is less than what we ought to know from KQ.

We have already been fed a lot by the media on this issue. It is a high time that this House and Parliament at large go beyond investigations. This is so that once and for all, the challenges that the KQ has exhibited over time are resolved. It is not enough to say that this is a matter that falls within the Standing Committee of labor and Social Welfare or the Committee on Roads and Transportation.

I am aware that there have been meetings convened by the Cabinet Secretary (CS) for Transport, Infrastructure, Housing, Urban Development and Public Works as well as by the CS for Labour and Social Protection, jointly with the two groups in a bid to resolve the issue. I also know that those meetings have borne no fruit if we are to go by anything that we have received in the media.

If this House is keen to get beyond what we are reading, it is the opportunity for us a Parliament to make sure that KQ is investigated beyond just the strike. I believe that, when such an institution fails to perform, especially where, as the Sen. Osotsi has stated, Parliament previously has also made similar reports on the same issue. It is not something that began yesterday. It has been there. Do we want to keep run the cycles of the committees of the House sitting whenever strikes are called? Going on strike is a constitutional right.

They have a right as members of a group or a coalition to fight for their rights. The employer equally has the same right.

As this House seeks to wade into their grievances in a bid to solve the issue, we should go beyond the strike and what we are currently reading.

Otherwise, I support this Statement so that this House can help this important entity in the Government of Kenya.

The Speaker (Hon. Kingi): Hon. Senators, we can rest this matter now. As prayed by the Senator for Kiambu, it is true that the matters to be probed here go beyond transportation. There are issues of labour, trade and investment that will come to the fore.

However, I refer this to be domiciled within the Committee on Roads and Transportation. As and when they will be discussing labour matters, they can as well invite the other Committee.

ON-BOARDING PROCESS OF EMPLOYEES IN THE
COUNTY GOVERNMENT OF MARSABIT

Sen. Chute: Thank you, Mr. Speaker, Sir. I rise pursuant to Standing Order 53(1) to seek a Statement from the Standing Committee on Labour and Social Welfare concerning the on-boarding process of employees in the County Government of Marsabit.

In the Statement, the Committee should give-

(1) The number of County Government officers employed on contract and those on Permanent and Pensionable (P&P) basis.

(2) Audit the on-boarding process on each basis, stating the particulars including the tenure of contracts signed.

(3) Give reasons why workers on long-serving contract terms which have been on renewable basis have not been absorbed into permanent and pensionable (P&P) terms, noting that the long contract basis goes against the Employment Act 2007.

(4) Explain the criteria used in determining absorption into P&P basis, leaving behind experienced staff who have been working on renewable contracts in the county Government for over five years.

Thank you, Mr. Speaker, Sir.

The Speaker (Hon. Kingi): It is so referred.

Sen. Kavindu Muthama is not in and there is no one holding her brief. We will proceed to Sen. Orwoba.

ALLEGED MISMANAGEMENT OF FUNDS
BY THE MCK BOARD

Sen. Orwoba: Thank you, Mr. Speaker, Sir. I rise pursuant to Standing Order 53(1) to seek a Statement from the Standing Committee on Information, Communication and Technology (ICT) on allegations of mismanagement of the Media Council of Kenya (MCK) funds.

In the Statement, the Committee should-

(1) Table the Council's audited financial statements covering the last three years.

(2) Shed light on allegations of mismanagement of the Council's funds and disclose irregularities, if any, giving the particulars of those complacent while stating disciplinary measures preferred against any culpable officials.

(3) Investigate reports of alleged diversion of Council's resources including funds which had been earmarked for training of journalists during the Covid-19 and general

elections period as well as deployment of money and motor vehicles to the office of the Chief Executive Officer (CEO).

(4) Table board resolutions in regards to training, stating how strict the Council has adhered to its training policy.

(5) Investigate reports of nepotism in recruitment of staff by the media regulator.

Mr. Speaker, Sir, this is an issue that has been discussed within the industry for about two years and some clarity is being sought in terms of resources, funds that were allocated to the election coverage and funds that were also allocated to cushion journalists during the Covid-19 pandemic. There are allegations on misappropriation of funds that were meant for training.

Mr. Speaker, Sir, considering the urgent nature of it, I urge you to refer this matter to the Standing Committee on ICT.

The Speaker (Hon. Kingi): It is so referred.

(The Statement was referred to the Standing Committee on ICT)

STATUS OF PENDING BILLS IN KAKAMEGA COUNTY

Sen. (Dr.) Khalwale: Thank you, Mr. Speaker, Sir. I rise pursuant to Standing Order 53(1) to seek a Statement from the Standing Committee on Finance and Budget on the status of pending bills in Kakamega County as at August 2022.

In the Statement, the Committee should-

(1) Provide a comprehensive report on the pending bills figures accumulated in Kakamega County as at August 2022, indicating the amount owed to respective service providers and financial years in which the pending bills relate to.

(2) Explain why the service providers were not paid on time and state whether the pending bills form the first charge in the new financial year in the county of Kakamega as required in the laid down regulatory framework.

(3) State whether the county Government of Kakamega adhered to the procurement law in procuring goods and services with specific reference to procurements on the pending bills list, stating details of when the tender was floated and who won the award.

(4) Outline the plans, if any, put in place by the Kakamega county Government to ensure all the contractors whom the county Government owes money are paid before the end of the current financial year.

Thank you, Mr. Speaker, Sir.

The Speaker (Hon. Kingi): Sen. Onyonka.

Sen. Onyonka: Thank you, Mr. Speaker, Sir. I would like to commend my senior, Sen. (Dr.) Khalwale, for raising this matter of pending bills. How I wish that he raised the question regarding all the county governments in Kenya.

The issue of pending bills is the big elephant in the House. We are all aware that many of our county governments face this problem, including Kisii County Government, which has pending bills totaling over Kshs1.5 billion.

People who supplied materials and equipment have not been paid and have taken longer than nine years. I hope our Committee on Finance and Budget will be seized of and engaged on the matter in order to come up with clever and ingenious ways on how we can solve this problem once and for all.

Mr. Speaker, Sir, the problem we have is that without sorting out this pending bills issue, we will continue having an accumulation of the same pending bills of incoming governments. This, therefore, becomes like a merry-go-round.

The Speaker (Hon. Kingi): Sen. (Prof.) Tom Ojienda, SC, please, proceed.

Sen. (Prof.) Tom Ojienda, SC: Thank you, Mr. Speaker, Sir. I want to weigh in on the pending bills. I agree with Sen. (Dr.) Khalwale that this is very key. The pain is that service providers go a long way in securing loans or credit facilities to supply counties.

Years down the line, with accumulated interest, the suppliers are then told that they cannot be paid. The concern of Sen. (Dr.) Khalwale is a real concern for all suppliers in many counties.

Mr. Speaker, Sir, last year, a Bill was brought to this House on the prioritisation of accumulated bills arising in counties. I do not know whether that Bill was passed. I believe that it is time to relook at pending bills. My home County, Kisumu County, has pending bills. Suppliers are complaining. I pray that the concern of Sen. (Dr.) Khalwale be a concern for all counties. I know all Senators here would want to bring up the issue because most counties owe suppliers a lot of money.

How I wish that this Senate would act and complete the process of legislation, so that bills previously accrued are paid before new ones, and we also know the criteria that is used to prioritise later bills when earlier bills remain unpaid.

I support.

The Speaker (Hon. Kingi): Sen. Thang'wa, please, proceed.

Sen. Thang'wa: Thank you, Mr. Speaker, Sir. If we do not arrest the issue of pending bills in the counties now, it is still going to be a menace in the future years to come. Truth be told, new governors are not willing to pay pending bills of the previous governors. Sometimes, they even stop ongoing projects started by the previous governors. It is because they also want to be seen to be working by starting new projects.

As the Senate, we need to come up with a solution where no new projects or facilities can be built, unless governors pay these pending bills to a certain percentage.

We have World Bank projects in counties. All those projects are always paid on time and they are implemented by the counties. If this model by World Bank is working, why do we not then use it at the counties even when county governments are implementing or doing those projects?

Mr. Speaker, Sir, it is high time the Senate came up with a solution. The sooner the better. If we do not do that, governors have already started swearing in their County Executive Committee Members (CECMs). They are going to commission new projects and accumulate more pending bills. If we go that way, we might never even be able to pay those who worked for our county governments.

The Speaker (Hon. Kingi): Thank you. Let us rest it at that.

Next Order.

BILLS*First Readings*

THE COUNTY VOCATIONAL AND TRAINING BILL
(SENATE BILLS NO.3 OF 2022)

THE COUNTY GOVERNMENTS ADDITIONAL ALLOCATIONS
(NO.2) BILL (SENATE BILLS NO.4 OF 2022)

(Order for First Readings read – Read the First Time and ordered to be referred to the relevant Senate Committees)

The Speaker (Hon. Kingi): Next Order.

MOTION

APPOINTMENT OF MPs TO THE PAN-AFRICAN PARLIAMENT

The Speaker (Hon. Kingi): Sen. (Dr.) Khalwale, please proceed.

Sen. (Dr.) Khalwale: Mr. Speaker, Sir, I rise to move the following Motion-

THAT, pursuant to Article 5 of the Protocol to the Treaty of establishing the East African Economic Community and relating to the Pan-African Parliament, the Senate approves the appointment of the following Members of Parliament to the Pan-African Parliament –

- (1) Sen. (Prof.) Margaret Kamar, EGH, MP;
- (2) Sen. Danson Buya Mungatana, MGH, MP;
- (3) Hon. Rahab Mukami Wachira, MP;
- (4) Hon. Joseph Kalasinga Majimbo, OGW, MP; and
- (5) Hon. Esther Muthoni Passaris, MP.

Mr. Speaker, Sir, this is a fairly straightforward Motion, almost equal to a Procedural Motion. I would like to spend very little time here because parties have consulted, coalitions have agreed and recommended these particular Members.

I particularly laud the experience of my younger brother, Sen. Mungatana, whom I worked with for many years. In fact, when Sen. Mungatana joined Parliament in 2002, he was a ‘little boy.’ He was the apple of the eye of the then Vice President of the Republic of Kenya, His Excellency Michael Kijana Wamalwa. He then made him Assistant Minister and he stood out. He did very well in the Office of the Vice President. Sen. Mungatana was completely devastated when Hon. Wamalwa died eight months later.

I hope that Sen. Mungatana will have an opportunity to exercise the good lessons that he picked from Mr. Wamalwa, who was an outstanding statesman in this country when he will be at the Pan-African Parliament.

I can say similar things about Sen. (Prof.) Kamar. She is an outstanding legislator in this country and we know she is going to add value. I do not want to belabour this straightforward Motion.

In the interest of bi-partisanship, I request my sister, Sen. Kibwana, to second.

Sen. Kibwana: Without any delay, I second and support my brother Sen. (Dr.) Khalwale.

Seriously, I would be lying if I say much about Sen. Mungatana and Sen. (Prof.) Kamar because we have just met. However, the few months that we have known one another or engaged, I support 100 per cent. I am sure they have what it takes to represent us at the Pan African Parliament.

(Question proposed)

The Speaker (Hon. Kingi): This list has been hanging here for a while. Is it in response to this?

(Laughter)

Proceed, Sen. Madzayo.

The Senate Majority Leader (Sen. Madzayo): Bw. Spika, kwanza, ningependa kuwapongeza wale waliochaguliwa kutuakilisha katika Bunge la Afrika ambalo makao yake yako kule Johannesburg, Afrika Kusini.

Wa kwanza kwenye *list* hii ni Sen. (Prof.) Kamar ambaye alifanya kazi nzuri alipokuwa mhadhiri katika chuo kikuu Cha Moi. Ni mtu aliye na taaluma na tajiriba ya kufundisha na tuna imani ya kuwa atatuakilisha katika Bunge la Afrika.

Wa pili ni Sen. Mungatana, MGH. Ninavyoelewa ni wakili mkubwa katika taifa letu la Kenya. Amekuwa katika Mbunge nafikiri kwa zaidi ya miaka 10. Huu ni muhula wake wa tatu. Sijui kama nimekosea lakini nina imani na rekodi zangu. Natumai atatia juhudi wakati anatuwakilisha katika Bunge la Afrika.

Vile vile kuna Mhe. Rahab Mukami, Mhe. Joseph Kalasinga na Mhe. Esther Muthoni Passaris. Nina imani kwamba wote, haswa wenzetu hapa, watatuwakilisha vyema.

Niliwakilisha taifa la Kenya katika Bunge hilo. Ni Bunge la hali ya juu sana. Nina imani kwamba wenzetu watakuwa wanatueleza yanayojiri katika Bara la Afrika.

Bw. Spika, kwa hayo machache, ninaunga mkono uteuzi wao.

The Speaker (Hon. Kingi): Sen. Madzayo, I allowed you but as you are aware, you cannot mix two languages. I do not think “list” is a Kiswahili word. It is *orodha*. You used the word “list”. In Kiswahili, it is *orodha*.

Proceed, Sen. Methu.

Sen. Methu: Bw. Spika, nami pia nitajaribu kwa sababu tulikuwa na mafunzo juma lililopita. Mmojawapo wa waelekezi alikuwa Sen. Madzayo ambaye in Kiongozi wa Wachache katika Seneti. Aliniambia kwamba, nikitaja jina lako, ambalo ni Spika Amason Jefferson Kingi, nafaa kuongeza “Mzee wa Orodha wa Moyo wa Dhahabu ambayo ni *Elder of the Order of the Golden Heart* (E.G.H.) kwa lugha ya Kiingereza.

(Laughter)

Kwanza, naunga mkono Hoja ambayo imeletwa na Seneta wa Kakamega, Sen. (Dr.) Khalwale. Nikiangalia kwa makini, waheshimiwa wote watano kutoka pande zote mbili wana tajiriba. Wa kwanza kwenye orodha ni Sen. (Prof.) Kamar ambaye alihudumu kama Mbunge, Seneta, Naibu wa Spika, Waziri wa Elimu ya Juu na Naibu wa Waziri wa Mazingira. Kwa hivyo ana tajiriba ya juu sana.

Seneta wa Kaunti ya Tana River amekuwa Mhe. Mbunge kwa miaka mingi. Nimemkumbusha siku nyingi kwamba alipochaguliwa kwa mara ya kwanza kuwa Mhe. Mbunge, mimi nilikuwa katika darasa la nne. Kwa hivyo, ana tajiriba ya juu sana.

Kulingana na mafunzo tuliyopata juma lililopita, wao wataenda kule kutuwakilisha sisi sote. Wataenda katika Bunge la Afrika kwa niaba yetu. Kwa hivyo, watakuwa wanatarifu yanayojiri katika Bunge la Afrika.

Bw. Spika, tulikuwa tumekutuma kwenda kufanya kazi ya kimataifa na ulituwakilisha vizuri. Sitaki kusema zaidi ya hapo kwa sababu naweza kuharibu.

Asante.

The Speaker (Hon. Kingi): Proceed, Sen. Sifuna.

Sen. Sifuna: Mr. Speaker, Sir, I beg that you reserve my comments for the next Order. That is why I had placed my request.

The Speaker (Hon. Kingi): Proceed, Sen. Gataya.

Sen. Gataya: Bw. Spika, nimekagua orodha hii kwa makini. Majina ambayo yako hapa ni ya waheshimiwa kutoka Seneti na Bunge la Taifa ambao wanaheshimika sana.

Sen. Mungatana, MGH, ni mchapakazi. Amekuwa katika Mbunge takribani miaka 15. Kwa hivyo, anayo tajiriba ya kutosha na tunatazamia kwamba uwakilishi wake utatufaa sisi kama Maseneta wa nchi ya Kenya.

Sen. (Prof.) Kamar ambaye anasifika kote nchini. Pia kuna Mhe. Rahab Mukami, Mhe. Joseph Kalasinga Majimbo na Mhe. Esther Muthoni Passaris ambao wana uzoefu wa kutosha. Tunajua kwamba watatuletea sifa katika shughuli zao za kuwakilisha Seneti katika Bunge la Afrika.

Bw. Spika, naunga mkono na tunawatakiwa mema katika safari yao ya kutuwakilisha katika Bunge la Afrika.

Sen. Montet Betty: Mr. Speaker, Sir, I rise to support my colleagues in congratulating the Members who have been nominated by this honourable House to go and serve at the PAP. Looking at the list, it is encouraging to see that the hardworking Members of this House have been appointed. These are hon. leaders with a lot of experience.

I congratulate and wish them well. Please go and represent us well.

Sen. Mungatana, MGH: Mr. Speaker, Sir, on behalf of all the five of us who have been nominated to serve in the PAP, I thank my colleagues for the kind remarks. I thank the coalitions of both sides of the House for nominating us.

I thank the Majority Whip for moving this Motion. I thank him, on behalf of all of us.

The PAP came into existence after the Abuja declaration of 1991 provided for the establishment of that House. It was in the following year, in 2004, that this Parliament started operating.

As we go to take our positions in that place, we will remember that we are there as PAP, to give platform to the issues and the challenges that are affecting the continent of Africa. We are all ravaged by the effects of climate change. The cry is the same from north, south, east to west. Currently, presidents are meeting in Egypt to discuss the same issues.

We will offer a platform where we will discuss issues to do with trade in Africa, within the regional economic community and inter-Africa trade. We will discuss issues to do with trade imbalances that are affecting trade between Africa and other European countries.

I want to promise this House that we will be worthy representatives on the Floor of the PAP. We shall keep you updated and informed. You will count us worthy of the faith you have given us.

I thank you, Mr. Speaker, Sir.

The Speaker (Hon. Kingi): Sen. (Prof.) Kamar, proceed.

Sen. (Prof.) Kamar: Thank you, Mr. Speaker, Sir, for giving me the opportunity. I would like to join Sen. Mungatana in thanking Members of Parliament for passing this list. I would like to thank the coalitions and political parties for nominating us to this position.

In the year 2004, I was in the East African Legislative Assembly (EALA) when the PAP was started. We had joined a delegation that was led by our own Member, Hon. Kangwana, to go and express our support as EALA. When we went there, the voice of Kenya was required as far as nominations to Committees and the Speaker was concerned. Everybody wanted to know Kenya's stand.

I would like to agree with Sen. Mungatana, MGH. We can assure the House that we will never let you and the country down. We are going there at a time when the integration of the African unity is on the table for discussion. Three years ago, discussions were started in Rwanda by the heads of state that there is need to go towards integrating the continent to have customs and monetary unions for the continent. I assure this House and the country at large that we will be pursuing that Government agenda to make sure we do well.

Finally, I would like to laud the parties for what they did. If you look at this list, for the first time in the history of Committees in this House, we have a majority membership is female. Out of the five Members, we have three ladies and two males which means there is a strong recognition that we can all operate equally as a House. I did not want that to go unnoticed. The National Assembly gave us two females and one male.

I assure my colleague of my support even as I congratulate him since he will be the leader of the delegation. This is a Committee led by the Senate while the Inter-Parliamentary Union (IPU) is led by the National Assembly. I would like to give him assurance that we will work hard to make sure that his House makes an impact in the African Union.

Thank you, Mr. Speaker, Sir, and hon. Members for the support they have given us.

The Speaker (Hon. Kingi): Sen. Wakili Sigei, proceed.

Sen. Wakili Sigei: Thank you, Mr. Speaker, Sir, for granting me this opportunity to join my colleagues in commending the nominees to the PAP.

Sen. (Prof.) Kamar has got a wealth of experience both in the legislative and Executive arms of Government. Similarly, Sen. Mungatana, MGH - my learned senior - has experience as a parliamentarian and a member of the Executive because he served as a Minister, a position now known as Cabinet Secretary.

As I congratulate the rest of the team, I believe they will carry the flag of the Parliament of Kenya and our country and will share what is happening across Africa and the world. I wish to encourage them to carry the flag higher. They should also gain experience to share with this House.

As I conclude, I wish them well as they serve the people of Kenya in the PAP.

The Speaker (Hon. Kingi): Sen. Ogola, proceed.

Sen. Ogola: Thank you, Mr. Speaker, Sir, for granting me an opportunity to add my voice in congratulating and supporting the hon. Members that have joined the PAP.

I am excited that Sen. Mungatana, MGH, mentioned the issue of climate change because it is a challenge that can be addressed at the regional level. As we talk about climate change, we must also face the issue of climate justice. As individual countries struggle to deal with climate change, we should take note that Africa contributes less than 4 per cent of global emissions and industrialized nations contribute largely to climate change.

[The Speaker (Hon. Kingi) left the Chair]

[The Temporary Speaker (Sen. Wakili Sigei) in the Chair]

Regionally, the issue of climate injustice must be addressed by having the industrialized nations make commitments to mitigating the issue of climate change.

I support the Pan African Parliamentarians that are getting into the new term and pray that they push this agenda as a region rather than having countries fight for it individually.

I support.

The Temporary Speaker (Sen. Wakili Sigei): Thank you, Sen. Ogola. Sen. Oketch Gicheru, proceed.

Sen. Oketch Gicheru: Thank you, Mr. Temporary Speaker, Sir, for this opportunity. I would like to congratulate my colleagues.

I am very happy that Sen. (Prof.) Kamar, who is a mine of experience, together with my brother, Sen. Mungatana, MGH, are going to represent us---

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

The Temporary Speaker (Sen. Wakili Sigei): Sen. Osotsi, what is your point of intervention?

Sen. Osotsi: Mr. Temporary Speaker, Sir, I do not have any point of order. I just wanted to catch your eye so that you can give me an opportunity to speak later.

The Temporary Speaker (Sen. Wakili Sigei): Very well; it is noted.

Sen. Oketch Gicheru: Sen. Osotsi, am I a crowd? Am I blocking you from the Speaker?

It is very critical that I appreciate my colleagues for getting this opportunity to represent us. As we all know, the PAP was formed so that we can have the African peoples' voices collectively on some of the most pressing and emerging issues of our time.

As a young person coming from Kenya, I am looking at this privilege that you two and other colleagues in the 'lower' House have, it is critical to encourage you to look into matters of governance. Today in Africa Continent, one of the highest levels of challenge is the concept of democracy amidst issues such as high cost of living.

We constantly see African countries facing issues of democracy through issues of peaceful elections. The institutions that anchor democracy are not given power. As long as the election have been done and we have got a declared result without any kind of conflict or problems, it is assumed that is democracy.

These are very critical causes because, as I speak today, our country is faced with serious issues of high cost of living. In such a country - which I do not think is dissimilar with other African countries you are going to meet - when we have this serious high cost of living and yet democracy is reduced to a simple matter of rubber-stamping of leaders in offices, then it becomes a very difficult issue to deal with.

I hope that they will represent some of our voices on how Africa can invest more in strengthening democratic institutions in the countries they are going to meet with. We wish them well and look forward to giving them the support they need as they engage with our colleague legislators from other countries.

I thank you.

The Temporary Speaker (Sen. Wakili Sigei): Proceed, Sen. Thang'wa.

Sen. Thang'wa: Asante, Bw. Spika wa Muda. Nilikuwa namtazama rafiki yangu Sen. Mungatana, MGH, wakati tulipokuwa tunapigania kuwa wenyekiti wa Kamati. Alikuwa ametulia vilivyo. Sikujua, alielewa alipokuwa anaelekea. Wahenga wa Kisasa watasema "ukiona vyakimya basi jua vyatarajia." Nawapongeza walioteuliwa kuiwakilisha Kenya katika Bunge la Afrika.

Sen. (Prof.) Kamar, ametueleza kwamba kila nchi husika inateua wabunge watano kuwa wawakilishi katika Bunge la Afrika. Sheria la kuwateu wawakilishi wa Bunge la Afrika linasisitiza kuwa angalau mmoja wa wawakilishi hao lazima awe mwanamke. Kenya imeonelea ni vyema kutuma wanawake zaidi kuliko wamaume. Inanonyesha kuwa nchi hii ya Kenya inatilia maanani uongozi wa wanawake. Bunge la Afrika linaagiza lazima kuwe na mwakilishi mmoja wa kike lakini sisi tunawapeleka watatu.

Nawasihi kwamba watakapokuwa katika Bunge la Afrika, wasimamie Kenya vilivyo ndio angalau ionekane kweli wanawake wakipata fursa wana uongozi wa hali ya juu.

Walioteuliwa, Sen. Mungatana, MGH na Sen. (Prof.) Kamar wanauzoefu wa kazi hii kwa sababu wamekuwa wakihusika sio tu kwa kutunga sheria pia katika uongozi wa Serikalini katika upande wa utendaji kazi. Nina imani kuwa wawili hawa wana uwezo mkubwa wa kuwakilisha Kenya katika utenda kazi wao kulingana na tajiriba walionayo.

Naunga mkono Hoja hii. Nina imani kuwa tutaipitisha.

The Temporary Speaker (Sen. Wakili Sigei): Thank you. Proceed, Sen. Osotsi.

Sen. Osotsi: Thank you, Mr. Temporary Speaker, Sir. I also join my colleagues in supporting this Motion. The Senators who have been selected are up to the task and we are sure that they are going to deliver. Allow me to raise some concerns about the PAP. We have sent the best to represent us. However, I am concerned about the visibility of that Parliament. We do not feel it at all.

We also know that in the next few days, we are going to elect members to the EALA, which is another Parliament we are not feeling. We are putting money there; they give us reports, but the common *mwananchi* in Vihiga or Kakamega counties is unable to feel what these people do. The same applies to the PAP. We hope that our best members who we have been sent to represent us will make a difference. I hope that they will make Africans feel that they have a Parliament that can represent them at the continental level.

Mr. Temporary Speaker, Sir, you are aware that this particular Parliament is supposed to oversee the African Union (AU) policies and programmes and also participate in the budget making. That is one area in which we are not feeling what the PAP is doing. The AU is not making major progress that we see in other integration forums globally. We have a lot of challenges. If you look at the functions of this Parliament, one of it is to promote human rights. We do not have human rights in most African countries. A country such as the Democratic Republic of Congo and many other countries in West Africa have serious violations of human rights.

The PAP exists to ensure that the problems of Africa, especially economic and integration problems are resolved. You are also aware that there are so many treaties that the AU has passed which remain unimplemented. I remember we passed a treaty on single African air transport. That treaty is largely unimplemented. There is no reason why if I want to travel to another African country, I have to go to Europe in order to connect to that country. That means we are not serious about integration of Africans.

I urge the Members who are going to represent us to make a difference and make this Parliament a serious one in order represent Africa, not to make it just a talking shop which generates reports. Once those reports come here, they are tabled and nothing happens.

I support.

The Temporary Speaker (Sen. Wakili Sigei): Thank you. Proceed, Sen. Crystal Asige.

Sen. Crystal Asige: Mr. Temporary Speaker, Sir, I thank you. I rise to also support this Motion and to congratulate the names that have been tabled on this list to join the PAP.

I have a special excitement to see Sen. (Prof.) Kamar's name on this list. I lovingly call her my godmother because of the support and encouragement that she gives me as I execute this war. She was one of the Senators that presented me to the House the day I took my oath.

Reports that show most of the population in Africa is youth. Reports also show that there about 80 million Persons with Disabilities (PWDs) living in Africa.

I would like to sincerely pray that hopefully in the near future these kinds of lists should not only have language that says, "one shall be a woman" but also that one shall be a member of the youth and one shall be a person with disabilities so that these

committees that are representing us as Africans. They can then holistically and completely represent us and how the future of African leaders will look like.

I am happy and I congratulate everyone on the list.

The Temporary Speaker (Sen. Wakili Sigei): Proceed, Sen. Onyonka.

Sen. Onyonka: Asante, Bw. Spika wa Muda, kwa kunipa nafasi leo nizingumze hapa kwa sababu ni muda mrefu sana tangu nizingumzie ndugu zangu ambao nimefanya kazi nao.

Mhe. Sen. Mungatana, MGH, tulikuwa naye Serikalini mbeleni tukiwa wachanga sana. Ni kiongozi ambaye tunamheshimu sana. Wakati atakuwa katika Bunge la Afrika, kazi yake itakuwa nzuri sana. Atakuwa mwanachama wa timu ambayo inaenda pale kushughulikia masuala ya Bunge la Afrika kutoka nchi ya Kenya.

Bw. Spika wa Muda, Sen. (Prof.) Kamar ni mama ambaye tunamheshimu. Mimi nina historia naye kwa sababu mimi nimekuwa hapa Bungeni kwa zaidi ya miaka 20. Kwa hivyo, nimeona vile alikuwa kwenye kiti cha usipika na kazi yake yenye heshima na vile tunavyomheshimu.

Ndugu yangu wa tatu ni Mhe. Kalasinga. Mhe. Sen. (Dr.) Khalwale, unamjua. Miaka mitano iliyopita, mimi nilikuwa naibu wa kiongozi wa chama cha Ford Kenya. Ninakumbuka nikienda kule Bungoma kumfanyia kampeini Mhe. Kalasinga.

Ni shukrani sana kuona kwamba amerudi Bungeni kwa sababu nilikuwa sijajua na tena amepewa nafasi hii kwa sababu yeye ni mchanga. Hajakaa Bungeni miaka mingi na ameanza kujizoeha. Kwa hivyo, ni elimu nzuri kwake kisiasa kwenda kule nje kutetea masuala ya Afrika.

Wale wote ndugu zetu ambao wameenda kutuwakilisha ningependa wajue Afrika yetu iko na mambo mengi lakini ni bara lenye uwezo mkubwa. Waafrika ni watu ambao wanafanya kazi ngumu na kwa bidi sana.

Barani Afrika tuna rasilimali ya kutosha. Ningependa Mhe. Sen. Mungatana, MGH, pamoja na Mhe. Sen. (Prof.) Kamar, mkiwa pale, mjaribu kuwauliza wenzetu wa Afrika ni vipi tunaweza kutumia rasilimali zetu ili tufaidike kama Bara la Afrika. Hata ukiona tuna rasilimali chungu nzima, kila wakati bara letu la Afrika linakubwa na changamoto nyingi. Tuko na mafuta, dhahabu, shaba na kila kitu lakini changamoto nyingi.

Tunamwuliza Mwenyezi Mungu awasindikize vizuri mwende pale mkafanye kazi nzuri. Mnajua bendera ya Kenya inapaa sana. Mhe. Sen. Mungaana, MGH, unajua wakati mmoja nilikuwa naibu wa Waziri wa Mashauri ya Nchi za Kigeni wa nchi ya Kenya.

Tukiwa pale, Mkenya akizungumza unapata waafrika wengi wanasema haya mambo nyinyi mnayajua namna gani. Nilikuwa ninawaambia ni kwa sababu tumesoma vizuri na tuna mwelekeo fulani wa kisiasa na kiuchumi.

Ningependa kuwasihaji mjitahidi mhakikishe bendera yetu imeendelea kupepea vizuri na mtuletee matunda ambayo yataweza kuonyesha kuwa Kenya ni nchi ambayo inaendelea vizuri yenye amani na demokrasia halisi.

Nyinyi mtaenda *represent* na kufanyia kazi Wakenya wote. Mkiwa pale, msije mkaanza tena kusema, “sasa huyu chama chake ni kipi.” Sasa nyinyi ni Wakenya na mwende na mfanye kazi nzuri.

Bw. Spika wa Muda, ninasema hii Hoja ipite kwa sababu haya majina ni ya heshima na hawa ni viongozi ambayo tunawaheshimu sana.

The Temporary Speaker (Sen. Wakili Sigei): Asante sana, Mhe. Sen. Onyonka. Kwa lugha ya Kiswahili, *represent* ni kuwakilisha.

Sen. Omar Mariam, please, proceed.

Sen. Mariam Omar: Thank you, Mr. Temporary Speaker, Sir. I support the Motion and the names which are here. All of them are capable of representing us properly.

A lot has been said, but when I see Sen. Mungatana, MGH, I also feel appreciated that pastoralists are also represented in this list. He is capable. Sen. (Prof.) Kamar is also capable of the same.

The Temporary Speaker (Sen. Wakili Sigei): Noting that there are no more Members wishing to give their intervention on this, I invite the Mover to respond.

Sen. (Dr.) Khalwale, please, proceed.

Sen. (Dr.) Khalwale: Thank you, Mr. Temporary Speaker, Sir. Every time I sit in this House, I cannot help but be impressed.

Ordinarily, in the many years that we have been in this Parliament, a Motion like this would usually attracts little or no interest. However, when you look at the contribution, the contributors and the mix, it is very exciting.

The Motion has attracted 15 distinguished contributions from our Senators amongst whom, there are six contributions from our women Senators and one powerful contribution from the “VIP” - visually impaired Sen. Crystal Asige. I continue discouraging her from using the word VIP because I am VVIP so are sure you are that very close to me in VIP?

I thank all the 15 of you for supporting this important Motion. Senator (Prof.) Kamar, Sen. Mungatana, MGH, our colleagues from the other House, will be going to Midland in South Africa to sit in the PAP.

The President of the House is His Excellency Fortune Chirambira, who I was pleased to watch yesterday when he was addressing the Heads of States in Egypt. He will be impressed to know that Kenya is a country of educated people who speak fluent English from London.

I urge our colleagues who are going to represent us that you must rise and ensure that the PAP is truly the seat to acceleration of human capital, social and economic development. This will be represented this time if you come out strongly and speak to the important issue of climate change.

Mr. Temporary Speaker, Sir, climate change is so serious. As Sen. Kibwana has mentioned, the negative contribution to climate change by African countries is negligible. It is the First World countries who pollute the globe and they are busy planting trees. Brazil, Central Europe and Canada have the best forest cover. We should learn from those best practices.

Mr. Temporary Speaker, Sir, I expect that going forward, the PAP should decree and pass a Motion, that the developed countries that contribute to the negative climate change, afford African women access to free cooking gas. That is the only entry point for the women living around the Mau and Kakamega forests when they go looking for dry

twigs to cook for their families. These people polluting the world should give these women free access to Liquefied Petroleum Gas (LPG) for cooking.

Secondly, I urge our colleagues to raise their voices in the PAP on the unacceptable state of conflict and war in the world, with special reference to the war in Ukraine. The war in Ukraine is totally unacceptable. The PAP should lead the African governments in demanding for a faster settlement of that conflict.

With those many remarks, I thank you and I beg move.

(Question put and agreed to)

The Temporary Speaker (Sen. Wakili Sigei): Next Order.

MOTION

PROMOTION OF MENTAL HEALTH FACILITIES FOR MOTHERS

Sen. Kibwana: Thank you, Mr. Temporary Speaker, Sir. We are aware that according to the World Health Organization (WHO), globally, 10 per cent of pregnant women---

The Temporary Speaker (Sen. Wakili Sigei): Sen. Kibwana, kindly approach the Table.

(Sen. Kibwana approached the Chair)

Sen. Kibwana: Mr. Temporary Speaker, Sir, I beg to move:

THAT, according to the World Health Organization, globally 10 per cent of pregnant women and 13 per cent of women who have just given birth experience a mental condition, referred to as perinatal depression, which is higher in developing countries with 15.6 per cent during pregnancy, and 19.8 per cent after child birth;

FURTHER AWARE that women who go through still birth and those that lose their children during delivery, are taken to the general maternity ward where other mothers with healthy babies are recovering, causing them mental anguish and adversely impacting their mental health;

NOTING THAT integrating mental health care into primary healthcare settings requires training in psychiatric care and providing consulting support to primary care providers, considering that there are not enough mental health care providers to meet the current and growing need for mental health services;

APPRECIATING THAT the Health Act, under section 6(1)(b) provides that every person has a right to reproductive health care which includes the right of access to appropriate health care services that will enable mothers go safely through pregnancy, childbirth and the postpartum period which should include the integration of mental health in perinatal care as recommended by the National Mental Health Taskforce

in its “Mental Health and Wellbeing towards Happiness and National Prosperity” report;

NOW THEREFORE, the Senate urges the Ministry of Health in collaboration with the Council of Governors to:

(i) ensure that all county health facilities with maternity wings, allocate a separate ward for recovery for the mothers who have gone through still birth or those that have lost their babies during delivery;

(ii) to facilitate continuous mental health training and the provision of counselling support in the perinatal wards for all primary care providers in all counties;

(iii) establish counselling facilities at all county health facilities with maternity wings to provide counselling therapy to mothers who lose their children through a miscarriage, during delivery, or through still birth; and,

(iv) establish counselling facilities at all county health facilities with maternity wings to provide counselling therapy to mothers who are suffering from perinatal and postpartum depression.

Mr. Temporary Speaker, Sir, my Motion is self-explanatory. Mothers have suffered a lot in terms of mental health. Article 43(1)(a) provides that every person has the right to the highest attained standard of health. Poor mental health in this country has been a silent problem.

It is devastating to see a mother who has had a stillbirth or miscarriage, being put in the same room with a mother who has given birth. You can imagine one mother is breastfeeding while the other one has lost a baby. It is unfortunate that we do not have separate facilities for such mothers.

In Kenya, for example, we have about one to five female adolescences between the age of 15 and 18 years who fall pregnant, but where do they go? They suffer depression. They have to fight with families and communities and people judge them. Therefore, we need separate facilities where young mothers can be counselled.

Mr. Temporary Speaker, Sir, women are also raped and they may get pregnant. That also happens to those who are married. Where do those women go to? They have to be counselled.

It is sad that in our facilities, we only have maternity wings that take care of those mothers. We need a devolved kind of system now that health is devolved. We need to have separate wings for young mothers who are raped and those who suffer from post-natal and postpartum depression.

After childbirth, some women undergo mental depression, but where do they go? Unfortunately, they are taken to Mathari National Teaching and Referral Hospital or other mental hospitals. If we had such facilities, they would be taken through counselling, just to massage their depression. Therefore, those facilities are important and that is quite long overdue.

Additionally, Kenya has few specialists. You will find health workers also serving as counsellors to support these mothers. For instance, in Nairobi City County, there are four million people and in Kenya we are about 50 million people. If you have about 500

specialists in this field, that means that even if the facilities are opened, we will not have enough caregivers to offer support. We also need to train health workers or counsellors to support our women.

We also lack national programmes for pre and post-natal depressions. We need to have capacity building to ensure that people are at least knowledgeable in terms of how to support such women and other mental disorders.

We also do not have public awareness on this issue. I am sure some of you are knowing that today. Women have really suffered. Let us also create awareness on such issues.

There is an urgent need for appropriate intervention to improve communication in such facilities. For every county, we can have separate facilities. We just need a ward or two to have these facilities set up to support our women who suffer such depression.

My humble Motion is to request that we ensure that all maternity wings are allocated separate wards for mothers with special needs. We also need to facilitate continuous training and capacity building for health workers.

Mr. Temporary Speaker, Sir, with those few remarks, because this Motion is quite open and self-explanatory, I wish to implore hon. Senators to support this Motion.

I beg to move and I call upon Sen. Sifuna to second it because this also affects Nairobi City County. I am also sure other colleagues are going to support it.

I thank you.

The Temporary Speaker (Wakili Sigei): Kindly proceed, Sen. Sifuna.

Sen. Sifuna: Mr. Temporary Speaker, Sir, I rise to second this Motion. In fact, the question of access to healthcare in this country is a big debate that we must have as a House, since the issues that are involved are wide-ranging.

Sometimes when people rise to propose that we extend certain facilities in order to accommodate other things that are ancillary to the main services that are provided by a hospital, it is tempting for many people to just say that they do not even have maternity wards or enough beds in the hospitals. What is our priority?

I believe this is a timely Motion because this is something that affects many women. Just a cursory search of what prenatal and postpartum depression are will show you that it actually happens and affects both sexes. One of the easiest example is a matter that is live before the Senate Committee on Health.

Imagine a young father who takes his wife for delivery at a county hospital like Mama Lucy Kibaki Hospital - which is a matter that we are looking into right now - and he is blessed with two bouncing babies, but then the mother dies under very painful and traumatising circumstances.

I honestly believe the young man called Robert, who was the husband to Maureen Anyango who died at Mama Lucy Kibaki Hospital, is in deep depression. He appeared before the Standing Committee on Health and I was there. He is a young man whose heart is broken. I would not wish any person to go through what he has gone.

The stories you hear about delivery rooms in some of our hospitals are quite horrific. Just being there as a human being, even if you and your children are in good health, the things that you see there cannot be told.

I will paint a picture for you. For instance, we were told that the bed capacity at Mama Lucy Kibaki Hospital is 56, yet there are 150 women sharing 56 beds. I do not think anyone of us would want to find themselves in a situation where there are three of you on a bed and you are in labour. What is the mental status of a person in such circumstances?

We have to look at this problem holistically. We understand that we have problems in our facilities. We have been told horror stories such as 128 women who gave birth at Mama Lucy Kibaki Hospital and they had only one nurse attending to them.

I do not think that something as beautiful as childbirth should result in the sort of trauma that affect the people who seek those services. Therefore, I would like to expand this Motion to include counselling for the fathers because of the example I have given you.

I know that in certain cultures, but not mine and Sen. (Dr.) Khalwale's, the conditions are conducive that even the fathers are allowed in to witness and welcome their own children. I do not think that is an invitation that Sen. (Dr.) Khalwale and I, would take up given the circumstances of our Kenyan Hospital. This is because it will leave some of us scarred for life. I do not know how much counselling we would require to go back to our normal selves.

Mr. Temporary Speaker, Sir, this is timely. This is not an emerging problem but a real problem. We have capacity challenges in our hospitals. As we address those capacity challenges, we also need to offer counseling services for mothers who go through such trauma. The counseling services should be extended to fathers, such as Mr. Robert, who lose their wives in the process of getting their children.

With those remarks, I support and second this Motion.

I thank you, Mr. Temporary Speaker, Sir.

(Question proposed)

The Temporary Speaker (Sen. Wakili Sigei): Hon. Senators, I invite you to contribute to the Motion.

Sen. Onyonka, you may proceed.

Sen. Onyonka: Inaonekana mtandao uko na shida hapa.

Asante, Bw. Spika wa Muda. Kwanza, ningependa kumshukuru Sen. Kibwana kwa kuleta Hoja hii kwa Seneti. Ni jambo la heshima. Sisi kama viongozi, na hata kwa wale ambao ni madaktari kama Sen. (Dkt.) Khalwale, hatujayapa maswala ya afya ya kiakili umuhimu unaohitajika.

Hatujachambua hili swala ili tuweze kujua kile kinachowaumiza kina mama wakishajifungua watoto.

Ukiangalia runinga au magazeti, utaona visa vya kina mama ambao wanaua watoto wao. Jambo ambalo linasikitisha ni kwamba, utasikia Wakenya wakisema kuwa mama ambaye ameua mtoto wake alikuwa ni mwendawazimu. Watu wengine wanabaki wakishangaa kuwa yule mama alikuwa na shida gani.

Shida ni kuwa hatujaona umuhimu wa kushughulikia afya ya kiakili. Ingekuwa vizuri kama vile huu Hoja unavyopendekeza, turudi mashinani na kujjuliza kile ambacho

kinafanya Wakenya wengi kuwa na shida ya kiakili. Ningependa kumwuliza Sen. Kibwana kuongezea Hoja hii na kuhusisha maneno ya kielimu. Lazima tufahamishe wanafunzi katika shule zetu kuhusu afya ya kiakili. Shida ya afya ya kiakili imechangia wanafunzi wengine kuingia katika uraibu wa kunywa pombe, kutumia madawa ya kulevya na hata kujihusisha na vita vya kijinsia.

Ingekuwa vizuri kama magavana na wawaakilishi wa bunge za kaunti wangeweza kuangalia Hoja kama hii kwa minajili ya kutafuta suluhu ya jambo hili la afya ya kiakili.

Najua uoga ambao huletwa na Hoja kama hii. Utasikia watu wakisema ya kwamba hatuna wafanyikazi wa kutosha. Wengine nao watasema ya kwamba serikali za kaunti hazina pesa za kuwalipa wafanyikazi ambao watatibu wagonjwa wenye shida za kiakili. Sidhani shida yetu ni pesa. Shida yetu ni ugavi sawa, uwazi na uwajibikaji wa zile pesa kidogo ambazo tunazo. Tukiwajibika vilivyo, tutaweza kusuluhisha hili jambo. Hili ni swala nyeti na mimi naunga mkono.

Wakati ambapo Hoja hii itakuwa Mswada na kuwasilishwa hapa, tutaongezea yale ambayo tuko nayo na pia tutamwuliza Sen. Kibwana mapendekezo yake ili tuboreshe Mswada huu zaidi. Natoa shukrani zangu kwake, Sen. Kibwana, kwa kufikiria hili jambo.

Asante, Bw. Spika wa Muda.

The Temporary Speaker (Sen. Wakili Sigei): Thank you, Sen. Onyonka. Sen. (Dr.) Khalwale, you may proceed.

Sen. (Dr.) Khalwale: Mr. Temporary Speaker, Sir, just like Sen. Onyonka, I have very good thoughts and words for Sen. Kibwana. I assume that this is her first Motion and I must say that she has chosen a good Motion.

This is a practical issue. The level of poor mental health amongst pregnant mothers, mothers who are giving birth and those who have just given birth is devastating. They are many.

Mental challenges arise because getting pregnant and being pregnant is very stressful and it is even more stressful when it is accompanied with abortion. The actual process of giving birth is equally stressful. The hospital bills also cause a lot of stress.

Death of new born babies in hospitals also cause a lot of stress to these mothers. Lack of food in the maternity when delivering is very stressful. Do not get me wrong. We have mothers in hospitals today, in the drought-stricken areas, who have not eaten for the last five days yet they are in the hospital waiting to give birth.

I would find cases where my nurses had to contribute money to buy a loaf of bread and a bottle of Fanta for a pregnant woman because she had nothing to eat. Naturally, such a woman is under a lot of stress and just about to dip into a mental illness.

Mr. Temporary Speaker, Sir, lack of beds is a major issue in our hospitals. As Sen. Sifuna has stated, pregnant women are forced to share beds at the Mama Lucy Kibaki Hospital. The hospital admits about 150 women to share the 56 beds available. That is equal to an average of three pregnant women per bed. Sen. Sifuna fell short of giving you all the details because he does not know what is happening in the actual labour wards. If you go to that hospital, you may find that they have three delivery beds. If we have 150 women in labor, it means that at any one time, they have probably 15 or more women inside the actual labor ward competing for those beds.

The other issue facing most of our hospitals is shortage of nurses. When I was working at Pumwani Hospital as a medical school student attached there, I remember walking into the labour ward to find five women whose babies are popping out at the same time and the nurse on duty is one. She had to decide out of these five women, who amongst them, she would go to assist receive the baby? The women will push all right because African women are very strong. You can imagine some of those babies would then just hit the concrete floor. The mother automatically loses her head to see her baby hitting the floor. It also does not help that of the majority of the delivery, babies come with head first. When the child pops out at the speed of a *boda boda* motor bike, it hits the concrete floor with the head first.

It is worse off in the shortage of doctors. I have gone through experiences whereby, I go to the ward, I make a diagnosis that at least three women require emergency caesarian section or assisted surgical delivery. In emergency CS cases if you do not operate, in at least 30 minutes, the baby might die and, in the process, endanger the mother. However, when you are the only surgeon in the hospital and you have the three emergency CSs to perform, you have to close your eyes and pick one of them to be the first. I used to remember what we used to be taught in primary school as little children playing around that-

“Tip tip top, here I go, if I miss, I get this”.

Where my finger rests last, is the woman I would pick. By the time you are through with the caesarian section, and come to the ward, you will probably save the second child if you are lucky, but the third one must be dead. Mothers would actually lose their heads.

I therefore congratulate the Sen. Kibwana for bringing this Motion. As this Motion goes on, we will eventually drive it into a Bill. We want to think a bit wider and much broader so that it applies to all these situations.

Majority of the women you see going to procure abortion is because they have lost their heads. When they momentarily lose their heads because she either hates the boyfriend or the boyfriend has been insulting her on WhatsApp. Ordinarily, that women would not have attempted to procure an abortion. However, they do it in the backstreets because they are no longer in their senses.

Mr. Speaker, Sir, as I support this Motion, let me share a little experience with the female Senators for you to capture that. This is not a problem of poor people and those not properly educated. Let me give you my own story. My wife went to the hospital to deliver because we were expecting twins. However, the delivery was mismanaged. We got one of the girls but the other one died.

When she got pregnant again with twins, the time for her to be admitted for delivery arrived. Happily, I started organizing our journey to the hospital. I told her, ‘*Twende kwa gari*’. I am so sorry for using Kiswahili. I told her to get into the car so we can drive to the hospital. I urged her severally to rush to the car so that we can go to the hospital but she did not want to leave the house.

She then told me that she is not willing to go to the hospital. I asked her what the matter was but she insisted that she would not go because her child died there and she does not want another one to die. It was a twin like these ones and so they would follow.

Do you know what I did? Not many people have that kind of luxury. I therefore conducted the delivery in my own house because I have the tools.

This is an educated woman in a fairly reasonably family like mine but she refused because she had lost her mind. She was mad. Had I done anything else, it would have been worse. I therefore agree that such women require a lot of support. I really support you. I will walk with you on coming up with a Bill even if it takes six or nine months until we do a proper crafting of the law for it to achieve the intended success.

With those many remarks, and the encouraging and discouraging stories about my bad habits, I support.

The Temporary Speaker (Sen. Wakili Sigei): Sen. (Dr.) Khalwale, in the course of your contribution, did you also want to remind the House of the “pinky ponky” story in the Supreme Court when you were making a choice among the women needing CS?

(Laughter)

Thank you very much.

Sen. (Prof) Kamar, you may have the Floor.

Sen. (Prof). Kamar: Thank you, Mr. Temporary Speaker, Sir. It is nice to contribute after a medical doctor who delivers his own twins. Congratulations.

(Sen. (Dr.) Khalwale spoke off record)

Mr. Temporary Speaker, Sir, I rise to support this Motion on the Promotion of Mental Health Facilities for Mothers. I congratulate Sen. Kibwana for her first Motion that is extremely important.

In the last Senate, we discussed mental health in a Bill that was driven by Sen. Kasanga very successfully. However, this one has “teased” out just a little of the sector concerning the women.

This Motion is extremely important because mothers raise nations, presidents, kings, engineers and teachers. When mothers lose their children, often times, they are left wondering what could have become of the child they lost. They wonder whether they have lost one who would have grown to become a medical doctor like Sen. (Dr.) Khalwale.

Mr. Temporary Speaker, Sir, as articulated in this Motion, there is nothing more painful than losing a baby and worse still, you are taken to stay in a ward where babies are crying. This is the one aspect of this Motion that I really appreciate. I know most of us have been either affected or suffered this. When you come across a mother who has lost a baby, sometimes, the mother does not want to talk to anybody, let alone being told to heal in the presence of other babies. It is extremely painful for them as it reminds them that they should be having a baby.

I remember going to see a mother who had just lost her baby and she told me, “You know, my baby was bigger than that one” pointing at another woman’s child. You can see that they are re-living the fact that their babies should have lived. I have come across one who said, “I have no idea what I am going to do, am I going to bury this baby or what is going to happen?”

When we lose grown-ups, the mourning is done by very many people. It, therefore, becomes lighter. The family would be there. However, when a mother loses a baby, she is alone, maybe with the husband and the other children. It is not something that attracts a crowd. Such mothers carry the burden for a very long time. That is why they easily slide into this post-partum depression. It is a very common thing but it is something that has been ignored for many years. That is why I appreciate Sen. Kibwana for coming up with this Motion.

Sometimes nobody even notices that somebody is under depression until you realize that the person is not talking or communicating with anybody. The assumption is that she has gone home without a baby and should be okay. She cannot be okay. One cannot be okay after carrying a baby for nine months and then going home without one.

This is an important Motion. I like the resolutions that the Senate will make out of this Motion. They have been nicely articulated that we must ensure that in every health facility, there will be a separate wing for mothers who have lost babies in order to recover. They need to come to terms with the fact that they have lost their babies. They cannot recover when they are sitting next to a mother who has a baby.

No wonder sometimes we hear of babies getting lost in Pumwani Maternity Hospital. Some of them are stolen by mothers who have lost babies. Some go home and become mentally tortured because they still believe that their babies could be in Pumwani Maternity Hospital. If they can get someone to steal a baby for them, they go for it. Even a mother stealing a baby is not normal.

It is not normal for a mother to feel like stealing somebody else's baby. It is a mental issue because they are already suffering from depression. They sometimes go back to that same hospital and come out with a baby. They can pay anything to get a baby and it does not matter whose baby that is.

This resolution that states that we must ensure we have separate places in our facilities at the counties is an important one. In any case, we have these wards. We must push our governors to give sufficient wards.

It is very unhealthy for our nation that 60 years after independence our people are still sharing beds in our hospitals, dispensaries and health centres. As a nation, we cannot talk proudly of how developed we are when mothers are still sharing beds.

Mr. Temporary Speaker, Sir, if a mother who has just delivered a baby shares a bed, it means that she cannot turn. It is a very painful situation. It is important for our governors to increase maternity facilities. I wish every health centre had a maternity wing considering there are people who have lost their babies whilst going to hospital. This is because the roads are not passable. Some deliver on the road. This is unhealthy for a nation that has been independent for the length that Kenya has been. As we look for separate wards to be allocated, it is also important for every health facility to have a maternity wing.

When we talk about staffing, we know health is the most important devolved function overlooked by the Senate. It is time for the Senate to set standards in our health sector. We need to know what exactly is required for our people. You cannot have a location that has over 20,000 people and has a dispensary that has only one delivery bed

and only three beds in the maternity wing. It does not help us and does not move us forward.

I am delighted that Sen. Kibwana quickly brought this forward so that we use it as the first dialogue between ourselves and our Council of Governors (CoG). I wish the Committee on Health can pick on this one and discuss it further. Sen. (Dr.) Khalwale said it can be developed into law at a certain point.

It is time we discussed other things including maternity leave and how long it should be. Mothers are not giving birth to children just for themselves. They are giving back to Kenyans and we must take care of mothers knowing that they are the ones raising members of our society. It is important that we support and take care of mothers.

We should look at the law in the near future in order to see how we can make it easier, simpler and more comfortable for mothers to not only deliver but to also raise their children in a good environment, instead of rushing a mother to go back to work after 60 calendar days.

Mr. Temporary Speaker, Sir, we had passed another law in the 10th Parliament that there needs to be a crèche in every Government office. How many offices have those crèches? If you get a baby, it is up to you because you got a baby. We know that when it comes to other development agendas like demography, we will tell ourselves that we need more Kenyans. These mothers are important and we need to take care of them, more so, the victims of child loss.

I thank Sen. Kibwana and support the Motion.

The Temporary Speaker (Sen. Wakili Sigei): Thank you, Sen. (Prof.) Kamar, for your rich contribution. I am sure that the Pan-African Parliament you are headed to shall benefit from your wealth of experience.

Sen. Orwoba: Thank you, Mr. Temporary Speaker, Sir. I am happy that this Motion has been fronted by Sen. Kibwana. This is because for a long time, mental health was always treated as a “by the way”, particularly to mothers who had just given birth.

There are many forms of mental health situations that young mothers get into. We have heard of post-maternal stress disorder. As we look into other devolved elements of health such as the community health care workers, we also have to look into ways of sensitizing health care workers by training them in order to assess if our young mothers are going through any mental health challenges after giving birth.

In Section Six of the Health Act, every person has a right to reproductive health care. It is sad that when you go to some of these Government institutions, particularly the maternity ones where we have seen incidences of women giving birth on floors, entrances and corridors.

There are incidences of when mothers are going to give birth, they are told to go with cotton wool and other things. The only thing that the hospital or the health care facility is providing is the expertise from the midwife.

Mr. Temporary Speaker, Sir, it is sad because we are saying that it is basically up to you to ensure that you get a healthy delivery. When we are asking you to bring cotton wool or the razor blades, we are not telling you about the standards. So, you are left to your own devices.

It is time that when we will be looking at issues of women especially those of mothers and maternities, we should also consider that it is not only in urban areas where there are mental illnesses. We need to find a way down to the grassroots, *huko mashinani*. Sorry, Mr. Temporary Speaker, Sir. That is where we have health care workers and midwives who do not necessarily perform delivery duties in a facility. The Government can come in to support them in that form.

I support this Motion.

The Temporary Speaker (Sen. Wakili Sigei): Sen. Crystal Asige, please, proceed.

Sen. Crystal Asige: Mr. Temporary Speaker, Sir, I rise to support this Motion on Mental Health Facilities for pregnant women. Along with other Senators, I thank Sen. Kibwana for bringing this to the House.

I stand as well to articulate the perspectives of women and girls with disabilities in the same matter. I hope that Sen. Kibwana and other Senators, will consider this when she articulates the resolutions that will come about in this Motion. Women and girls with disabilities commonly experience mental health disorders, high levels of stress, anxiety and depression when giving birth. We also experience cruel levels of inaccessibility and discrimination by the facilities and health workers who are put in place to assist us during this time.

Mr. Temporary Speaker, Sir, unfortunately, we do not have many women with disabilities in Parliament. However, I know of many women who have given birth to children with disabilities across the Senate and the National Assembly. I also voice their issues on this matter. It is extremely important that we have mental health facilities afforded to women who are going through still births, miscarriages and also those who give birth to children with disabilities.

There is no handbook, leaflet or course that helps a woman to understand how to raise this young child with a disability. Compounded with all the other issues that have been spoken about here on this Motion, imagine if that child has a disability. First of all, you have no idea what it might be while the medical practitioners themselves try to figure out. You are left with or without a partner, to handle this news of your child, whom you were hoping would be healthy and happy for the rest of their lives but now having to start off with a disability.

Mr. Temporary Speaker, Sir, that is a mental health issue that is not discussed. I hope that this Motion will have resolutions that also address these women. These women across the Senate, the National Assembly and across Kenya, mostly do not come out to admit that they have children with disabilities. They do not admit that they are struggling or that they honestly need a lot of help, far more support and mental help as well in raising these children.

This is not only because of accepting the shock that comes about; but also having to mitigate and manage the community around them. The community stigmatizes them and throws them and their baby away. The same community convinces them that because their first child has a disability, they should not have another one because the second and the third will also have a disability. This is the kind of mentality and conditioning that we are experiencing in the country. They are egregious, cruel and inhumane.

In light of this Motion, I have a few suggestions that have actually been spoken about just this morning, at a meeting that I attended with the Kenya Women Parliamentary Association (KEWOPA) and convened by Women Challenged to Challenge. We discussed this very type of issues.

We ask that this Motion also considers to call for the Ministry of Health (MoH) to develop curriculum for training on mental health and maternity care for disabled women. We also call for MoH to have dedicated disability trained nurses in these facilities. We have something called empathetic training as well as mental health that I believe all nurses in these facilities should go through.

In my opinion, it is absolutely abhorrent, that a nurse should come to a woman who has given birth to a child with a disability or a woman with a disability who is pregnant and the first question they ask them is “Who did this to you?” or “Poor you, I pity you. In your condition? A child?”

Mr. Temporary Speaker, Sir, I do not believe that it is anyone’s business what I do with my reproductive health. Unless that nurse or medical practitioner has identified issues of abuse, whether covert or overt, they should not be asking women with disabilities these questions. That is absolutely disrespectful. This is the kind of training that we are calling for the MoH to also facilitate in these facilities. We also need disaggregated data on the types of disabilities that will be handled in these facilities and how to manage pregnant women who have disabilities.

In my advocacy and activism work, I always say that when you have met one Person with Disability (PWD), you have only met one PWD. This means that we are new ones. We are not homogenous. As a visually impaired woman, I have needs that an autistic woman will have the opposite types of needs. So, when it comes to mental health and pregnancy with women with disabilities, this data needs to be disaggregated. Otherwise, we are not serving PWDs completely.

We also need to establish PWD desks in these facilities. They will provide needs assessments to pregnant women with disabilities just like in the Senate. I applaud the Clerks’ office for having a PWD desk because they understand that a PWD need is different from a non-disabled person’s needs.

Mr. Temporary Speaker, Sir, we need disability mainstreaming to sensitize communities and end this stigma that I talked about, around reproductive health for PWDs. We have been tortured for decades. As women with disabilities, some of the behaviours and attitudes that we experience when we are seeking health and mental health services in pregnancy are actually close to criminal.

For example, forced sterilization happens in this country. Women are given suppressants so that they do not give birth or have periods. The people doing these egregious acts, act under the guise of; “We are helping you; we are doing it for your best interest” because of course, a woman with a disability cannot take care of another human being. Right? That is wrong. It is our right. It is an absolute violation of our dignity, integrity, psychology and the autonomy of our bodies.

Mr. Temporary Speaker, Sir, I would like all these issues to be looked into seriously by Sen. Kibwana, whom I am pleased that she has brought this Motion to the House. Also, so that we can continue discussing this other perspective of women with

disabilities who are giving birth and also women who are giving birth to children with disabilities that need mental healthcare; newest mental health care. As I said, when you have met one person with a disability, you have only met one. Our needs vary from one extreme to the other.

Women with disabilities and women who have children with disabilities are listening to this. I hope that these women – whether in the Senate, National Assembly or Kenyans at large – will start coming out and speaking about these issues.

Mr. Temporary Speaker, Sir, we also need to have access to family planning. It is our right. Are you trying to tell me that as Sen. Crystal Asige, a visually impaired person, I cannot fall in love, and that I cannot meet someone that I want to start a family with and do so or plan to do so? Why must it be looked at as a mistake or a pitiful act? I leave that with the House.

Thank you for your time and listening to me.

The Temporary Speaker (Sen. Wakili Sigei): Thank you, Sen. Crystal Asige for your contribution.

Sen. Ogola, please proceed.

Sen. Ogola: Mr. Temporary Speaker, Sir, I stand to add my voice, to the Motion by Sen. Kibwana. A number of us feel that giving birth is just a naturally occurring event that has no implications. If Sen. (Dr.) Khalwale was here, he would confirm to the House that it is a harrowing experience.

Women carry pregnancies for nine months with a lot of strain. I am sorry to say this. Sen. (Dr.) Khalwale had indicated that mental health is a situation that runs across. I would like to state that poor and probably uneducated women bear the brunt because of the environment in which they find themselves.

Mental health, as it has been stated, is key for the general population in this country. Specifically, it is key to pregnant women as stated by Sen. Kibwana.

As I support this Motion, my heart goes out to pregnant Kenyan women, especially those in drought-stricken regions. Other than being pregnant, they have to walk for long distances in search of water. Sometimes they find themselves in mental distress.

My heart also goes out to pregnant women who have to go through the nine-month period in famine-stricken regions without food. As they struggle to sustain their unborn children, they also have to look for food over long distances. They look for food to feed themselves, their children and unborn babies.

My heart also goes out to pregnant women in this country who have to walk for long distances in search of water. All these are sources of mental distress to pregnant women. My heart also goes out to many pregnant women who have to walk for long distances in inaccessible areas to fend for their families. They are in mental distress for a period of nine months. It is like telling them that it is a crime to be pregnant.

Mr. Temporary Speaker, Sir, I support this Motion, I support Sen. (Dr.) Khalwale that we should build it up. Hospitals need to develop tracer systems. They need to trace these women as they walk through the journey of pregnancy.

We have tracer systems for people living with HIV/AIDS. Hospitals have a system where they are able to follow people living with HIV/AIDS who may have stopped taking their drugs. If there is a system of tracing those patients, why do we not

develop a tracer system for pregnant women who not attend pre-natal clinics? That can help when health practitioners realize that they are developing certain problems in the course of their pregnancies.

A system should be put in place to ensure pregnant women can be traced because they are a resource for this country. They are not pregnant for themselves because at the end of their pregnancies, children are born. Those are Kenyans who will build this country. Therefore, this country should take care of those women.

Mr. Temporary Speaker, Sir, as I support this Motion, we need to build it up by adding more meat to it, so that we can have a Bill that is all inclusive to ensure that women carry pregnancies to term with dignity because being pregnant is not a crime.

(Sen. (Dr.) Khalwale walked into the Chamber)

Mr. Temporary Speaker, Sir, as I had mentioned earlier before Sen. (Dr.) Khalwale walked in, as much as it is a situation that affects all women, majorly it is the poor and uneducated women who go through much during pregnancy.

It has been mentioned by earlier speakers that the state of our hospitals is bad and that is unfortunate. That adds even more to the mental state of our pregnant women.

Why would pregnant women share beds in this century? If you visit the hospitals, the beds are not that big. Nonetheless, you will find three women sharing a bed. You will get those at the initial state of labour while others at an advance stage. We also have others with children sharing the same bed. It is a shame for this country and the civilization of mankind.

Mr. Temporary Speaker, Sir, being pregnant is not a crime. It is a choice that benefits this country.

I thank you.

The Temporary Speaker (Sen. Wakili Sigei): Thank you very much, Sen. Ogola, for the emotional contribution to the Motion. Let us have Sen. Oketch Gicheru.

Sen. Oketch Gicheru: Thank you once again, Mr. Temporary Speaker, Sir. I rise to register my appreciation to Sen. Kibwana for bringing this particular Motion on the Floor.

I believe that any nation is definitely judged by how much it invests and treats its children. The journey starts with how we treat our mothers as a nation. It is said that it takes a village to raise a child. That implies that it certainly takes a village to grief whenever a child is lost.

This is an important matter especially in countries such as Kenya. Losing a child/pregnancy below 28 weeks either through miscarriage or stillbirth for mothers, is a taboo in most African countries. That is particularly strong in the Kenyan society. Therefore, the issue of trauma, stress and sometimes disrespect of women who end up losing their pregnancies in health facilities is real. The contrast is big. If you look at urban areas of Kenya, we have made a major stride as a nation, whereby about 98 per cent of women visit health facilities to give birth. If you go to rural communities, this goes up to 94 per cent.

Women who have lost a child or pregnancy receive 14 per cent of support. Some of the support infrastructure need to be improved. I would like to urge Sen. Kibwana to improve this Motion to include proper remuneration and support to the community health care workers.

In the villages today, a community healthcare worker is responsible for helping women get to hospital while fighting the taboo and stigma associated with it. In a day, they deal with five cases of pregnant women. This healthcare worker is sometimes assigned about 63 to 70 villages which means that they deal with almost 400 people.

When one or two deaths occur in these hospitals out of the five cases the community health worker is dealing with, they come back to them. As we look keenly at dealing with the trauma and stress that women who have lost children and mothers who have lost pregnancies go through, we should also focus on the reduction in maternal and neonatal mortality. We can reduce those deaths by empowering the personnel we have in our current structure and that include the Community Health Workers (CHW).

Nutrition is critical for some of these cases. Sen. Ogola has spoken passionately about women who move to different places and go for long distances to look for water. Work conditions for women in peri-urban areas of our country today is challenging. They do not get the support they need during and after the pregnancy. Some of the deaths that do occur are stress related.

This is an important Motion for our nation. Embracing, supporting and empowering women will put us in the books of history. By supporting this Motion, we will be building a stronger nation by focusing on building stronger women who will then help us raise stronger children.

With that, I do support and appreciate the Motion moved by Sen. Kibwana.

The Temporary Speaker (Sen. Wakili Sigei): Thank you, Sen. Oketch Gicheru.

Sen. Osotsi, proceed.

Sen. Osotsi: Thank you, Mr. Temporary Speaker, Sir. From the onset, I will start by thanking Sen. Kibwana for bringing this timely and important Motion; as her maiden Motion.

This Motion addresses two important aspects as far as mental health for mothers is concerned. First, we have the issue of limited availability. As we know, only 14 hospitals in this country offer mental healthcare. Ironically, we have 47 county referral hospitals. This means we are still way behind.

Secondly, we have the issue of affordability. The cost of mental healthcare is high. Offering this service in the county facilities will increase access to mental health facilities for mothers. The issue of mental health is serious, because they say out of every 10 Kenyans one has a mental health issue.

That is very worrying yet the numbers are going up. We need to have a serious strategy in dealing with issues of mental health.

This Motion is very timely and specific to mothers but I think there are other cases of mental health which are on the rise and are attributed to many factors including drug abuse cases. Allow me to digress a bit. This House must critically look at issues of how to process Motions because such a wonderful and great Motion will not be implemented by the Executive.

If you read the Motion, it states “The Senate urges”. I suggest that the staff who help us draft these Motions insist that “The Senate resolves” because we cannot act in vain. We cannot discuss issues here, they go to the Executive and are never implemented. I saw it from my experience in the National Assembly, and I am beginning to see it here.

We are a Parliament that does budget making and we look at the Budget Policy Statements (BPS). Why can we not have a system where such good Motions are recorded so that when we are discussing the BPS, we can incorporate the resolutions and appropriate money to these wonderful ideas? Coming here to discuss such wonderful Motions and then having someone at the Ministry of Health (MOH) sit on it and then come back to tell us there is no funding is very annoying.

I suggest that moving forward and members of the Senate Business Committee (SBC) should help us with this so that the Motions which come here are resolved. We should say that we are resolving to do one, two and three things instead of coming here to urge the Government to do some things. We have the powers to appropriate money and change the BPS so that the resolutions we make here are addressed by the Executive and the county governments.

I support this Motion and I encourage Sen. Kibwana to bring many more Motions around the health sector – which she seems to be having a passion for – so that we can address the many issues we have around that sector in this country.

I support.

The Temporary Speaker (Sen. Wakili Sigei): Thank you, Sen. Osotsi, for your contribution. You stressed the point that the proposition as we debate the Motion should not be to urge but to resolve. I believe that the House should take it along that line so that whatever debate resolutions that come from this Chamber become ones that can be implemented.

Sen. Chimera, proceed.

Sen. Chimera: Thank you, Mr. Temporary Speaker, Sir, for this opportunity. However, when you speak last, you are lost for words because my colleagues have effectively contributed to this Motion.

The Temporary Speaker (Sen. Wakili Sigei): Sen. Chimera, nobody has said you will speak last.

(Laughter)

Sen. Chimera: I am looking at the numbers and I want to imagine that I am the last person to speak on this Motion. That said and done, I rise to support this Motion. This is a crucial Motion that my colleague, Sen. Kibwana has brought to this honorable House. I have the chance and honor to serve in the Committee on Health with the her and what she advances as a member is very weighty.

I am happy she has found the sense and need to bring this Motion before the House. Clearly, it is a joy to give birth to a child and it is very disastrous that after that happens the particular lady or woman slides into depression.

Mr. Temporary Speaker, Sir, I support the need to have the Government coming on board to support offering of counselling services and psychology to the affected women after giving birth.

Fortunately, I have just come from a meeting with the membership of the Kenya Counselling and Psychology Association in my office.

The Temporary Speaker (Sen. Wakili Sigei): Hon. Sen. Chimera, it is 6:30pm, you will have your 14 minutes tomorrow.

ADJOURNMENT

The Temporary Speaker (Sen. Wakili Sigei): Hon. Senators, it is now 6:30pm, time to interrupt the business of the Senate. The Senate therefore, stands adjourned until tomorrow, Wednesday, 9th, November, 2022 at 2:30pm.

The Senate rose at 6:30 p.m.