



**REPUBLIC OF KENYA**

**THIRTEENTH PARLIAMENT**

**NATIONAL ASSEMBLY**

**THE HANSARD**

**VOL. II NO. 32**

## THE HANSARD

Thursday, 20<sup>th</sup> April 2023

The House met at 2.30 p.m.

*[The Deputy Speaker (Hon. Gladys Boss) in the Chair]*

PRAYERS

QUORUM

**Hon. Deputy Speaker:** I direct that the Quorum Bell be rung for 10 minutes.

*(The Quorum Bell was rung)*

We have quorum. We can proceed.

PAPERS

**Hon. Deputy Speaker:** The Deputy Leader of the Majority Party.

**Hon. Owen Baya** (Kilifi North, UDA): Thank you very much, Hon. Deputy Speaker. I beg to lay the following Papers on the Table of the House:

1. The East African Community (EAC) Multilateral Agreement on Aircraft Accident and Incident Investigations and Explanatory Memorandum from the Ministry of Foreign and Diaspora Affairs.
2. Protocols relating to Amendments to Articles 50 and 56 of the Convention on International Civil Aviation (Chicago Convention) and Explanatory Memorandum from the Ministry of Foreign and Diaspora Affairs.
3. Legal Notice No.41 of 2023 relating to the Crops (*Miraa*) Regulations 2023, the Explanatory Memorandum, the Regulatory Impact Statement and other related documents from the Ministry of Agriculture and Livestock Development.
4. Annual Report and Financial Statements of Kenya Industrial Property Institute for the year ended 30<sup>th</sup> June 2021.
5. Report of the Auditor-General and Financial Statements on Industrial and Commercial Development Corporation (ICDC) for the year ended 30<sup>th</sup> June 2022.
6. Report of the Auditor-General and Financial Statements on Ramogi Institute of Advanced Technology for the year ended 30<sup>th</sup> June 2021.
7. Reports of the Auditor-General and Financial Statements in respect of the following institutions for the year ended 30<sup>th</sup> June 2022 –
  - (a) Government Clearing Agency Fund – National Treasury.
  - (b) Kenya Water Security and Climate Resilience Project (IDA Credit No.5268/5674-KE) – Ministry of Water, Sanitation and Irrigation.
  - (c) A case study on Integrated Delivery of Selected No-Communicable Diseases in Kenya (PHGF Grant No. TFOA5636) – Moi Teaching and Referral Hospital.
  - (d) Kenya Special Project for BRSM and SAICM – Ministry of Environment and Forestry.

- (e) Upper Tana Catchment Natural Resource Management Project (UTaNRMP) IFAD Loan No.1-867-KE; IFAD Additional Financing Loan No.2000002597-KE; and Spanish Trust Fund Loan No.1-E-8-KE – Ministry of Water, Sanitation and Irrigation.
- (f) Sound Chemicals Management Mainstreaming and UPOPS Reduction in Kenya Project (Grant No.P0099820) – Ministry of Environment and Forestry.
- (g) Kenya Water Towers Project (Grant No.FED/2016/375-958) – Kenya Forest Service.
- (h) Northern Corridor Transport Improvement Project IDA Credit No.3930-KE and No.4571-KE – Kenya National Highways Authority;
- (i) Government Investments and Public Enterprises – Revenue Statements – National Treasury.
- (j) Treasury Main Clearance Fund – National Treasury;
- (k) Rural Enterprise Fund – National Treasury.
- (l) Consolidated Fund Services – Salaries, Allowances and Miscellaneous Services - National Treasury.
- (m) Witness Protection Agency Staff Housing Mortgage Scheme Fund.
- (n) Combating Poaching and Illegal Wildlife Trafficking in Kenya through integrated approach (IWT-Kenya) Project – State Department for Wildlife.
- (o) Emergency Locust Response Project (IDA Credit No.6648-KE) – State Department for Crop Development and Agricultural Research.
- (p) Africa Centre of Excellence (ACE II) in Phytochemicals, Textiles and Renewable Energy (PTRE) Project (IDA Credit No.5798-KE) – Moi University.
- (q) East Africa Tourist Visa Fee Collection Account – National Treasury;
- (r) Revenue Statements of the Business Registration Service.
- (s) Executive Office of the President.
- (t) Stores and Services Fund – State Department for Public Works;
- (u) Mechanical and Transport Fund.
- (v) National Cohesion and Integration Commission.
- (w) Coffee Cherry Advance Revolving Fund.
- (x) Business Registration Service – Official Receiver.
- (y) Competition Authority of Kenya.
- (z) Registration of Certified Public Secretaries Board.

Thank you, Hon. Deputy Speaker, I lay.

**Hon. Deputy Speaker:** Next Order.

## QUESTIONS AND STATEMENTS

### STATEMENTS

**Hon. Deputy Speaker:** Hon. Charles Nguna, you may proceed.

Hon. Members, other Papers will be laid by Hon. John Mbadi, Chairperson of the Public Accounts Committee, after the notices.

Hon. Nguna, you are representing the Chairperson of the Departmental Committee on Sports and Culture. You may proceed. Give him the microphone.

### ISSUANCE OF DIPLOMATIC PASSPORTS TO KENYAN ATHLETES

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**Hon. Charles Nguna** (Mwingi West, WDM): Thank you, Hon. Deputy Speaker, for giving me this opportunity to respond to a request for a Statement.

Hon. Speaker, pursuant to Standing Order 44(2)(c), Hon. Cynthia Muge, M.P., on 21<sup>st</sup> March 2023, requested for a Statement from the Chairperson of the Departmental Committee on Sports and Culture regarding the issuance of Diplomatic Passports to Kenyan Athletes.

Hon. Speaker, the Committee wrote to the Principal Secretary, State Department for Immigrations and Citizens Services, on 24<sup>th</sup> March 2023. The Principal Secretary responded back on 5<sup>th</sup> April 2023, through the Director-General, Directorate of Immigration Services as follows:

That, the Directorate of Immigration Services is part of the security sector mandated to contribute to security and socio-economic development of Kenya by facilitating international travel, issuance of secure travel documents, issuance of permits and passes, control of entry and exit, compliance and enforcement of immigration laws and management of migrants as a pre-requisite to sustainable economic development.

That, the issuance of Kenyan Passport is one of the key functions of the Directorate of Immigration Services among others. In the execution of its mandate, more so issuance of security documents, the Directorate is guided by the Constitution of Kenya 2010, ratified conventions and protocols, Acts of Parliament, subsidiary laws and standard operating procedures (SOPs) which are in tandem with the supreme law of the land.

Hon. Speaker, in compliance with Chapter 4, Article 39 of the Constitution, the Directorate of Immigration's obligation is to ensure timely issuance of travel documents to facilitate freedom of movement for its citizens. It is also supposed to ensure that all immigration and citizen related services are within the purview of fair administrative action as provided for under Article 47 of the Constitution.

Further, the Directorate is guided by two principal laws from which it derives its mandate and purposes; the Kenya Citizenship and Immigration Act, 2011 and Kenya Citizens and Foreign Nationals Management Service, 2011. The Kenya Citizenship and Immigration Act, 2011 is the Act of Parliament that provides for matters relating to citizenship, issuance of travel documents, immigration and for other connected purposes.

Hon. Speaker, issuance of the Kenyan passport is guided by the provision of Kenya Citizenship and Immigration Act, 2011 and International Civil Aviation Organization standard Annex 9. These stipulate:

1. Persons entitled to passport and other travel documents.
2. Types of passport and other travel documents.
3. Validity of passport and other travel documents.
4. Application for and issuance of passport and other travel documents.
5. Application for replacement of passport and other travel documents...

**Hon. Gabriel Tongoyo** (Narok West, UDA): On a point of order, Hon. Deputy Speaker.

**Hon. Deputy Speaker:** Hon. Tongoyo, what is your point of order?

**Hon. Gabriel Tongoyo** (Narok West, UDA): Thank you, Hon. Deputy Speaker. I have carefully listened to the response given by the Member. I remember the question was asked by the Member for Nandi County, and it was purely marked to my Committee which squarely oversees the issue of migration. So, we need your guidance because I think it was really ill placed.

**Hon. Deputy Speaker:** Just repeat that. Had it already been marked?

**Hon. Gabriel Tongoyo** (Narok West, UDA): When the Statement was sought by the Member for Nandi County, the Speaker ruled that the matter be marked to the Departmental Committee on Administration and Internal Security, which oversees the State Department of Migration.

**Hon. Deputy Speaker:** In other words, you are saying that the Departmental Committee on Sports and Culture should not be giving a response.

**Hon. Gabriel Tongoyo** (Narok West, UDA): Yes. It is wrongly placed.

**Hon. Deputy Speaker:** But it had been marked. Please, explain how it came to the Departmental Committee on Sports and Culture.

**Hon. Charles Nguna** (Mwingi West, WDM): The Departmental Committee on Sports and Culture is just doing the job that was given by the Speaker. The Speaker ruled that we are supposed to issue the Statement.

**Hon. Deputy Speaker:** Hon. Didmus Barasa.

**Hon. Didmus Barasa** (Kimilili, UDA): Thank you, Hon. Deputy Speaker. I think the request for statement was directed to the Ministry of Sports and Culture. It is completely in order. For the State Department of Immigration to process passports, there must be an approval and a qualification from the Ministry of Sports and Culture that these are sportspersons and require diplomatic passports. There must be an approval and support of the Ministry of Sports and Culture because not everybody qualifies to be given a diplomatic passport. It is, therefore, in order. The Ministry of Sports and Culture should approve that these are our sportsmen and women that require diplomatic passports. After the approval, the Ministry of Interior and National Administration can then proceed to process their diplomatic passports.

**Hon. Charles Nguna** (Mwingi West, WDM): Thank you, Hon. Barasa, for that wisdom.

**Hon. Deputy Speaker:** I will give one more chance to Hon. Muge.

**Hon. Cynthia Muge** (Nandi County, UDA): Thank you, Hon. Deputy Speaker. Having been the person who sought the Statement from the said Committee, the procedure is that any Statement that comes to this House has to go through very many other levels for approval.

While I was raising the question on the Floor, the Speaker sought to know if the question was rightly placed under the Sports Department or the Defence Department. Nonetheless, it was allowed to go as it were, at that time. The Statement was sought to be responded to by the Ministry of Sports, Culture and Heritage.

Thank you, Hon. Deputy Speaker.

**Hon. Charles Nguna** (Mwingi West, WDM): Hon. Deputy Speaker, I beg to continue.

**Hon. Deputy Speaker:** Hon. Members, this is something that can be confirmed from the HANSARD. However, my understanding is that the Statement is currently requesting for a principle rule that sports people get passports. However, for the Ministry to assess who is a sportsperson or an athlete to qualify to get a diplomatic passport, that would be for the Ministry of Sports, Culture and Heritage. Once they are verified by the Ministry of Sports, Culture and Heritage, they would be handed over to the immigration who then process the passports. That is what seems to have brought some confusion. I think there is a clear demarcation between the two. They are not saying that they have the decision to give them, but to say they are qualified. As to the issuance to actual persons, it will be done by the Ministry of Interior and National Administration. I think I am correct in that and it has been confirmed by many others.

We shall now allow Hon. Ngusya who is representing the Chairperson, Departmental Committee on Sports and Culture, to proceed with his Statement because they have not reserved any powers of the Department of Immigration.

*(Hon. Emmanuel Wangwe rose on a point of order)*

What is your point of order *Mheshimiwa*. We will then let him complete.

**Hon. Emmanuel Wangwe** (Navakholo, ODM): Thank you, Hon. Deputy Speaker. Now that the sportspeople are concerned that they are not getting diplomatic passports and the

Chair in charge of administration seems to be the one in custody of that, why can they not give us an answer as to why he cannot?

Thank you.

**Hon. Deputy Speaker:** Hon. Members, I think this is clear. They are not saying that anybody who calls himself or herself an athlete should be issued with a passport. They are saying that once they verify information, they will send it to the Ministry of Interior and National Administration. They then deal on a case-by-case basis.

Hon. Member, proceed with your Statement.

**Hon. Charles Nguna** (Mwingi West, WDM): Hon. Deputy Speaker, I was in number six.

6. Lost, stolen, mutilated or damaged passports.
7. Rejection of an application for passport and other travel documents.
8. Confiscation or suspension of a passport or other travel documents.
9. Passport and travel documents as *prima-facie* evidence of citizenship or domicile.

Chapter 3 of the Constitution of Kenya Section 12(1) (b) says that every citizen is entitled to a Kenya passport. Entitlement to passport is guaranteed under Kenya Citizenship and Immigration Act, 2011 Part IV (g) (iii).

Kenya Citizenship and Immigration Regulations, 2012 stipulate the persons entitled to hold diplomatic passports and are stated in the Third Schedule as follows:

1. President and immediate family members.
2. Prime Minister and immediate family members.
3. Vice-President or Deputy President and immediate family members.
4. Cabinet Secretary and spouses(s).
5. Secretary to the Cabinet and spouse(s).
6. Principal Secretaries and spouse(s).
7. Speakers of National Assembly and the Senate and spouse(s).
8. Chief Justice and spouse(s).
9. Deputy Chief Justice and spouse(s).
10. Justices of Supreme Court and spouse(s).
11. Justices of Court of Appeal and spouse(s).
12. Attorney General and spouse(s).
13. Director of Public Prosecutions and spouse(s).
14. Solicitor-General and spouse(s).
15. Controller of Budget and spouse(s).
16. Auditor-General and spouse(s).
17. Governor of the Central Bank and spouse(s).
18. Clerk of the National Assembly and spouse(s).
19. Chief of the Kenya Defence Forces and spouse(s).
20. Service Commanders of the Kenya Defence Forces and spouse(s).
21. Director-General of the National Intelligence and spouse(s).
22. Inspector General of the National Police Service and spouse(s).
23. County Governor and spouse(s).
24. Aide-De-Camp to the President.
25. Former President and spouse(s).
26. Former Vice-Presidents and spouse(s).
27. Foreign Service Office, spouses and dependent children below the age of 19 years.

That, Kenya Citizenship and Immigration Regulations, 2012 give power to the Cabinet Secretary, where he considers necessary, to authorise the issuance of a diplomatic passport to a person who does not fall in any of the categories set out in the Third Schedule.

Under the Kenya Citizenship and Immigration Regulations, 2012, Regulation 14(3) states that a holder of a diplomatic passport shall upon ceasing to hold the office or having the status specified in the Third Schedule surrender the diplomatic passport. Any passport that has not been surrendered in accordance with Paragraph (3) shall cease to be valid.

The Directorate of Immigration Services recommends that amendments be made to the Kenya Citizenship and Immigration Act, 2011 to provide for issuance of Official/Service passports to Government officials and athletes who intend to travel to represent the country in various assignments and do not qualify for diplomatic passports.

With those few remarks, thank you, Hon. Deputy Speaker. We, therefore, need a law enacted on this matter so that we can allow our athletes to get diplomatic passports.

*(Hon. Kimani Ichung'wah rose on his seat)*

**Hon. Deputy Speaker:** Leader of the Majority Party, I can see you have an intervention. I think you will have your weekly Statement. However, before we have you, we can allow Hon. Cynthia Muge to make her response, before we get to you.

**Hon. Cynthia Muge** (Nandi County, UDA): Thank you, Hon. Deputy Speaker. I want to appreciate the Committee on Sports, Culture and Heritage for being prompt enough in responding to this particular Statement today.

Having listened carefully to the submissions of the Committee, I want to say that despite the fact that this issue was raised on this Floor a few weeks ago, the situation is getting worse. You are aware that a few days ago, the Boston Marathon was going down and there is an athlete by the name Ms. Sheila Chepkirui who had to withdraw from that particular race because of visa issues. The aim and agenda of this particular Statement was to see to it that the athletes who have been verified by the said departments are able to get those diplomatic passports. This will make it easier for them to process their visas and, therefore, will not miss out on their races.

The response of the Committee categorically states that this law needs to be amended. The same law provides that the Cabinet Secretary responsible or in charge has the power and authority to give visas to people who are not listed under that Schedule; those he or she feels that they qualify. I still feel like this particular department is not doing enough for athletes to be cushioned against missing their visas and their races outside the country. I also continue to ask that instead of having the tussle on who is supposed to respond to the Statement, I wish the tussle would be on who is supposed to provide this service at the earliest time possible.

Otherwise, I want to appreciate the efforts by the Committee in responding to this particular Statement. Be that as it may, athletes in this country are still going through a lot of issues including and not limited to not only failing to get visas but also taking long period of time to get passports. This matter needs to be accorded the attention it deserves. Athletes are great men and women of this country who carry our flag very high, Hon. Deputy Speaker.

Thank you.

**Hon. Deputy Speaker:** Thank you. Leader of the Majority Party, make your Statement.

BUSINESS FOR THE WEEK OF 24<sup>TH</sup> – 28<sup>TH</sup> APRIL 2023

**Hon. Kimani Ichung'wah** (Kikuyu, UDA): Thank you, Hon. Deputy Speaker. Pursuant to the provisions of Standing Order 44(2)(a), I rise to give a statement on behalf of

the House Business Committee (HBC), which met on Tuesday, 18<sup>th</sup> April 2023 to prioritise business for consideration during the week.

As Members are aware, yesterday the Cabinet Secretary for Environment, Climate Change and Forestry and the Cabinet Secretary for Roads and Transport appeared before the National Assembly plenary to answer Questions and expound on policies under their respective dockets. I would like to thank Members for their continued active participation in this process.

With regard to business for next week, on Tuesday the House is expected to continue with debate on the Report of the Departmental Committee on Labour on the inquiry regarding sexual harassment of female workers in tea estates in Kericho County, general debate on the proposal to amend the Constitution and the Standing Orders, and Second Reading of the Statute Law (Miscellaneous Amendments) Bill, 2022 should they not be concluded today. The HBC shall reconvene on Tuesday, 25<sup>th</sup> April 2023 to schedule business for the rest of the week.

Hon. Deputy Speaker, in accordance with the provisions of Standing Order 42A(5) and (6), I wish to convey that the Prime Cabinet Secretary is scheduled to appear before the House in the afternoon of Wednesday, 26<sup>th</sup> April 2023 to respond to the following Questions:

1. Question 116/2023 by Hon. Yusuf Hassan regarding efforts that the Government is instituting to lower the cost of basic commodities and fuel and also address depreciation of the Kenya Shilling against other currencies.
2. Question 118/2023 by Hon. Yusuf Hassan regarding supply and distribution of relief food to parts of the country severely affected by famine and drought.

In conclusion, I wish our Muslim brothers and sisters in the House and across the country *Eid Mubarak*, as they mark the end of the holy month of *Ramadhan*. I now wish to lay this Statement on the Table of the House.

*(Hon. Kimani Ichung'wah laid the Statement on the Table)*

Thank you, Hon. Deputy Speaker.

**Hon. Deputy Speaker:** Hon. Members, I wish to recognise the presence of students from St. Philip Secondary School in Ndia Constituency, Kirinyaga County; Mbuyu Secondary School in Ndaragwa Constituency, Nyandarua County; Olare Secondary School in Ainabkoi Constituency, Uasin Gishu County - that is my constituency – and St. Claire's Primary School in Molo Constituency, Nakuru County. They are all seated in the Public Gallery.

Seated in the Speaker's Gallery, I wish to recognise the presence of Homa Bay County Students' Association from Karachuonyo Constituency in Homa Bay County.

*(Applause)*

Hon. Members, we can move to the next Order unless Hon. Mbadi, the Chair of the Public Accounts Committee, is ready. We will revert to Order Nos. 5 and 6.

## PAPER

**Hon. John Mbadi** (Suba South, ODM): Thank you, Hon. Deputy Speaker. I beg to lay the following Paper on the Table of the House:

Report of the Public Accounts Committee on the appointment of a firm to provide external audit services to the Office of the Auditor-General with respect to:

- (i) The accounts of the Office of the Auditor-General; and
- (ii) The financial statements for mortgage and car loan schemes of the Office of the Auditor-General.

Thank you, Hon. Deputy Speaker.

**Hon. Deputy Speaker:** Thank you. Next Order.

### NOTICE OF MOTION

#### APPOINTMENT OF AUDITOR TO THE OFFICE OF THE AUDITOR-GENERAL

**Hon. John Mbadi** (Nominated, ODM): Thank you, Hon. Deputy Speaker. I beg to give notice of the following Motion:

THAT, this House adopts the Report of the Public Accounts Committee on the appointment of a firm to provide external audit services to the Office of the Auditor-General with respect to the accounts of the Office of the Auditor-General and the financial statements for staff mortgage and car loan schemes of the Office of the Auditor-General, laid on the Table of the House on Thursday, 20<sup>th</sup> April 2023, and pursuant to the provisions of Article 226(4) of the Constitution and Section 43 of the Public Audit Act, 2015, appoints M/s PKF Kenya LLP for purposes of providing external audit services to the Office of Auditor-General with respect to:

1. The accounts of the Office of the Auditor-General for the period 2020/2021 and 2021/2022.
2. The financial statements for staff mortgage and car loan schemes of the Office of the Auditor-General for Financial Years 2017/2018, 2018/2019, 2019/2020, 2020/2021, 2020/2021 and 2021/2022.

Thank you, Hon. Deputy Speaker.

**Hon. Deputy Speaker:** Thank you. Next Order.

### SPECIAL MOTION

#### APPROVAL OF NOMINEE FOR APPOINTMENT AS CHAIRPERSON OF ETHICS AND ANTI-CORRUPTION COMMISSION

THAT, taking into consideration the findings of the Departmental Committee on Justice and Legal Affairs in its Report on the Vetting of a Nominee for Appointment as the Chairperson of the Ethics and Anti-Corruption Commission, laid on the Table of the House on Tuesday, 18<sup>th</sup> April 2023, and pursuant to the provisions of Section 10(3) of the Ethics and Anti-Corruption Commission Act, 2011 and Section 8(1) of the Public Appointments (Parliamentary Approval) Act, 2011, this House approves the appointment of Dr. David Adang Oginde as the Chairperson of the Ethics and Anti-Corruption Commission.

*(Motion moved by Hon. George Murugara on 19.4.2023 – Afternoon Sitting)*

*(Resumption of Debate interrupted on 19.4.2023 – Afternoon Sitting)*

**Hon. Deputy Speaker:** Chairperson of the Departmental Committee on Justice and Legal Affairs, you had 10 minutes left.

**Hon. George Murugara** (Tharaka, UDA): Thank you very much, Hon. Deputy Speaker. By the time we adjourned yesterday, I nominated the Member for Kirinyaga County

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to second. Unfortunately, she was not able to. I wish to inform the House that the Motion was moved. I implored the House to approve the appointment of Dr. David Adang Oginde as the Chairperson of the Ethics and Anti-Corruption Commission (EACC). I also informed the House that the Report we tabled in this House is comprehensive. It confirms that Dr. David Oginde is highly qualified to be the Chairperson of this Commission. Having considered the law and all parameters, members of the Committee present made a unanimous decision that its nomination should be approved by the House.

With those remarks, I call upon the able Vice-Chairperson of the Departmental Committee on Justice and Legal Affairs, Hon. Mwengi Mutuse, to second the Motion.

Thank you, Hon. Deputy Speaker.

**Hon. Mwengi Mutuse** (Kibwezi West, MCCP): Thank you, Hon. Deputy Speaker. We thank our Chairperson for ably moving the Motion on the approval of the appointment of Dr. David Oginde. I also thank members of the Committee for participating in the approval hearings.

In seconding the Motion, we wish to inform the House that Dr. Oginde, as we all know him, is a senior clergyman. In fact, he is the Bishop of Christ is the Answer Ministry (CITAM) churches. As a senior clergyman, he bears the necessary moral high ground to be the Chairperson of EACC. The Chairperson of the Commission must be a person of high moral ground.

Dr. Oginde is also a public policy enthusiast. Despite being a clergyman, he often comments on public issues on television, in newspapers, and in other published articles. As such, he is not just a person who is closed in the four corners of the church, but one who is actively involved in matters of public life.

During his vetting, he indicated that despite the fact that he is a church leader, he would not be a religious fundamentalist. He knows this country is composed of many different religious persuasions which include Christians, Muslims, Hindus, and even atheists. He is aligned with the fact that every one of those people must get justice and not just the Christian faith that he professes. Dr. Oginde also indicated in questions that were posed to him that he is well aware that under the Ethics and Anti-Corruption Commission Act, the board must not interfere with the work of the secretariat. We were looking for a Chairman who is not going to be an investigator or finance officer at EACC, but one who is going to provide leadership rather than do the day-to-day work of the commission.

Dr. Oginde, having been the Bishop of Christ is the Answer Ministries and a person with qualifications at the graduate level in leadership, clearly demonstrated that in being the chairman, he is not going to interfere with the work of the secretariat. The secretariat will do its work and the board will provide its leadership. As this House and the country are aware, following the expiry of the term of Bishop Wabukala, EACC now does not have a Chair and there is an urgency that this House approves Dr. Oginde so that the war on corruption is not slowed down.

I, therefore, second the Motion and urge the House to approve the appointment of Dr. Oginde so that the war on corruption in this country can continue for the sake of public good. I support.

**Hon. Deputy Speaker:** Thank you. The Hon. Member for Ugenya, Hon. David Ochieng’.

**Hon. Members:** Propose first!

*(Question proposed)*

**Hon. Deputy Speaker:** Thank you for that. I seem to be in a rush. I think I had given you an opportunity prematurely.

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**Hon. David Ochieng'** (Ugenya, MDG): Thank you, Hon. Deputy Speaker. I thank the Committee for a very well-done report on the approval of Dr. David Oginde. Fighting corruption requires someone who believes that you can change a corrupt system. It requires someone who believes that fighting corruption needs leadership, someone with integrity and knows how the systems work. Dr. Oginde understands the process and appreciates what used to be done from what I have read about him in this report. He knows where this country is, in terms of corruption and what needs to be done as well as where the country ought to be going forward. He knows that for us to fight corruption in this country, we must first fight impunity and deal with the runaway arrogance of public officials. He knows because he is a lecturer of leadership and integrity. He knows that to fight corruption in this country, he will not just sit in the office to oversee a few individuals in there. He knows that he will need to reboot the system.

I want to tell him this afternoon that as we approve him because he is qualified for this job, let him know that we have had this Commission for so long and we keep lamenting every day that nothing is happening from that front. We want to ask him to ensure that our education system and cultural systems eradicate corruption in the country. Our biggest existential threat today, that is, what ails this country today is not tribalism or politicians, but corruption. It is a fight for the soul of the nation. We want to ask Dr. Oginde this afternoon that as we approve him in this House, he must get to work from day one. Let us see him ensuring that the fight against corruption is again in the mainstream and well at it. He should not use State system infrastructure to fight political wars. He must not allow EACC to fight political wars. He should not be used while in that institution to do things that are meant for settling scores that are political. He should ensure that the EACC knows its role and plays it the right way.

Hon. Deputy Speaker, this country as at now, and I dare say, its leadership bar has gone very low. Anything and anybody can be associated with corruption in this country because EACC has refused to carry out its mandate of ensuring that those who come to this House, or those who become governors, Senators, or Members of the County Assemblies, meet the threshold of integrity. Corruption in this country is the norm. That if you are not corrupt then you are not normal. It cannot be that way. We hope that the body we are talking about today, if Dr. Oginde gets into office, will get new impetus, new blood, and a new urgency in the fight against corruption. As he does so, let us remind him that corruption is a monster that will look back at you and can devour you. Let us hope that he has a thick skin and the capacity to withstand the bombs that will be thrown at him. He must ensure that the secretariat that he has gone to oversee does not maul him also.

Dr. Oginde is extremely qualified for this job and I ask this House to approve him for this position. I support.

**Hon. Deputy Speaker:** Let us have the Hon. Member for Kisii County, Hon. Donya Dorice.

**Hon. Dorice Donya** (Kisii County, WDM): Thank you, Hon. Deputy Speaker, I stand to support. I am a member of CITAM, that is, Christ is the Answer Ministries where Bishop Dr. Oginde is an immediate former presiding Bishop. He was also the former presiding Chancellor of Panafric University. With all this diverse experience, I am sure we will have a different view of his roles. He is a Bishop who has been telling us about family life, which is key. All of us embrace family life. That is why we were all fighting LGBTQ. So, because of his Christian faith and educational background, I support my Bishop as I stand and echo that he can execute the task.

Thank you, Hon. Deputy Speaker.

**Hon. Deputy Speaker:** Hon. Leader of the Majority Party.

**Hon. Kimani Ichung'wah** (Kikuyu, UDA): Thank you, Hon. Deputy Speaker. Allow me to thank the Justice and Legal Affairs Committee (JLAC) under the chairmanship of Hon.

Murugara George alias Sir. George for being very committed to the vetting process of Bishop Oginge. Also, allow me to support this report following the vetting of Bishop David Adang' Oginge. I have known Bishop Oginge as a very balanced leader when he led CITAM and was an active commentator of current affairs. I remember his not-very-popular speech at Bomas of Kenya during the Building Bridges Initiative (BBI) debate. When he called on us and the country to slow down when we were told the train had left the station.

As the good man of the Lord, he prevailed on the political class to slow down the train and make many stops to pick up many passengers. As I congratulate him on his nomination and ask the House to support his appointment as the Chairperson of the EACC, I want to tell him that he has a huge responsibility ahead of him. Rev. Wabukala has done his bit by steering the Commission through the years that he served as the Chairperson of EACC. Bishop Oginge is younger and more focused. He has a huge responsibility to ensure that he steers the governance roles of the Commission to ensure that the secretariat is given the space to manage EACC and lead in the fight against corruption.

Going through the report, I have seen his views on the separation of the management and governance roles of the Commission and that of the secretariat in managing the day-to-day affairs of EACC. I appreciate that he recognises that he is not coming to micromanage the secretariat and that he will work to ensure that there is proper governance. We are talking about a man who has been the presiding bishop of a good church in the city. Therefore, he has the administrative skills to ensure that there are proper governance structures. I encourage him to instill the same discipline within the Commission and the secretariat.

Hon. Deputy Speaker, I also noted his views on the question of political interference or the weaponisation of the fight against corruption. Bishop Oginge has lived in this country and he is aware of what this country has been through the last few years. He is well apprised of how the political class has weaponised the fight against corruption. When we weaponise the fight against corruption, we undermine and sabotage the actual fight against corruption. I plead with Bishop Oginge that even as he ensures proper governance within the Commission, he should also ensure that we will no longer see the weaponisation of corruption. I am happy that he spoke to this issue during his vetting.

The fight against corruption is led by EACC as a commission and not by the political class. They should be free because nobody within the political class will interfere with their work. The Commission and the secretariat will be allowed to do their work without any undue interference from the political class, more so from the Government's side. I am happy that His Excellency the President has said that we will not only speak about fighting corruption, there shall be actions. These actions must be led by the Commission and not by the political class.

The other day, I was reflecting on how we work in this country. In most instances, those who call others corrupt, are usually the most corrupt. I recall a time in this city when pickpockets would steal from people in the Kenya Bus Services and they would run towards a corner. One of the people chasing the pickpockets would then turn around and shout "*Mwizi! Mwizi!*" The crowd would turn around and lynch those running after the thief. The thief would then join the mob in lynching an innocent person. In this fight against corruption, we must avoid the typical Nairobi-pickpockets scenario where the corrupt point fingers at those who are running after them. The result of this is that the fight against corruption is marred by a lynch mob and the facts that touch on corruption get lost in the midst.

Yesterday, one of the newspapers carried a story on the work that is being done by the joint committee of Parliament, that is, the Departmental Committee on Finance and National Planning and the Departmental Committee on Information, Communication and Technology. Today, in one of the dailies, someone who got away with Ksh400 million in the Telkom Kenya Limited saga said that he was paid for being smart. I was left wondering whether this gentleman

is telling Kenyans that those who are not making Ksh400 million in such a heist are not as intelligent as he purports to be. This is an insult to the people of Kenya.

We have committees in this House that are working on issues that will be sent to EACC for investigation. We encourage all our committees to do what we did when I was the Vice-Chairperson of the Public Investments Committee (PIC). When we were done with the investigations on the theft of Ksh180 million at the Youth Enterprise Development Fund (YEDF), we made recommendations and forwarded them to EACC. The EACC picked up that matter, investigated and charged those involved. I commend EACC because they moved with speed and charged people in court. It was unfortunate that those charged lost their lives. May the Lord rest their souls in peace as much as they had stolen from Kenyans! Nonetheless, EACC did its work.

I challenge EACC to keep tabs with what is happening in the watchdog committees of this House. I encourage them to second EACC officers to the watchdog committees that work on investigative matters that touch on the loss of public funds. This will help EACC save time when they begin their own investigations as they will not be reinventing the wheel. The officers can collect a lot of information from these committees when Members are interrogating witnesses and other people who appear before them. We should not see this kind of impunity where people loot dry our coffers and bask in the glory of newspaper headlines telling us how intelligent they are. A time will come when such people will be held to account.

I want to believe that this Commission, under the stewardship of Bishop Oginge, will do its work to ensure that we encourage Kenyans, right from schools... There was a time when we learned ethics in school. I am not sure whether this is part of the Competency Based Curriculum (CBC) today. However, I am happy that in his interview, the Bishop dwelt a lot on ethics. We need an ethical society where corruption is not seen a fashionable thing. Corruption is something that even your children should frown upon and not cheer you if you are found corrupt.

Hon. Speaker, with that, I support.

**Hon. Deputy Speaker:** What is your point of order Hon. (Dr.) Pukose?

**Hon. (Dr.) Robert Pukose** (Endebess, UDA): Hon. Deputy Speaker, I know that this is a very important Motion that needs to be passed by the House. We need to have the Commission working as early as possible. Therefore, I rise under Standing Order 95 to request that the Mover be called upon to reply. We need to approve this. I know today is a Thursday and some of the Members could be travelling to their constituencies to attend to other duties. I beg that the Mover be called upon to reply.

**Hon. Deputy Speaker:** Are Members in agreement?

**Hon. Members:** Yes.

**Hon. Deputy Speaker:** Mover, you may reply.

**Hon. George Murugara** (Tharaka, UDA): Thank you very much, Hon. Deputy Speaker. As I reply, I wish to thank Members of Parliament for showing overwhelming support to the report and confirmation of Bishop David Oginge as the new Chairperson of the Ethics and Anti-Corruption Commission.

I also wish to thank the Departmental Committee on Justice and Legal Affairs Committee for the work they did, which has pleased Parliament. If this Motion is passed, we

now call upon the Bishop to proceed and work diligently as he has done in the past in the church, civil society, and the other places he has worked in.

With those remarks, I beg to reply.

*(Question put and agreed to)*

**Hon. Deputy Speaker:** While I am still on my feet, before the next Order, I would like to recognise the presence of St. Mary's Mosoch Primary School from Kitutu Chache Constituency, Kisii County. We have Members present who went to that school. Secondly, I would like to recognise the presence of Kangai Mixed Secondary School from Mwea Constituency, Kirinyaga County. Both are seated in the Public Gallery.

I also wish to recognise the presence of Kokwet Secondary School, seated in the Speaker's Gallery, from Kipkelion West Constituency, Kericho County.

Next Order.

## MOTIONS

### ADOPTION OF REPORT ON INQUIRY INTO SEXUAL HARASSMENT OF FEMALE WORKERS IN TEA ESTATES IN KERICHO

THAT, this House adopts the Report of the Departmental Committee on Labour on the Inquiry Regarding Sexual Harassment of Female Workers in Tea Estates in Kericho County, laid on the Table of the House on Thursday, 23<sup>rd</sup> March 2023.

*(Moved by Hon. Muchangi Karemba on 18.4.2023)*

*(Resumption of debate interrupted on 18.4.2023)*

**Hon. Deputy Speaker:** Member for 'Suna South', Hon. Millie Odhiambo. You had six minutes left. You may proceed.

**Hon. Millie Odhiambo-Mabona** (Suba North, ODM): Thank you, Hon. Deputy Speaker. I am not the Member for 'Suna South' but 'Suba North'.

I thank God for working in mysterious ways. I had wanted to speak earlier to the Motion on Bishop Oginde who was my Bishop for many years before I defected from Nairobi Pentecostal Church (NPC) to Seventh Day Adventist (SDA). Unfortunately, because the Mover was called upon to reply, I was unable to speak. I will read a chapter in the Bible which applies to this Motion and the Special Motion on Consideration of Nominee for Appointment as Chairperson of the Ethics and Anti-Corruption Commission. Matthew 10:16 says, 'Behold I send you out as a sheep among wolves. Therefore, be wise as serpents and as harmless as doves.' I will not speak because of the rule of relevance but I hope he remembers that.

We were talking about the issue of sexual harassment of employees of tea estates in Kericho. I had spoken a bit about it. It is actually a tragedy when we are talking about Kenyans who are helpless and do not have the advantages that we, as Members of Parliament or national leaders have. They were harassed. I had challenged the Committee. We hoped that they would come up with stronger recommendations. One of the recommendations that I had hoped that

they would come up with was to force the tea companies to come up with very clear sexual harassment policies.

There is also another issue that I wanted to speak to. As a House, we need to call a spade a spade but not a big spoon. Sexual harassment has a very clear definition in the Sexual Offences Act. What Members were referring to here are cases of sexual abuse and rape. When you are talking about sexual harassment, we are cushioning acts which are very bad. It is very difficult sometimes. I remember a case that we were told one time in church. There was a poor lady who was told if she did not say “Amen”, she would be given a blanket. So, this woman kept sitting down. Every time the pastor said something she liked, she could not say “Amen”. However, at some point, she reached a level and said “Amen anyway, blanket or no blanket”. I have reached that level of blanket or no blanket. I will say “Amen”.

The “Amen” I am going to say is this: I want to warn the men who are targeting national leaders with sex-shaming like the one we have seen of late. If we cannot protect women at the local level and we, as women leaders, are being targeted, and we want to be quiet because of one, two, or three reasons.... Please excuse me, as women, because I know we had agreed that we would not talk about this issue. However, blanket or no blanket, I will talk because I am very offended. We cannot be treating women like trash or rubbish, or they are the ones who came up with or invented sex.

I want to tell women who are shaming, victimising another woman who is already a victim and taking a moral high ground, ‘Shame on you!’ One of my friends said because you have children, do not do this. Who told you that a woman posted photos of herself? You come here and post photos. Who does not have sex? I have sex. Otherwise, why is my name Mrs Mabona? I had it even today. If I had it today, what is the big deal?

*(Laughter)*

If you think there is a problem, report to the nearest police station or God. This nonsense must stop in this country. The Directorate of Criminal Investigations (DCI) must follow those.... I do not even know what name to call them. I do not want to be abusive.

The DCI must follow those guys. There are very many women who have been followed. Every time, we are being told to just keep quiet. Otherwise, you will not get a blanket. Blanket or no blanket, Amen. I am going to say it. You are not going to harass women. I do not care whether you are in United Democratic Alliance (UDA) or Orange Democratic Movement (ODM). When it is an issue of women, my party becomes a woman. What is done to another woman will be done to me.

The issue of morality is a very personal issue. If somebody decides she wants to get out of her marriage, we are all answerable to God. Let us not bring somebody’s issues to ourselves. Let that be her issue. Why are you bringing what somebody has done in her privacy for us here in public? I am sure if we took videos of Hon. Ichung’wah yesterday, we would see new styles

that we did not see in the other videos. If we show the other men who are here doing their things...

*(Laughter)*

Why are you making it a women's issue like they are the ones who created sex in this country? Honestly, I was so offended I could not even stay in this House yesterday. What nonsense is this?

**An Hon. Member:** On a point of order, Hon. Deputy Speaker.

**Hon. Millie Odhiambo-Mabona** (Suba North, ODM): We will amend our laws and make stricter penalties. I do not support the death penalty, I wish I did. If I did, I would have actually said....

**Hon. Deputy Speaker:** Proceed. We are extending your time by another three minutes.

**Hon. Millie Odhiambo-Mabona** (Suba North, ODM): Thank you. If I was a supporter of the death penalty, I would have supported its application on those people. However, because I do not support it, we need to enhance the punishment for such people to life in prison. You may claim the moral high ground, but none of us knows what you do in your private lives. It is only God who knows what you do. Perhaps those of us who are quiet are more morally upright than the rest who are noisy.

I urge those perpetrators to realise that the people they harass are human beings. You may not understand what that person is going through. I happen to be very close to some of those people and their lives and their children's lives have been destroyed. If you are not bothered about that person, have mercy on their children, unless you are the devil incarnate. Idiots! I am sorry. I withdraw that statement, Hon. Deputy Speaker, but it is really offensive. Why would you honestly do something like that? Are you so morally bereft that you think that you are better than the person whose images you are sharing? Even if I take a photo, it is mine. There is nothing wrong with me taking a photo of myself having sex with my husband. There is no law against it. The problem is the person sharing my photo because I am very sure that I am not the one who shared those photographs. Why are you sharing my photographs on social media? The Constitution ensures the right to privacy.

Let me talk to my fellow women. You have the right to relate with whomever you want. You have the right to have sex. However, I will read for you the same verse that I read for Bishop Oginde. Matthew 10:16 states: "Behold! I am sending you out as sheep amongst wolves. Therefore, be as wise as serpents and harmless as doves." Know that even if somebody is your colleague and he or she is always looking, smiling and waving at you, or kissing you, that is a wolf. Be mindful of what you do or say. In Jesus' name, I pray.

*(Loud consultations)*

**Hon. Deputy Speaker:** Thank you. I will give you two minutes because you are speaking before somebody else. That is okay.

Proceed, Leader of the Majority Party.

**Hon. Kimani Ichung'wah** (Kikuyu, UDA): Thank you, Hon. Deputy Speaker. I did not want to interrupt Hon. Millie, especially when she mentioned me and photographs. She knows that we do not take photos. Hon. Millie knows. We have no time for photographs. Hon. Millie Odhiambo and I have been around for some time and she knows that we have never taken a photograph together.

*(Laughter)*

I agree with Hon. Millie on the harassment of women. I have mentioned before that I am a father of girls. Therefore, when you touch women, I imagine my children, my mother, and my wife in that position. It does not matter whether it is those things that we have seen on social media that Hon. Millie is alluding to, or harassment of ladies in tea estates in Kericho. Harassment of women even happens in homes where they work, in people's farms, and in companies in Industrial Area. Women are very vulnerable. Even in institutions like Parliament, when women endeavour to rise through the ranks, they are harassed left, right, and centre. That also happens to Members of Parliament. I was just speaking to a female Member of Parliament this afternoon and she told me that she feels like never running for an elective seat again because of harassment on social media. I told her that she should not read whatever is posted on social media. Be like me. If you read what is posted, tell them what they want to hear because nobody has a monopoly on insults. Nobody should harass you because you are a lady. Equally, nobody should harass me because I am a politician. Hon. Millie, if you call me an idiot on social media, I will tell you that you are a bigger one. Of course, Hon. Millie would never call me that. She told me that the things she said in jest the other day were because she just wanted me to trend. I did, by the way. We know each other and that is why I asserted that you will never find photographs of me and her.

As a man, where do you find time to take such photographs? You should be ashamed of yourself! Like Hon. Millie said, I wish we could get to know who those people are because they are not men. They are not even babies. Those are LGBTQ people. You should be busy with other activities. You should not be taking photographs.

*(Laughter)*

Let me just conclude because I do not want to delve into those issues. Women are being harassed in work places. Let me not say office spaces because harassment happens everywhere, even in tea estates. This is something that labour organisations, the Ministry of Labour and Social Protection, and our labour unions, must take a keen interest in. I encourage women leaders to take up positions in labour unions. Most labour unions are made up of men. I only see men in almost all of them, including tea estates, dock workers, the Kenya National Union of Teachers (KNUT), and the Kenya Union of Post Primary Education Teachers (KUPPET). I encourage our women leaders in this country to take up leadership positions within our labour unions, so that they speak on behalf of women.

We must condemn the harassment of women in the strongest terms possible. We should support this Report on the harassment of female workers in tea estates. It does not just happen in tea estates in Kericho. It also happens in Kisii, Meru and everywhere you find tea estates. Women are very vulnerable. Because women are hardworking and they have to fend for their families, they feel that they must give in to those men who harass them in order to keep their jobs. However, we must speak on their behalf and protect them. If we do not protect women in tea estates today, tomorrow, it shall be women in our families and in this House being harassed. You have heard Hon. Millie say that even women leaders are being harassed. I assure Hon. Millie that I will always protect her and she will never find a photograph of us anywhere.

Thank you, Hon. Deputy Speaker.

*(Laughter)*

**Hon. Deputy Speaker:** Member for Busia County, Hon. Catherine Omanyo.

**Hon. Catherine Omanyo** (Busia County, ODM): Thank you, Hon. Deputy Speaker. It is indeed appalling that a woman can lose her job for saying "No" on certain occasions. Our law can sometimes be a little silly because a lady once described to me what happened to her

when she was raped. She rushed to a police station to report the incident and a policeman at the desk asked her how the incident started. He criticised how she was dressed and told her that she had invited the rapist. Instead of feeling empathy for the hurt person, who is normally emotionally drained, you castigate them. All women in this world need to be protected and not to wallow in the miasma of despair.

I pity the Kericho tea estate workers. We should not even be discussing the matter. These people are known and it is on record. They have been named. The women who complained are still hurting. I do not know why there has been no progress. The women are ready to give evidence at any time. The bureaucracy in the corridors of justice should be shortened when cases like these occur. I am a mother of twin girls. I would be very upset if my girls came and told me that a man had touched them. Sexuality is not just about what happens under the blankets, it also involves the words that badly-cultured people use. It involves phrases like “ugly”, “Oh! You are not sexy! Let me see if you are good enough”, and such like words. Those are people who are misogynistic. In Kenya, we have come a long way where men and women should be sensitive enough and know how to treat each other well; whether they are in a public office or private one. I should not be desperate to get a job if I have merit and experience. Even in county offices, there are many women who are begging to be nominated and promoted. They do this through other means and I know everybody understands what I mean. So, let the women get the jobs and be promoted on merit not because they put their pants down or unzip for a man to get favours.

Thank you, Hon. Deputy Speaker.

**Hon. Deputy Speaker:** The Member for Siaya County, Hon. Christine Ombaka.

**Hon. (Dr.) Christine Ombaka** (Siaya County, ODM): Thank you, Hon. Deputy Speaker, for giving me this opportunity. I would like to air my views on this grave matter which has been around for years and no solution has been found. Women suffer a lot in silence because they feel ashamed of getting help and many are dying in their hearts from the harassment that they go through.

Harassment starts with just staring at a woman and this makes her so uncomfortable. Somebody just watching her and everywhere she goes his eyes are on her. Touching or somebody winking at her is harassment. Maybe, the men who do this never realise how harassing it is. Just staring, touching and winking at her is harassment. We need to know the definition of sexual harassment and abuse.

Women who are abused or raped cannot talk because the trauma and embarrassment is very high. Our society is such that women are seen as sex objects. That whenever a woman wants something, she must offer some favours. If she wants a job or promotion, she must sleep with a man. Everything is sleeping and women are harassed and victimised. People do not think that a man is at fault and is the perpetrator of those vices. They tend to turn around and say that women are the ones who are exposing themselves to those vices; which is not true. Women are simply harassed and so helpless because they do not know where to report. If they report, they never receive help.

So, my contribution is that we should teach everyone in our society that women should be respected, just like men. There should be no harassment. Nowadays, the modern way of communication is social media and there should be some break from this. Pictures of women are created using what they call ‘photoshop’. Your face is put on somebody else’s body and you do not know who did so. Someone else does photoshop with your photo and then the whole world starts talking about you. This is terrible. As politicians, we campaign negatively against women and yet, we are talking about sexual harassment.

Women in politics are harassed when they campaign against men. They contest innocently against a man and when he wins, they go home. If a woman wins, the men take it seriously and abuse her sexually thus making her feel so small as if she does not deserve that

seat. All they talk about her is just sex. That she is immoral and a prostitute. I think the image of women has gone down because men do not seem to appreciate the good side of women. Please have some respect for them and know that women rights are also human rights.

Thank you, Hon. Deputy Speaker, for giving me this opportunity.

**Hon. Deputy Speaker:** The Member for Moyale, Hon. Guyo Jaldesa.

**Hon. (Prof.) Guyo Jaldesa** (Moyale, UPIA): Thank you, Hon. Deputy Speaker, for giving me a chance to contribute to this Motion. I support the Committee Report on sexual violence against women, whether in Kericho or women selling fish around Lake Victoria. That is because the men go fishing and give it to women at a price, which is usually sexual. The women from Kibera who work in industrial area cannot get work if they do not offer sexual favours to their supervisors. As we talk about women, I want us to understand there is a difference between sex and gender.

Sex is the biological and genetic makeup of individuals, whereas gender is facially constructed. Recently, there was a marriage announced by an American Broadcaster where a man had married another man and yet, he did not know she was a woman. The *vice versa* happens and people want to behave in a certain way because they want to be who they are not and change their sex.

Sexual violence can happen to boys and girls or men and women. Whichever the case, it should be condemned and not allowed. There are many forms of harassment and not just physical or sexual, but even psychological. Unfortunately, when women are seeking for elective positions, the men's point of attack is below the waistline. Women should know that what matters is in the head and not what is below the waist or above the knee. This way, they can survive the fight. We congratulate all the women who have fought single man seat and survived.

When women are attacked and sexually harassed, it causes a lot of psychological and mental illness and other health issues. It causes unwanted pregnancies, Sexually Transmitted Infections (STIs) like HIV-AIDS because there is no protection. As a country, if we want to stop this nonsense, we need to see how we can empower our women so they can do their best. They should not be treated like pets to play around with. The women rights are human rights and must be upheld. We need to come up with policies to empower women of this country so that they are not disadvantaged unfairly.

With those few comments, I want to say that women rights are human rights and they should be protected from any form of violence, including Female Genital Mutilation (FGM). There are also many other forms of violence against women and we want this House to come up with serious policies. I know the Sexual Offences Act of 2006 by Justice Njoki Ndung'u is not enough to protect women. We need to find ways of protecting them through the Kenya Women Parliamentarians Association (KEWOPA) team. They should find the best ways to empower women and protect them.

Thank you, Hon. Deputy Speaker.

**Hon. Deputy Speaker:** The Member for Sirisia, Hon John Waluke. The Member is absent.

Nominated Member, Hon. Bishop Jackson Kosgei.

**Hon. (Dr.) Jackson Kosgei** (Nominated, UDA): Thank you, Hon. Deputy Speaker.

May I take this opportunity to also support the Report of the Committee, and stand with the women of Kericho and the other women of Kenya on this subject of sexual harassment. It is high time we relooked at our laws that govern those particular offences. With the coming of technology and use of social media, we need to look at our laws and the areas to improve on.

As one of the Members contributed earlier, I think we need to improve on the penalties and also be vigilant on it. This is just a group of people; a small number. It is not the whole society that is harassing women. But we are witnessing cases of harassment.

Two, as one of the Members has proposed, we need to see an increase in the empowerment process in terms of securing job in our country to make sure that women do not have to lose their dignity while seeking for jobs. We can do something as a society. Otherwise, this afternoon, we condemn any form of harassment. We are just ashamed of somebody posting a picture of one of the Members, or anybody else in this country. This is really terrible. I think it is unacceptable even in our own traditions and cultures. We condemn it on the Floor of this House. We ask Kenyans to respect each other and avoid abuse of privilege of relations.

Thank you, Hon. Deputy Speaker.

**Hon. Deputy Speaker:** Member for Kirinyaga, Hon. Njeri Maina, also known as Gacheri.

**Hon. Njeri Maina** (Kirinyaga County, UDA): Thank, you, Hon. Deputy Speaker. I stand in support of this Motion. I want to request the Mover of this Motion to consider amending it so that we can widen the scope to include sexual abuse, rape and defilement. This is because those are issues that are plaguing women every day.

Sexual harassment and power have a correlation. People are put in positions of power so that they can serve those that put them there. It is not only in Kericho Tea Estate, but also across the nation in various sectors. Before I was elected to this House, I was a practicing advocate of the High Court of Kenya. I remember there was a discussion on the social platforms about sexual harassment of young female lawyers in the legal fraternity.

Hon. Deputy Speaker, I have also been a recording artist, and I want to state that sexual harassment is also very rampant in the music industry. If you could recall, we have the ‘Me Too Movement’ in the USA. Women were coming out and giving their stories about the sexual abuse and harassment by moguls in the film and music industry in the US. We must address this issue. We have very progressive laws, namely; the Sexual Offences Act, Computer and Cybercrimes Act, the National Integration Laws and the Penal Code. However, we miss the big picture in protecting the women of this nation when it comes to the implementation of the law, finding the evidence and ensuring that the culprits are held liable.

Hon. Deputy Speaker, allow me to expand a bit further and delve into the new developments in social media and Artificial Intelligence (AI). Those are platforms where women are cyber bullied, families broken apart and people scarred forever. I want to bring to the attention of this House, and the organisation of KEWOPA, that we have to stand firm. We have to take the lead in protecting the women of this nation.

*(The Deputy Speaker (Hon. Gladys Boss) left the Chair)*

*(The Temporary Speaker (Hon. (Dr.) Rachael Nyamai) took the Chair)*

Hon. Temporary Speaker, I am aware that many of those women are unable to come out. They are unable to speak about it because of the stigma around the issue. People tell you to be hush about it. They tell you: “Do not come forward because people will judge you about it.” But, sexual harassment has happened to many women. It is sometimes happening to women in churches who are serving men of the cloth. We have a nation that has decided that women are to be taken advantage of. And for eons, women have suffered.

I think the biggest sin that women seem to commit is hunger for anything. Hunger for sex. It is a natural thing but I do not understand why when it comes to women, they have to pay a high cost for it. I want to say this with authority: Women have a right to have sex in privacy and they will have it on their own terms.

Thank you.

*(Applause)*

**The Temporary Speaker** (Hon. (Dr.) Rachael Nyamai): Thank you very much. Hon. Kibagendi.

**Hon. Anthony Kibagendi** (Kitutu Chache South, ODM): Thank you, Hon. Temporary Speaker.

I also rise to support the Report, but I wish it could go beyond the Kericho Tea Farms. As we look at amending the laws, it is important that we also look at other areas. Where I come from, once market stalls are complete after construction and women come to apply to get them, most of the leadership in the markets, not only in Kitutu Chache South or Kisii but also in this City, they force them to give sexual favours in exchange of those stalls.

Sometime back, the issue of sexual harassment in the universities was also mentioned. This is where female students are forced by lecturers to sleep with them so as to pass their exams, even when they are able to do well without giving such favours. We need to look at those areas. Beyond that, we should also look at the cyber-crimes laws so that we are able to deal with people who spread those particular videos and photos of our women because they have not been able to extort monies they intended to.

St. Mary's Mosoch, seated in the Public Gallery, has been recognised by the Speaker. I went to that school and I am happy that they are here. This school is a centre of excellence in Kisii County. It is the leading school. In the 90s, it used to be the number one school in the country. We used to compete with Olympic School in Kibra. I am happy that these wonderful young men have come here to be inspired so that they may work hard and make it to this House. I am happy to see Sis. Matilda and the rest of the teaching staff that have come with the young men. I am glad that they have managed to sit through this particular debate.

Thank you very much, Hon. Temporary Speaker.

**The Temporary Speaker** (Hon. (Dr.) Rachael Nyamai): Thank you, Hon. Kibagendi. Hon. Naomi Waqo.

**Hon. Naomi Waqo** (Marsabit County, UDA): Thank you very much, Hon. Temporary Speaker, for allowing me to add my voice to this very important debate on sexual harassment at the workplace.

I also want to welcome the students who are here with us and encourage them to study hard because it is through hard work and excelling in their exams that they will have better life that will give them full satisfaction.

The issue of sexual harassment is becoming a tradition in our society. Women have gone through this and, as a result of that, many women have been infected by diseases, raped, and some of them, because of the shame and embarrassment, have gone through abortion because they are not fully ready to carry a baby. Teenage pregnancies keep escalating every year; and the people who have done this are either school teachers, close relatives or neighbours. Most of the time they are known, but no action is taken. Slowly by slowly, this then becomes a tradition in our country, and it is not right.

I stand to support this by saying that women are created by God in his own image, just as men are, and need to be respected. Anybody who wants to bring a woman down brings out the issue of sex. Sexual matters are quite private, especially for women in power. It has become a bargaining power where a man can take a woman and try to tarnish her image; and because of poverty levels in our country, many women are compromised. They have no option but to give in. When they get into it against their will, they will have to live with this shame for the rest of their lives. When people talk of sex in regard to a woman, it becomes an embarrassment. It becomes something that people refer to as shameful and not exciting. However, when they talk about sexual behaviour and all those other things, it becomes a pride for men. In fact, many men become heroes by doing so. Why would men be glorified for doing that while women get embarrassed and ashamed? Most of the time, it is working to their disadvantage. It is high time that, as a country, we take care of our girls in schools because they are exploited sexually. We

should take care of our girls in colleges because, in order for them to pass exams, the professors and lecturers take advantage of them. It is high time to say enough is enough. Our girls need to stand up and say no to that bad behaviour and evil practice.

Society is everything and it is losing focus. When we embarrass and harass women just because of their poverty levels or probably because she is a single mother bringing up a child on her own, this will bring a curse to our nation.

Let me touch on the *boda boda* issue. Women are harassed everywhere even in the Ubers and taxis. Let me just finish this.

**The Temporary Speaker** (Hon. (Dr.) Rachael Nyamai): Please, give her a minute to finish her contributions.

**Hon. Naomi Waqo** (Marsabit County, UDA): Women are harassed in the offices, schools, Parliament, by *boda boda* riders and everywhere else. I understand that when our young girls cannot pay for their transport to school, they get harassed sexually.

*(A Member spoke off the record)*

**The Temporary Speaker** (Hon. (Dr.) Rachael Nyamai): The Member for Marsabit shall be heard in silence. Please, proceed.

**Hon. Naomi Wako** (Marsabit, UDA): Thank you for protecting me, Hon. Temporary Speaker.

Harassing women sexually will not help this country, but will only bring a lot of disadvantages to us. We need to overcome it as a country and come up with measures that will control this.

Thank you.

**The Temporary Speaker** (Hon. (Dr.) Rachael Nyamai): Well spoken, Member for Marsabit County. Hon. Member for Kathiani, you can now have your chance.

**Hon. Robert Mbui** (Kathiani, WDM): Thank you, Hon. Temporary Speaker, for giving me this opportunity to also make my contribution on this issue of sexual harassment in Kericho Tea Estates. First, I want to thank the Committee for an excellent Report.

Secondly, I want to thank the media for highlighting this issue because it is the British Broadcasting Corporation (BBC) Africa which did this.

My main concern is the observations that have been made by the Committee. The investigations that are being conducted by the Director of Criminal Investigations (DCI) into the allegations are progressing slowly. In fact, it is a way of saying that there are no investigations that are going on.

Thirdly, they have said that the four persons that are named in the documentary as perpetrators have not been arrested nor even charged in any court of law. It means that even though there was an *exposé*, the investigating authorities did not bother to go and address this matter. From the Committee's Report, there is fear that probably, those tea workers who were sexually harassed might not get justice. I want to begin by saying that those who are in authority must ensure that those who are responsible must take up their responsibility and take action against the culprits. It is very important.

Nevertheless, it is important to note that women in other sectors, for example secretaries in offices, girls, tea girls and house girls also get harassed sexually. It is not just the tea workers. Many women are harassed at their places of work. That, of course, has to do with those in authority because they are the ones who can harass them. That also makes me point out that there are also men who are hustlers or of low cadre who have to give favours to be employed and, sometimes, for promotions. There are also young men who get harassed by their female employers and, in other unfortunate incidences, by their male employers. Therefore, this is

really an issue that we need to address. Employers need to have a moral authority and ensure that they hold the officers to respect.

One of the solutions that we need to think about is the possibility of introducing some of those into our education system so that those who go through the education system in Kenya can understand when they are being harassed. I watched a clip on social media of a leader in Tanzania - if I am not wrong - who was teaching the children what to avoid; that if they are touched in certain places, they should be able to quickly go and report. Those things start at an early age. Some of those perpetrators have been able to do this over the years. Therefore, if we can be able to teach our children to avoid this, then we will probably be able to solve it.

The Computer and Cybercrimes Act prohibits the misuse of gadgets for example mobile phones. Again, I want to say that the victims of that kind of crime of circulating sexual escapades on social media are not only women. I remember a former Deputy Governor of one of our counties who was also a victim. In fact, his photos were circulated while naked on those social media gadgets, and he was being harassed. They were just people trying to extort money. Sometimes back, we saw two former Members of Parliament whose clips circulated online and now we have seen another one that is purported to belong to one of our leaders in the country. We have to be careful.

With artificial intelligence (AI), the world is reaching a point where someone can tape you, use that short clip to copy your voice and present an audio that shows that it is you who is speaking. It is also going to happen with video. Going into the future, there is going to be a very serious problem, because people will be involved in sexual escapades that they did not participate in just because other people have their photographs and audio clips. Those who are quick to circulate and watch those videos are making us a sick society. We must respect people's privacy. When you find people watching and sharing such things, those are perverts. They have no space in this country.

Thank you, Hon. Temporary Speaker.

**The Temporary Speaker** (Hon. (Dr) Rachael Nyamai): Very well spoken. Hon. Rebecca Tonkei.

**Hon. Rebecca Tonkei** (Narok County, UDA): Thank you, Hon. Temporary Speaker. I rise to also contribute on this Motion on sexual harassment in workplaces. I thank Hon. Beatrice Kemei and her Committee for bringing this Motion. It is not only women in Kericho Tea Estates that are suffering. Sexual harassment is in all workplaces. Women are suffering and this blocks them from taking leadership positions. When you are harassed in your workplace, you hardly go to the office because you fear to appear there. At times, when you go there, you fear facing the harasser. It is time that the law is enforced so that women are protected.

Sexual harassment comes in many forms. Sometimes, when you greet a man, he presses your hand very hard. That is sexual harassment. It really harasses one until you ask yourself whether you should shake the man's hand the next time you meet him.

Sexual harassment causes mental depression. You become depressed and stressed. Every time you want to go to work, you think of the person in authority who you are going to meet. When you think of meeting that man in the morning to allocate your duties, you are depressed. Even sleeping at night becomes a nightmare because you fear meeting your harasser.

Looking at what is happening all over the world, women are judged harshly. When a video like the one we saw recently circulates, people do not judge the man who is circulating it harshly, but the woman is judged harshly and yet, it took two people to do that. It is time that people should know that women are human beings. They have feelings and they have a right to sex. Therefore, nobody should be circulating this if it happens because that is still harassment. I do not want to dwell on that issue because some of those things give us stress. We feel very bitter that we do not have something to do about them. As Hon. Millie has said, we should be aware of those people. Women colleagues, friends and women out there, I advise

you to be careful. As the Book of Mathew Chapter 7:15 says, 'Beware of false prophets, who come to you in sheep's clothing, but inwardly are ravenous wolves.' Sometimes, people come to us women, especially women in leadership, with good and lovely words, but they have wrong and ill motives. Fellow women, it is time to be careful. It is time to protect your own image. Know who is coming to you.

Thank you, Hon. Temporary Speaker.

**The Temporary Speaker** (Hon. (Dr.) Rachael Nyamai): Thank you very much, Hon. Rebecca Tonkei. Hon. Members, I would like to recognise, in the Public Gallery, students from AIC Chebisaas Boys High School in Moiben Constituency, Uasin Gishu County. You are welcome to the National Assembly.

Hon Members, the next opportunity goes to Hon. Timothy Wanyonyi, Member for Westlands.

**Hon. Tim Wanyonyi** (Westlands, ODM): Thank you, Hon. Temporary Speaker, for giving me this chance to speak to the Report by the Committee. Sexual harassment anywhere, whether at the workplace or at home, is primitive and sickening. There are people who do this by misusing and abusing their authority over the people they manage. Those are people who use any small opportunity to exploit others who are junior to them. It is not just about women; it is also about men. Men are also harassed. But those who suffer the most are women. Stigma is very high. This should be made painful. It should not matter what position one holds. The harassment should be made punishable.

We should encourage those who are harassed to report without fear, so that the harassment is dealt with. We should create a special unit in the National Police Service to address this issue. Most police officers do not understand the harassment. When people go to report, some officers try to make a joke out of it.

In this era of social media, we are parading ourselves. Sometimes, we put ourselves out in the public and expose ourselves to anything and everything. Even our former governor used to post very many things on social media. You will find yourself in that position and I do not know who you will complain to. You are in a position where people have access to you. Just make sure you do not allow cameras in your privacy. Do not allow pictures when you are doing your private thing. Even when you are eating, do not take pictures; just keep the cameras away. Those are some of the things that are being exploited. We must preserve our personal dignity. We must preserve some of the things that we do that make us human.

This is a Motion that we must take seriously as a society. It also says a lot about our values. Our values have really changed. People do funny things even in church. People sit awkwardly in church and allow cameras to roll around them and then post the clips on social media. I do not know what it is you want to see. As Africans, we believe that the sweetest thing is that, that is hidden, not the one that is exposed.

Hon. Temporary Speaker, the good thing is that you must work for it. Even gold, you have to dig down in the rock, break that rock and then put it around the fire to make it valuable. I want a thing that I would labour to get there and not just one that is already exposed to me. I will lose appetite, maybe, before I get there.

What was circulating in the social media was sickening. Those people who have done that have lacked self-respect; no respect for themselves and even the people around them, including their own family. As fathers, husbands and sons, we must protect the dignity of our women at all times, at any place and anywhere.

**Hon. Temporary Speaker** (Hon. (Dr.) Rachael Nyamai): Thank you. Let us have Hon. Phyllis Bartoo, Member for Moiben.

**Hon. Phyllis Bartoo** (Moiben, UDA): Thank you, Hon. Temporary Speaker for giving me the opportunity to also contribute to this Motion on sexual harassment.

I rise on behalf of the women of Moiben Constituency where I come from. This old-age practice where women face discriminatory behaviour because of their gender, should come to an end in Kenya. This sexual harassment business has been an old-age problem to women in all spaces, places of work, marriages and political spaces. The society should stop harassing women. Most of the women who are harassed, for example, are at the lower cadre of life where they are trying to fend for their children. Sometimes, they are forced to accept because they do not have an option and this is what is popularly said in Kiswahili as *kubali yaishe* (accept and move on). That is what they normally say, *kubali yaishe* because they just want to finish with the business so that they can get what they can, go back and fend for their children. It is very embarrassing and painful.

I want to encourage our men and women to delete such content when they come across such images in the social media. They should not allow them to move to the next level because...

*(Hon. Millie Odhiambo spoke off-record)*

Yes. Thank you, Hon. Millie. It is a crime when you forward it to somebody else; you are giving it power. You are empowering the person who originated it. I want to say this to our fellow men. In my culture, it is an abomination to see the nakedness of a woman and, more so, a mother. When you see the nakedness of a mother who is not your wife or your friend, you are supposed to get blind. That is what my culture says. I categorically say that, those who are proliferating this problem, sending and circulating those images from one point to another, may they get blind, as my sister said. They should never see light again so that they will not pass that information.

Even in political spaces, women have suffered the most, especially those who have the courage to vie for political seats in Kenya. They face very many forms of discrimination and very many bad things are said about them. How I wish that if men and women are to compete in any space, let the competition be very fair and let everyone be given an opportunity without using terrible words against women.

I want to follow up on what has just been said on the most recent photo about a woman leader in Kenya. We condemn it with the strongest possible terms. It is very bad that even our fellow women are also talking badly about it. Morality is an individual thing. It is in your own heart and, as it has been said, it is God alone who knows what is good or what is bad. Can we stop making judgement or passing judgement against our fellow women as if those of us who are making those judgements are perfect. Let us not allow our own women colleagues to suffer as we wait and see. Let us all come up, stand up and speak out against those fights so that women in our society can get justice.

**Hon. Temporary Speaker** (Hon. (Dr.) Rachael Nyamai): Thank you very much.

Hon. Members, before we proceed, I would like to recognise, seated in the Hon. Speaker's Gallery, AIC Philemon Chelagat Girls Secondary School from Baringo Central Constituency in Baringo County, and seated in the Public Gallery, St. John Paul II Educational Centre, Murang'a from Mathioya Constituency in Murang'a County. You are welcome to the National Assembly.

The next opportunity goes to the Member for Kangundo, Hon. Fabian Muli.

**Hon. Fabian Muli** (Kangundo, GDDP): Thank you very much, Hon. Temporary Speaker, for giving me the opportunity to add my voice to this Report.

I declare my strong stand and before I go ahead, I was part of the team which visited the James Finlay and the Ekaterra Farm in Kericho. We went to the farm, and when you get there, you find it has a population of almost 100,000 people living in 80,000 hectares, which appears to be not within the Kenyan jurisdiction. When you compare the lifestyle of people

living there and this life we are living here, it looks like a still and enclosed place. So, the place and the words found in the *exposé* of British Broadcasting Corporation (BBC) on the people mentioned, it is true they exist. The people mentioned in the Report are there. They used to be senior managers, and some are still senior managers of those tea farms and still working there.

We went further when we were doing interrogation and inquired on this Report. We found that the story is not about the sex only. The issue is to bring fear amongst the workers who are working there. The women who were being raped are the wives of some guys working there as stewards or junior tea plantation workers. They are also sisters of men who are working there. So, the issue on that farm should not be treated like another issue of sexual abuse.

Hon. Members, I urge you, through the Hon. Temporary Speaker, that the Report we have from that farm is that the people living in this farm have still not evolved since 1963. They are behind the Independence of this country. Even the workers who are working there are in fear and trauma. You cannot face your supervisors directly with your eyes. We also found out that even the Government officials like security team cannot access the farm. They can only meet the senior managers of the farm. But they cannot access the workers of that farm. So, there is a very big disconnect within the public administrations and the people who are working there. For the people who are working there, we need to understand that there are schools there and their kids are working there. The senior managers go ahead and rape them. The people are traumatised and they are very scared to talk about it because they are going to lose their jobs.

Again, they tell us that they have the stories on the sexual report and they have tried to reach people unsuccessfully. According to the workers, you risk losing your job if you report any incidences of sexual abuse. So, it is a way of managing those people to live in fear in those tea plantations.

There is only one officer from the Ministry of Labour and Social Protection who is in charge of Kericho County. Just imagine those two farms have almost 100,000 workers with one officer who cannot access them. He gets information through the management. In the same farm, there is a very big disconnect between the managers and the workers. The workers cannot access their offices. We were told that there are gender offices in the police station. Those people live within that society. One needs permission to leave the tea farms. They live with their wives and children. You are not supposed to access police stations outside the farms to report sexual abuses. Those people cannot express their rights within those police stations.

Hon. Temporary Speaker, the workers in those farms are on contractual pay. They are given the contracts by the sub-contractors who are supposed to be workers. The sub-contractors are the managers of the companies. This is another way to make money from the directors who do not live in this country. The workers are misused by fellow Kenyans.

The other thing is about culture. When we went to meet with the security department, they said that there was a culture in that area. People cannot report sex which is treated as private. We found out that what was said to be happening in those tea farms was true.

Thank you very much, Hon. Temporary Speaker.

*(Applause)*

**The Temporary Speaker** (Hon. (Dr.) Rachael Nyamai): Hon. Donya Dorice, Member for Kisii County.

**Hon. Dorice Donya** (Kisii County, WDM): Thank you, Hon. Temporary Speaker. I rise to comment on the issue of harassment of women in Kericho County. All of us have to accept that it is the bitter reality that this happens in both the public and private sector. You have not gone to Government offices, when employees are supposed to go for a trip. The person in charge always wants to be accompanied by ladies who compromise. He will always want

his girlfriends to accompany him. This thing is very common. I wish we had annual reports where we can celebrate or give statements through the suggestion box at various public and private offices to know what ails the workers. We should not speak and go. We must be doers.

When we are celebrating the plight of workers during Labour Day, we should have suggestion boxes telling us what ails workers. This is when you will learn that workers are really suffering. It is normal for workers to visit Mombasa or go outside the country. When those visits are taking course, that is when women are compromised. If you are not going with so and so and you will not be sleeping with him, you will not go for that trip. If you go for that trip and you do not agree with what your boss says, you will not be permitted to go next time. You know very well that per diems are very gracious to all of us. One will always want to have them, apart from the normal thing that people go to work. Let us take this issue seriously. If it happens, the culprits will fear and it will end.

Lastly, there is the issue of sharing videos and demeaning women. It is very surprising that most of the people... We are not approached by fellow women for sex or love matters, but by our dear men. We wonder why they take the sweet moment to be a disaster to woman. We accept the advances that they make to us. All of a sudden, it is on social media. The people who share those clips more are men. For example, you can see from the clip that is circulating that the clothes that are being worn by the one being suggested to be the one are totally different. People will convince you that this is the same person and picture just because they want to bring her down. Let us be serious and doers and not talkers, so that we can, for once, deal with sexual harassment in the private and public sector.

Thank you, Hon. Temporary Speaker.

**The Temporary Speaker** (Hon. (Dr.) Rachael Nyamai): Thank you very much, Member for Kisii. Hon. Cynthia Muge, Member for Nandi County.

**Hon. Cynthia Muge** (Nandi County, UDA): Thank you, Hon. Temporary Speaker, for giving me the opportunity to contribute to this Motion. I appreciate the Departmental Committee on Labour for doing a very good job, when they went for the field visit to Kericho County. I also thank the media that brought the whole story into the limelight. Whatever is happening in this country, but not just in the multi-national companies or tea estates in Kericho, is very bad.

Sexual harassment exists in every part of this community or society in Kenya. It exists in churches. It looks and sounds awkward when someone says sexual harassment exists in the church. You have seen many churches that call themselves churches. I am not sure whether they are really churches. They tell women who do not have the ability to get children to go there and meet the pastor or bishop who will do something and they will get children. That is exploitation.

It is something that is happening in our schools. It happens in primary schools. I remember when I was growing up, we had a very powerful politician in this country. There was a serious notion in this country that, for you to be a principal, if you were a woman, you had to be in very good records and books of that particular politician. So, the issue of sexual harassment, especially on the part of women, did not start yesterday. It has been happening for very many years. That is why, as Parliament, we have the responsibility to ensure that all the existing laws are empowered, so that we end sexual harassment, especially towards women.

I want to be on record that sexual harassment is not only against women, but also against men. It happens to both genders. It is only that the people who suffer most because of sexual harassment in Africa are women. I have gone through the Report that was brought to this House by the Departmental Committee on Labour, which is shocking. I read in page 13 where the County Police Commander informed the Committee about the number of police stations in the two estates. It says that there is a total of 15 police stations in those particular estates. To be specific, James Finlay Estate has three police stations. I have too many unanswered questions.

I am just wondering what those three police stations do in one Estate. None of them has a single record of any person who has reported sexual harassment. That tells you there is more than meets the eye in this issue. We cannot have three police stations within one particular Estate and get zero reports on the same. It tells you even those persons who work in those police stations are participants of that heinous act that is happening in those tea estates. The people who are supposed to help the victims of sexual harassment have also partnered with those perpetrators or they are the chief perpetrators. This must be looked into. We cannot have three police stations with zero reports of sexual harassment. No one has knowledge of the sexual harassment that is happening there.

When the Departmental Committee on Labour visited the National Intelligence Service (NIS) Office in Kericho County, they confidently told the Committee that they were not aware of any reports of sexual harassment. For heaven's sake, this is NIS. This is the intelligence body that has the power and mechanisms to investigate such matters. I do not know how to put it, but it is totally unfair.

Hon. Temporary Speaker, I seek your indulgence for an extra minute, so that I can conclude on this last statement.

**The Temporary Speaker** (Hon. (Dr.) Rachael Nyamai): You have one minute.

**Hon. Cynthia Muge** (Nandi County, UDA): Thank you, Hon. Temporary Speaker. The last issue that I want to raise is the victimisation of those who report cases of sexual harassment. A person who has been sexually harassed is already very weak. The damage caused by sexual harassment is not only physical, but emotional as well. That person has to go back to the perpetrator to get their daily wages in order to take care of their family. Sexual harassment has no place in this country. Punitive laws should be enacted to deter any perpetrator of sexual harassment in whatever cadre of society.

Thank you, Hon. Temporary Speaker, for giving me the opportunity to contribute to this matter.

**The Temporary Speaker** (Hon. (Dr.) Rachael Nyamai): Okay. Thank you very much. Hon. Beatrice Kemei, Member for Kericho County.

**Hon. Beatrice Kemei** (Kericho County, UDA): Thank you, Hon. Temporary Speaker, for giving me this opportunity. I support the Report of the Departmental Committee on Labour. I thank the Committee for the work they did as they inquired into the matter that I raised on the Floor of the House, concerning the sexual harassment of female workers in the tea estates in Kericho.

I also support the recommendations in the Committee Report. First, the DCI needs to fast-track their investigations to identify victims of sexual harassment and ensure those found culpable are brought to book. Victims should be adequately compensated for the damage occasioned by those heinous acts. Some victims were reported to have been infected with HIV/AIDS and are unable to work adequately in order to fend for their families.

The Report recommends that victims should report the incidents to the police and the County Gender Office. I support this recommendation, but victims ought to be assured of protection, so that they get the courage to speak. The lead Petitioner, Dr. Geoffrey Otieno, who was representing the victims of sexual harassment, died under unclear circumstances. This should not be taken lightly. The lead Counsel, Mr. Gilbert Kemboi and Mr. Dickson Sang, who is the Kenya Planters Co-operative Union Branch Secretary, have been threatened for standing with the victims. This should also not be taken lightly.

We have said that victims should report cases of harassment. But let us ask ourselves as a House why they are not reporting those cases. It is very clear that they fear the criminal procedures that they will be subjected to when they have to testify in an open court. Majority of them have families and so, their right to privacy is compromised.

Remember that the Report states that the independence of the Gender Office at the Kericho Police Station is questionable, having been funded by James Finlay Tea Estates. I wish to call out the officers manning the Kericho County Gender Office. I demand that they effectively perform the duties that are expected of them. As a House, we shall follow up, through the Select Committee on Implementation, to ensure that the recommendations of this Report are implemented. This is because the people of Kericho County are waiting to see stern action being taken against those who will be found culpable.

The contemporary best practices in the world in dealing with such issues include creation of audit teams for workers to audit companies like multi-nationals on sex-for-work accusations or any other human rights violations that are happening in places of work. This may be done through capacity-building and advocacy.

I sincerely thank the Hon. Speaker for his commitment to support the efforts of women legislators under the Kenya Women Parliamentary Association (KEWOPA), as we went around counties speaking to women to alleviate such acts.

As I finalise, I wish to propose an amendment to the Motion. Allow me one minute to do so.

Hon. Temporary Speaker, I beg to move that the Motion be amended by—

- a. insertion of the following words immediately after the figure “2023”  
“Subject to insertion of the following recommendations...

*[The Temporary Speaker Hon. (Dr.) Rachael Nyamai) left the Chair]*

*[The Temporary Speaker (Hon. David Ochieng’) took the Chair]*

**The Temporary Speaker** (Hon. David Ochieng’): Allow her to move her amendment. She is moving an amendment, so allow her to do so. Go ahead, Hon. Kemei. You have the Floor.

**Hon. Beatrice Kemei** (Kericho County, UDA): Hon. Temporary Speaker, I beg to move that the Motion be amended by—

- a. insertion of the following words immediately after the figure “2023”  
“Subject to insertion of the following recommendations in paragraph 74 after sub-paragraph (x) on page 23 of the Report:
  - (xi) where the tea estates are found culpable of acts of commission or omission regarding the sexual harassment of their employees, the Government should ensure that the tea estates adequately compensate victims for damages occasioned by the heinous acts, and,
  - (xii) the Government should provide psychosocial support to victims to mitigate the effects of those traumatic experiences and aid them in their recovery.”
- b. that the consequential amendments be effected in the Report thereof.

Hon. Temporary Speaker, I call upon Hon. Umul Kheir Kassim to second the Motion.

**The Temporary Speaker** (Hon. David Ochieng’): Thank you very much. Members, you realise that she has just...

*(Loud consultations)*

Order, Members! She has just proposed an amendment. I was going to ask her to get someone to second the amendment, then I will give directions after that.

**Hon. Beatrice Kemei** (Kericho County, UDA): Thank you, Hon. Temporary Speaker. I call upon Hon. Umul Kheir Kassim to second.

**Hon. Umul Kheir Kassim** (Mandera County, UDM): I beg to second.

**The Temporary Speaker** (Hon. David Ochieng’): Go ahead. Have you already seconded the amendment?

**Hon. Umul Kheir Kassim** (Mandera County, UDM): Yes.

**The Temporary Speaker** (Hon. David Ochieng’): Okay. I hope Members have the proposed amendment by the Member for Kericho County.

*(Question of the amendment proposed)*

**The Temporary Speaker** (Hon. David Ochieng’): Hon. Members, I direct that we go on with debate on this matter the way it is. We cannot put the question on those amendments for obvious reasons, as you will notice. So, allow us go on with debate, and then we will do the needful when we get the numbers. This chance goes to Hon. Onyango K’oyoo, Member for Muhoroni.

*(Putting of the Question on the amendments deferred)*

*(Hon. Members continued debating the original Motion)*

**Hon. James K’oyoo** (Muhoroni, ODM): Thank you very much, Hon. Temporary Speaker, for catching my eye and allowing me to contribute on this Motion. Although I am a ranking Member of this Committee, but for other reasons, I was unable to accompany it to Kericho. I believe the reason investigations have been referred to the DCI is because they did not get very explicit exhibits to prove the allegations.

God in his own wisdom wanted human beings to multiply. Therefore, he allowed us to have sex. Unless people are very afraid of their background, having sex should not be used to scare them. Women spend a lot of time defending themselves and demonising anything sexual as if it is the only guilt or offense that happens in this world. This is not true. Proper analysis will show you that many women who push themselves through the ladder of employment, including those who get voted to Parliament, also push for sexual favours. So, in this case, proper investigations should be done by the DCI and the culprits brought to book. So, the truth about the whole thing will be known.

I am a bit cagey because I preside over a place where they grow a lot of sugar-cane. I have duplicity or calibre of workers in Kericho working in the sugar-cane plantations. Recently, somebody tried to replicate the Kericho Finlay saga by sending me a message that something similar to Kericho was coming up; that workers in the sugar-cane plantations also get promotions, benefits or other considerations after having sex with the supervisors of the sugar-cane factories. They suggested I should do investigations to know the truth and see how it can be stopped. I am not gullible. I quickly told him that the sugar industry stopped using sugar-cane plantation weeders and they are sub-contracted to businessmen. It is up to the businessman who brings his sub-contract workers to work for Chemilil, Muhoroni, Miwani or Kiboswa sugar factories to look after his employees. They are no longer employees of the sugar industry.

Why am I bringing in this? It is because people have found this as a grey area where they can make money. Powerful women are extorted using photos that are not true. Some are what they call... I do not know what they call them. They can get your image and purport you are having sex with somebody. What?

**Hon. Members:** Photoshop!

**Hon. James K’oyoo** (Muhoroni, ODM): Yes, photoshop. This is everywhere because of the advanced technology we are having and we must accept it. There is a saying that: ‘When a dog bites a man, it is not news, but when a man bites a dog, it is big news’. This is because

the job of a dog is to bite a man, but the job of a man is not to bite a dog. This hullabaloo we are having about women is just rushing to fame. If you are caught somewhere, know it takes two to tango. If an influential woman is caught doing something, she is being pumped into higher influence. That should not be her problem and, more so, if it is sexual intercourse. I do not understand why my colleagues are jumping up and down. If one of them is caught on the wrong foot and thinks that is the end of her world, it will be making her more famous.

On the case of Kericho, investigations should go further and zero in on the actual perpetrators of that heinous act. Otherwise, I support the Report.

Thank you, Hon. Temporary Speaker.

**The Temporary Speaker** (Hon. David Ochieng’): The Member for Elgeyo Marakwet.

**Hon. Carolyne Ng’elechei** (Elgeyo Marakwet County, Independent): Thank you, Hon. Temporary Speaker, for giving me an opportunity to support this Motion. The issue of sexual harassment has been with us since the beginning of this world. At times, the more we change, the more we remain the same. The more we think we are civilised and modern, the more we realise that things remain the same.

I want to appreciate the Report by the Departmental Committee on Labour. It was said that not very many people went to the police station to report the cases nor complain. Speaking from the point of a woman, sexual harassment is something that brings a lot of shame. In fact, at times, you are more harassed when you report. The DCI should not base their findings on the number of victims that come out to testify. Here, you have a single woman with children to feed and take care. She depends on the tea plantation to ensure that her family is running and there is life. Then, you put her in a very awkward situation where she has to testify against her employer in order to be heard and find justice. If I am that particular woman and any other woman can attest to this, I would rather leave the case at that so that my children can still go to school and eat.

Hon. Temporary Speaker, something needs to be done. I have always told men that when we speak about sexual harassment and women, they should not look at them in the lens of their wives or girlfriends, but in the lens of their mothers and daughters. At times, you find discussions to do with sexual harassment and women are not supported by men. This is because they look at them in the lens of their women. They should look at this in the lens of their sisters, daughters and mothers. In as much as investigations are ongoing, I want to urge the Committee to follow-up and ensure the culprits are brought to book. Let us not downplay the whole issue and say it has been assigned for investigations or we start arguing that the sexual perpetrators are sub-contracted employees. They must be held responsible.

In the BBC video, it was said that most of those women have been infected with HIV/AIDS. This means that person knowingly infected them. It is very hard to find the person does not have knowledge that he is infected. At times, there is stigmatisation surrounding HIV/AIDS and those women are fearing that their family members might run away from them. This is real. The Government should find a way of protecting them by suing the companies on their behalf. They should stand up for those women because they should not be the ones executing or witnessing. This can be done from a point of interest to save a population. One person can infect around 60 people and here we are saying that the DCI should deal with that person. What happens if that particular person gets off the hook? What will happen to these hundreds and thousands of people who are already affected and infected and their lives will no longer be the same?

Therefore, as I support the Motion, this issue should be relooked at. The penalties on the same should be stiffened and tightened. Companies should be given ultimatums that even if it is their employees who perpetrate the act or the affair, there are stiff penalties that are meted. This must apply even when the third parties relating to the companies are the accused

ones. This is because we need to come out and save people and gender. This gender is all of us because we are one. We should not just look at it as women...

**The Temporary Speaker** (Hon. David Ochieng’): Member for Starehe.

**Hon. Amos Maina** (Starehe, JP): Thank you, Hon. Temporary Speaker for giving me this chance to make my maiden speech this month, and the opportunity to contribute to this debate on sexual harassment in Kericho.

I think this issue does not just affect the people in Kericho, but one that cuts across board. In my constituency, I have two wards that have a huge population in the ghettos and the issue of sexual harassment is very rampant. I find it a point of concern that people have developed very shady and scanty mechanisms of dealing with these issues that make it difficult for some of them to get to the police. They have formed some committees and they say that issues to do with sexual harassment should be dealt with by the community itself. I find that to be very untoward and way behind the 21<sup>st</sup> Century. We need to take serious measures to address issues of sexual harassment.

We have very high expectations and hopes from the Kenya Kwanza Government. I wish it takes very stern steps so that we can deal with these perennial issues once and for all. We should come out strongly and repeal the Sexual Offences Act and have capital offences meted on these sexual offenders. This will help us deal with this issue that has been bedeviling this country once and for all. It is time we stood up for the women of Kenya today. As Members of the 13<sup>th</sup> Parliament, it is our responsibility to come up with a conclusive solution to the issues of sexual harassment. It is time we spoke the same language and became proactive. We should not be reactive: we should not be addressing issues after all those women have been raped and sexually harassed. We need to be proactive and come up with mechanisms that will deal with this issue once and for all.

I happen to come from a single parent family. I have been brought up by my mother in the streets of Nairobi. Therefore, I can attest to some instances where people expected sexual favours from her to manoeuvre in her area of business. However, being a Christian woman and through God’s grace, she managed to raise me and today I am an MP.

*(Applause)*

I feel I have the responsibility to protect other women who are going through the same as they bring up their children singlehandedly. It is time this Parliament acted in very stern words and actions so that we can address the issue of sexual harassment once and for all.

There is also cyber bullying that has happened to one of the leaders of this country through a video circulating in social media. It is time this Parliament amended laws to be in tandem with current technology. This is because issues of cyber bullying tend not to have any backlash from the laws that we have in Kenya. People can easily bully you on social media, and can even throw insults to politicians. However, no stern step can be taken. We must come up with laws that will be in tandem with the social media and technological advancements of this country. This will help address these sexual predators once and for all. It is very unfortunate that such an injustice can be done to one person; affect her family, husband and children for a lifetime, yet the person who has done that goes scot-free. He must also suffer a lifetime sentence as the family also suffers a lifetime sentence of torture and trauma.

It is time we had very serious deliberations on the route that this country is taking because if we go that direction, we will have a very sick society. This is because people can use these photos in a perverted way; to satisfy themselves from these videos and take matters into their own hands literally. It needs to stop once and for all.

I submit. Thank you, Hon. Temporary Speaker.

**The Temporary Speaker** (Hon. David Ochieng’): Member for West Mugarango.

**Hon. Stephen Mogaka** (West Mugirango, JP): I want to thank you, Hon. Temporary Speaker, for giving me an opportunity to also support this Motion that touches on a very heinous crime that has not been given the weight it deserves.

I want to thank the Departmental Committee on Labour for going boldly to inquire into this menace that is happening in our plantations. I also happen to have a few of those plantations neighbouring Kericho. They are in Sotik and areas like Kipkebe and Sasini that border my constituency. The findings on this menace in Kericho is a case study of what must be happening everywhere in the plantations and even in the workplace.

As a practising lawyer, I had occasions to represent clients who had made allegations of sexual harassment within the banking, sports and religious sectors. Therefore, the problem of sexual harassment is not limited to just the plantation sector but one that is widespread in the workplace.

At this juncture, I want to celebrate an artist from my constituency, Nyamira County, who composed a special piece about sexual harassment and women in the workplace. This is the Bana Sungusia that sang about 'Boss'. This was a boss who was harassing and cowering lady workers to sexual favours in hotels in exchange for promotions and salary increments.

While we do this, this House must rise to the occasion and impose very heavy penalties on these sex pests who are marauding in work places, and abusing their positions in offices to unleash their bad manners on otherwise very respectable employees. While I am at this, I must admit that Kenya and indeed Africa is a paternalistic country and continent respectively. Therefore, claims of sexual harassment or talks of sex hurt women more than men. That is why the men who are accused of doing those things are celebrated and taken as heroes when they are actually criminals, but the consequences are different for our mothers, sisters and daughters. Therefore, in dealing with this menace, this House must come up with serious legislation that makes this offence as harsh as it can be so that those who are still harbouring any idea that women are not the angels that God gave us, pay heavily for such consequences.

Further, as I support, I want to beg leaders to also take caution because we are targeted through those sexual episodes or pictures that are going to be taken of us. This is because people out there are out to bring down serious leaders in this country. To those spreading videos targeting a semblance of a leader in this country, who comes from a place where such a position has never been held by a lady, shame on you! I want to encourage all women to stand up and ignore that rubbish and discharge their responsibilities to the country as if nothing happened.

I submit and support.

**The Temporary Speaker** (Hon. David Ochieng'): Hon. Member, just to remind you that the Motion we are discussing has no video or anything to it. It seems every Member wants to talk about it; basically, the more you do it, the more you spread the video. This chance goes to the Member for Kuria West.

**Hon. Mathias Robi** (Kuria West, UDA): Asante Mhe. Spika wa Muda.

**The Temporary Speaker** (Hon. David Ochieng'): Hon. Robi, the microphone next to you may work.

**Mhe. Mathias Robi** (Kuria West, UDA): Asante Mhe. Spika wa Muda kwa kunipatia nafasi hii ili pia niweze kuchangia hii Ripoti ambayo imeletwa katika Bunge hili.

Ripoti hii ni nzuri sana katika nchi yetu ya Kenya kwa kuwa inajali maslahi ya binadamu. Tunapozungumzia mapenzi ya kulazimisha kazini, inaonyesha tabia isiyo nzuri.

Katika hii nchi ya Kenya, lazima tutilie maanani hayo maneno. Waswahili pamoja na sisi tunasema kuwa mapenzi hayalazimishwi. Kama mtu hajakubaliwa sio lazima amlazimishe mwenzake. Hili jambo limetokea kila mara. Tumeona mambo yakijitokeza na tunataka kutoa onyo kali sana.

Ningependa kumpongeza yule Mheshimiwa aliyelea Hoja ya yale matatizo yanayotokea kule Kericho. Alifanya vizuri. Kericho ni sehemu inayojulikana kwa majani chai,

na wale wanapata mapato ya chini – *mahushtler* wanaenda katika hizo kampuni kutafuta riziki. Watu wengine wanachukua nafasi hiyo kuwanyanyasa na kuwatumia vibaya kimapenzi badala ya kuwasaidia.

Mhe. Spika wa Muda, hatuwezi kusema kuwa hii hali inawapata wanawake pekee bali wanaume pia. Kuna wanawake ambao pengine wamempenda mwanaume fulani na yeye kuna uwezekano hawapendi, anaweza akalazimishwa kimapenzi.

Hili jambo tunaloliongea ni la huzuni na aibu. Vile tumeumbwa humu duniani inafaa tufuate maagizo ya ngono vizuri. Kumaanisha, kama mwenzako hajakukubali, ni makosa na marufuku kumlazimisha kufanya ngono. Katika Bibilia, tunajua mwanaume na mwanamke waliumbwa, wakawekwa sehemu moja na wakaambiwa wazae ili tuongezeke. Na hayo yaweze kutimika, tunatakikana tuwe tumekubaliana kuwa wakati unamlazimisha mwanamke mlale naye unafanya makosa.

Hapa Kenya, tunataka kuambia Serikiali ifuatilie sana maeneo yanayofanya mambo kama hayo. Utapata kuna yule bosi mmoja ambaye badala ya kutumia hekima, unakuta kuna msichana amentamani na huenda alienda kwake kutafuta kazi na badala amsaidie kupata kazi ya kihakika kwa sababu amesoma, anamwambia afanye mapenzi naye ili apate kazi.

Pia, kuna wale mabosi ambao badala ya kuwapatia kazi wasichana, wanatanguliza maneno ya mapenzi. Ningependa kuchukua nafasi hii kushukuru sana na kupongeza Idara ya Wafanyikazi na tunaiomba iweze kutilia maanani jambo la kuwachunga wafanyikazi kila mahali.

Asante sana Mhe. Spika wa Muda.

**Mhe. Spika wa Muda** (Hon. David Ochieng’): Nafasi hii itamuenda Mheshimiwa wa Kitui Kusini.

**Hon. (Dr.) Racheal Nyamai** (Kitui South, JP): Thank you, Hon. Temporary Speaker for giving me this opportunity to support this very important Report by the Committee.

First, I would like to congratulate the Member for Kericho County for the way she has narrated the events even within the few minutes that she got.

I have read this Report, I have looked at the recommendations and I have listened to the Members who went to the ground and interrogated these people who are suffering in Kericho County.

I want to thank the Hon. Speaker of this House for ensuring that this is not only a House of debating matters, but also one that does site visits and ensures that reports are tabled. This must be pushed extremely hard so that we do not just talk while the culprits are not brought to book and the people affected keep suffering.

I support and say that it is not only in Kericho County where this is happening but also in extremely wealthy homesteads in this country, in the poorest homesteads, in places of worship, in our universities where we are talking about sex for grades and in situations where we have extremely poor people like in Lake Victoria region where fish for sex is practised. This matter must therefore, be taken seriously.

I have looked at the recommendations of this Committee and it seems to suggest that even for people to be hired, promoted and taken to other departments to work in these companies, they are taken through this ordeal. People are scared to report because even when they do in whispers, nobody takes action. It is now upon this House to ensure that as soon as this Report is passed by this House, the Committee on Implementation takes action to make sure that the people whose names and companies appear on Page 18 of this Report are brought to book. We have a Government of the day of a very serious President, His Excellency President William Samoei Ruto who I am sure will not accept such a vice. This should not be happening in our country at this time when he is seated on the throne of this country.

This matter is not only happening in this country but also in Hollywood. What a country like America did is that they took this vice very seriously and did not care of the names

of the companies that were being mentioned because they were the best. They did not care about the standard or the wealth that was held by the culprits in Hollywood. They decided to crash the menace. Everybody was mentioned in the Me-Too Report that is already in the media. This is not only a sexual harassment issue, but also a gender violence and a social issue that is affecting these people's health, their social lives, families and health because we are talking about HIV/AIDS.

Hon. Temporary Speaker, you just warned us that there is no video attached to this Report. However, I would like to request that you allow us to speak about this matter that is happening now.

Women leaders in this country are being exposed by men who are scared about the success of those women. I would like to encourage the particular leader who has been mentioned in this video, and to tell her that she cannot stop, she must continue walking very fast, she must run, and she must defeat the men who have put her in this situation. We are not telling women to be careful but to ensure they are not caught unawares. They should not come near these terrible men. I must tell the women to keep moving even when there is a video circulating. It has happened but it must not deter these women from being leaders of this country.

I thank you, Hon. Temporary Speaker.

**The Temporary Speaker** (Hon. David Ochieng): Keep going and continue leading. Next is the Member of Parliament for Samburu East.

**Hon. Jackson Lekumontare** (Samburu East, KANU): I thank you Hon. Temporary Speaker for the opportunity to support this Report. The residents of these tea estates need help. This Report has mentioned very many things. From my thinking these are people who are either married, single or have families with children some whose partners are aware of what is happening but because of the fear of being sacked from employment, have kept quiet. For the sake of the families living in those tea estates, we need to act upon this Report as a House. As many Members have said, this issue is happening in many other parts of this country. Sexual harassment is an issue that I am still trying to grapple with because it beats logic. Some of these bosses have families and if they are exposed then they will not be safe. This should not be allowed to continue. It has been an occurrence even before the tea estates.

This issue should be dealt with immediately with the media having highlighted it and the Committee having visited the area. Those women have suffered enough. We have to stand up for the women of Kenya and take the lead by implementing this Report. If we debate it here and take no further action, we will not have solved anything. From the narration of the individuals affected, it is unacceptable that this should continue happening in Kenya. We have the power and the ability to stop it and with that I want to support. Let us work on it, implement this Report and condemn these barbaric acts.

I thank you Hon. Temporary Speaker.

**The Temporary Speaker** (Hon. David Ochieng): Thank you. We will now have the Member of Parliament for Dagoretti North.

**Hon. Beatrice Elachi** (Dagoretti North, ODM): Thank you, Hon. Temporary Speaker. I rise to support this Report and appreciate the Woman Representative of Kericho County. I came up with this Statement one month ago, under Standing Order 44(2) (c). I want to appreciate the Committee for taking it up, following through and bringing this Report. I also want to thank Hon. Speaker for granting the Committee the opportunity to visit the tea estates.

When I read the Report, I felt that we need to move to the next level. It is always sad when we talk about issues of conjugal rights and sexual harassment. If it was in Europe, everyone would have resigned, but because as a country we are used to a different culture, no action is taken. Having seen all these, we now have to ask ourselves what happens to the families and the children who are going through torture. Some of them have been born into this

and they wonder what to say when they stand to speak. Some do not know their fathers because some of the victims were raped. Even as we look at this, we have to look at how it deeply affects different families.

Sexual harassment is not just in Kericho but is an issue that is everywhere including our offices and houses. In some households, a man will decide that the nanny has become his wife. That is sexual harassment. The issue in Kericho has been exposed and we have to deal with it, but we know that it also exists in flower farms and all the other farms and companies with large numbers of employees who are all fighting for their rights to be promoted.

It is unfortunate that when we are talking about sexual harassment in this House, we are also talking about our own harassment. As you said, it is unfortunate that we are even speaking about this but because it exists, I want to tell the women of Kenya that we must deal with this matter once and for all. As women of Kenya we should come clear on the issue. Cyber bullying has destroyed families, especially children. I remember how sad it was witnessing my friend's son, an alumnus of Alliance High School who was pursuing Actuarial Science at the University of Nairobi, leaving school because of such madness. We cannot allow another child to go into depression because of a man who has gone berserk. You must be a very evil man to do what you have done. As I finalise, we must deal with the person who took these photos ruthlessly without fear or favour.

**The Temporary Speaker** (Hon. David Ochieng): Next is the Member of Parliament for Kamukunji.

**Hon. Yusuf Hassan** (Kamukunji, JP): Thank you, Hon. Temporary Speaker for giving me this chance to contribute. I join the rest of the House in supporting this Motion at this moment when these issues are quite common in our society, particularly in large estates run by multinationals companies that have very good and strict regulations in the management of their staff. This incident has not been addressed for a long time.

Sexual harassment and abuse are heinous crimes that cause immense harm to the victims, particularly women. These actions are forms of violence that violates the person's autonomy and dignity. They can have long lasting physical and psychological consequences or impact. As it has been said here, it is ravaging many homes in our country. Sexual harassment is another form of gender-based violence. It involves unwanted sexual advances, comments, gestures or physical contact. It seems as if we have accepted this as normal behaviour. Denigration of women, including objectification, belittling and disrespect, also perpetuates harmful gender stereotypes and reinforces unequal power dynamics in our society between men and women. It is dangerous because it can lead to a culture that normalises violence against women and undermines their urgency and autonomy. This is what we see in some of the social media circles. It is degrading or debasing, and destroying our women. It is happening in every corner of our country. We must fight this cancer that is ravaging the social fabric of our nation. This Motion gives us an opportunity to reinforce what we need to do in this particular area.

Another aspect of this is negative masculinity that often plays out in perpetuating these harms. These are traditional ideas about what it means to be a man. The idea that a man should be dominant, aggressive and sexually assertive can also fuel a sense of entitlement that contributes to sexual abuse and harassment. We also need to fight this type of traditional behaviour and empower young boys. We should train and educate them in schools about aspects that will reinforce the fact that they do not need to be involved in toxic masculinity but can become men who support their women.

Sexual abuse and harassment, and the denigration of women are the serious social problems that have profound impacts on individuals and society. We must work to challenge harmful gender stereotypes and promote the culture that respects bodily autonomy, gender equality and human dignity. I also condemn the despicable acts that we have recently seen on social media in the last few days where the privacy of women is violated. These are detestable

actions that we must all condemn. The media must not be used as an outlet to demonise and stigmatise our women. We must reject the invasion of one's private affairs which the public has no legitimate concern or wrongful intrusion into one's private activities in such manner as to outrage or cause mental suffering, shame or humiliation to a person of ordinary sensibilities. Our society must have zero tolerance to all kinds of stigmatisation, demonisation and objectification of women.

Enough is enough. It is time for our menfolk to stand with our women. The time is now. Thank you, Hon. Temporary Speaker.

*(Applause)*

**The Temporary Speaker** (Hon. David Ochieng'): Well spoken. Member for Mbeere North. Members, take note that I am just holding this list. I am not in the mood of doing anything to fit in someone. I will just follow it. There are very few of us remaining. If you take three or four minutes each, all of us will get a chance to speak and then we can finalise.

**Hon. Ruku GK** (Mbeere North, DP): Thank you, Hon. Temporary Speaker. I rise first of all to thank and congratulate the Departmental Committee on Labour for this Report and a job well done. Article 68 of the African Charter on Human and People's Rights says that women in Africa must be protected against sexual and gender-based violence in line with the Maputo Protocol. That every woman should have the right to dignity inherent in human beings and to the recognition and protection of our rights and legal rights.

It is good to speak to the men of the Republic of Kenya. Every man should carry four handkerchiefs. The first one is to wipe the tears of your daughter, the second one is to wipe the tears of your mother, the third one is to wipe the tears of your wife and the fourth one is to wipe the tears of your sister. Men should protect women, whether it is your daughter, wife, mother or sister.

*(Applause)*

What is happening in these tea plantations is extremely inhumane. It is what we can see at the top but as a nation, it is important to address the root cause of all this.

Probably, there are other very bad and inhumane things which are happening not only in the plantations we have but also in different corners of this country as far as labour is concerned. Probably, we have even child labour which involves young girls and boys in our plantations. It is important to put a clear message to the multinational companies or land owners in this country that we have charters which our country is signatory to. We have laws which have been enacted by this Parliament. Those laws and charters should be respected and enforced properly by the judicial systems that we have in our country.

The land issue may be one of the underlying factors which cause the problem we are discussing in this House today. A day will come. It may not come in the near future when we are in this House. We may have land appropriation without compensation in future.

*(Applause)*

Women are suffering in these plantations because of land related issues. The multinational companies not only own land in our tea plantations but also at the coast, Central Kenya and many other places. All these historical injustices will be addressed one day and one time.

I support this Motion and commend the good work done by the Departmental Committee on Labour. Thank you, Hon. Temporary Speaker.

*(Applause)*

**The Temporary Speaker** (Hon. David Ochieng’): Thank you. I hope ladies carry handkerchiefs too. This chance goes to the Member for Bureti.

**Hon. Kibet Komingoi** (Bureti, UDA): Thank you, Hon. Temporary Speaker, for giving me this opportunity to contribute and support this Motion concerning what is actually gender violence against our women and sexual exploitation in the tea plantations in Kericho. First, I want to commend the Committee Members for the Report that they did and the work, plus the time that they put in it. I also want to commend the Woman Representative of Kericho County for raising this matter and bringing it to light so that we can discuss it, share the things that we know on the same and condemn in the strongest terms possible, “sex for work” in our tea estates.

First, the Report raised a question on the policies of the companies within the tea estates. They make decisions for profit while ignoring the affairs of human dignity and how to deal with humans. That has given birth to what we now know as sexual exploitation within the tea estates. The policy to sub-contract labour is a profit-motivated decision that is ignoring what may happen to the employees in that environment.

Secondly, I want to state that Ekaterra, one of the companies facing those allegations, is known to have condoned and acted in cahoots with criminals that caused all those offences. If you may recall, in the Report, the DCI was downplaying the whole issue. The company itself was trying to make sure that this is not known. The company did not respond to the media houses when they asked questions. It will not be forgotten that the previous immediate administrator of Ekaterra, Mr. Nick, had married one of the employees of the institution. It looks to us as Hon. Members and the people of Kericho County that this is a practice that they have continued to engage in. Whereas they purport to have clear policies and regulations that govern and protect our women, they have not been enforced. In the Report, no one came forward to report those things. They had toll free lines, but the employees still felt victimised from the kind of things that happened to them after making reports.

Three, because I come from Kericho County, I am aware of the investigations the company is currently doing. However, they have ignored the Report of the DCI. They have not allowed the DCI to come in. I am aware they have hired a private investigator, Mr. Hillary Lombard, a man who had been hired before and did not raise those sexual offences. He is currently spearheading the investigations into sexual offences within the organisation. We must report here and let the country know that those investigations that are being carried out are skewed, biased and intended to punish people rather than resolve the prevailing situation on the ground.

The current situation in almost all the companies in Kericho tea plantations is that, whereas it is good to investigate all the male managers, they are being harassed. A committee has been formed by the company of only three people, all of them non-locals. I receive the committee with the hope that it will rise up and bring out the issues in-depth. However, the locals feel that they are being excluded in all those things.

One thing that must come out clearly is that the company must take full responsibility of what is happening within its institutions. In my opinion, I do not see why the current Managing Director of Finlays and the current Head of Plantations at Ekaterra are still in office, having presided over such heinous crimes against our women, daughters and the people of this country. Knowing that they are foreigners, they further involved themselves in things that we know to be...

**The Temporary Speaker** (Hon. David Ochieng’): Hon. Member for Baringo.

**Hon. Jematiah Sergon** (Baringo County, UDA): Thank you very much, Hon. Temporary Speaker. At the outset, I support the Report of the Departmental Committee on Labour and Social Welfare. I also want to congratulate my colleague, Hon. Beatrice, for bringing this very important Motion before us. I want to agree with most of my colleague Members who have spoken before me. Time has come for this country to walk the talk. Members should be leaders, especially on the Floor of this House, by guiding and giving directions on the things that happen in our communities.

On sex exploitation in Kericho tea estates, it is unfortunate that sex is used as a tool to disparage. In some instances, sex has been used to make women very vulnerable to the extent that they give in into situations because of what they are being put through. I want to relate those incidents with many other issues. As a girl from savanna, women are exposed to many tenets of the society. For example, they have to obey and give men space because they are the leaders of the society. However, in recent times, we have realised that most of the things that are happening in society today are being perpetrated by men. Unfortunately, societies, especially African societies, believe that men are supposed to be the people who give direction.

Today, we are complaining because of Kericho. Most Members have said that sexual favours have been used in many fields like schools. In the lake regions, we have sex for fish and sex in early marriages happens in pastoral communities. All that is for the gratification of a mature man. A man always being above a woman is in question.

I want to talk about social media bullying. It is unfortunate that, as a leader, as much as you work very hard to help the society, you are a target of sex pests in the society. There are men who look at women and devalue them. They have a lot of narcissistic tendencies. They want to control and look at strong women, especially leaders, as objects. They want to take advantage of them probably because of their positions and money. When they are with those women in vulnerable moments in private spaces, they want to bring that out and embarrass them. As we all know, as Members of Parliament, many of us have been subjected to this. It is unfortunate that as Members of Parliament, we have no clear laws that protect cyber bullying on the privacy of leaders. I am referring to leaders because they are the mirror of society. Sometimes, you do not want to look like you are speaking on behalf of people who want to treat you badly.

As I support this Report, we will have a lot of time to amend laws and to accommodate laws that will help us move forward.

Thank you.

**The Temporary Speaker** (Hon. David Ochieng’): Member for Teso South.

**Hon. Mary Emaase** (Teso South, UDA): Thank you, Hon. Temporary Speaker, for giving me the opportunity to contribute to this very important conversation. I appreciate the Committee for tabling the Report on the Floor of the House, and for the effort that they undertook to visit the area, further interrogate the matter and investigate, so that when they give us a report, it is one we can rely on.

Sexual harassment is here with us. It is an issue that is deeply rooted in our society. It is a menace that cuts across the country. I agree with my colleagues who have said that it is not only limited to Kericho tea farms, but cuts across all sectors. We know of women in this country who have even been sacked or given show-cause letters and yet, no crime was committed, no disciplinary action was taken or no reason was given. They cannot speak about it. Even when they report, they are blamed by the authorities which are supposed to assist them. In fact, they are victimised. They are told that they are the ones with the problem. They may even be told that they were harassed because they were wearing a mini skirt. It is a problem that we have to deal with.

I support those who have echoed the fact that we need to relook at our laws. Besides putting more punitive penalties in our laws, it is also important that we introduce clauses to protect victims and encourage them to report those issues. They should feel safe when they report cases of harassment. They should not be threatened with being sacked or being punished further. It is a sad issue.

Some victims of harassment undergo a lot of trauma. Some of them even fall into depression. In some cases, some get infected with Sexually Transmitted Diseases (STDs) as a result of forced sex. They get degenerative diseases or unwanted pregnancies. They go through a lot. We must look at the matter holistically. Besides just looking at harassment, how do we even deal with its impact? How do we support those victims?

That takes me to the other aspect that my colleagues have also touched on. Cyber bullying is another area that we must look into. What you do in your bedroom must be respected. Women of this country must be respected. We are seeing a trend where leaders and senior members of Government are being targeted by what I would call “mad men”. I can only call them mad men or fools because when they have a relationship with someone, and have agreed and spent time together, they embarrass the other person. Why is it that it is the woman who is always embarrassed? We must come up with laws with huge penalties to put such characters behind bars, so that we deter that practice from continuing. We have seen videos trending. There is another one trending today. It might be you tomorrow. As leaders, we must do something about it. People’s privacy must be respected. Women of this country must be respected. For how long will they be embarrassed?

I can only imagine what their families and children feel. I can only imagine what their friends and everyone else thinks when they show up in the kinds of pictures that we have been seeing. It is not something to smile about. In this age of technology, we are not even sure whether those are real pictures. It could be a photoshop. Who can be sure that those pictures are real? Who can say for sure that, that was the person that they were trying to portray? Hon. Members, it is time we took action.

**The Temporary Speaker** (Hon. David Ochieng’): Maybe it is time to also bite the bullet and report such matters to the police. You may not report some of these matters because you fear showing your face. Maybe, it is time to draw a red line and report the matter, so that those guys are dealt with.

This chance goes to the Member for Samburu West.

**Hon. Naisula Lesuuda** (Samburu West, KANU): Thank you very much, Hon. Temporary Speaker, for giving me this opportunity to contribute to this very important Report.

I would, first, like to thank and congratulate the Kericho Woman Representative, Hon. Beatrice Kemei, for requesting for an inquiry into this matter, which has brought a lot of concern and became a national issue. As many have said, this must have been something that had been going on for many years. The BBC brought it out and Hon. Beatrice Kemei brought it to this House. The Committee, led by the Chairperson, Hon. Eric Karemba, got into the gist of what was going on, made it a national matter and now it is being discussed in this House.

I would like to echo what my colleagues have said that it would be very unfortunate if this matter ends here. It would be unfortunate if we just debated it and yet, there is no justice for those women and their families. We would be acting in futility. It is only after the DCI that has been greatly mentioned in this Report takes action and conducts proper investigations that this debate, the resources and efforts that have been put into conducting investigations will bear fruit.

We have to ask ourselves why women, men or boys who are harassed do not report those issues. There is always the issue of placing the burden on the victim. Even now as we talk about issues of women who are being exposed on social media, already the women are down and we are putting the blame on them and telling them what they should or should not

have done. We are asking those women whether they were forced to sleep with those men. We are placing the burden on the victims rather than supporting them and asking ourselves why they do not go to report such incidents.

We tried to set up desks for people to report cases of harassment in police stations, which were manned by women. We made some strides. I do not know how far we have gone with them. We set them up to make it easier and friendlier for victims to feel safe to go and report and know that they will not be victimised thereafter. We know that many of them are now afraid of their lives. That is why they could not even show their faces when they were recording the exposé by the BBC. As a country, we have to think about the victims, protect them and ensure that they feel safe enough to report those matters.

Secondly, we cannot continue to protect perpetrators of such incidents. You see it happening in many other ways. There are women who are killed by their lovers. We hear many cases of people being killed and the story just ends there. We have not seen many convictions of people who take the lives of others because of love triangles and even cases of sexual abuse.

It is very unfortunate that in some of the recommendations, the senior management agrees and acknowledges that there were incidents of sexual harassment. This matter should not end here. If they acknowledge that there was sexual harassment, we want to know what will happen next. I encourage my sister, Hon. Beatrice, not to let this matter end here. If you have to follow it up with the DCI to get more support, just continue. Otherwise, it will be futile for us to just debate this matter and it ends here.

Hon. Temporary Speaker, you will agree with me that in our country, the things that are aired in the media get all the hype. We are now talking about the recent accidents and the Ministry of Roads and Transport is now proposing what needs to be done. After a few days, we will forget about it until another incident happens. I hope the victims will get justice and be protected.

Finally, I would like to add my voice to what my colleagues have said. What has been happening on social media with respect to privacy is very unfortunate. Where are we going as a society and as a people?

**The Temporary Speaker** (Hon. David Ochieng’): You have 30 seconds.

**Hon. Naisula Lesuuda** (Samburu West, KANU): Right now, a certain former Member of Parliament is down and yet we are still saying: “They should have done this and that.” They were not doing it alone. We do not know whether it is true, photoshopped or not. As a country, we cannot thrive in such matters of exposing ourselves and others to the public on matters that are very shameful. I do not know where we are going as a country. This generation, the Gen Z, should have respect and should not thrive in such matters. I totally condemn that. It is something that should not be happening in our country in this century.

Thank you.

**The Temporary Speaker** (Hon. David Ochieng’): Member for Kajiado.

**Hon. Leah Sankaire** (Kajiado County, UDA): Thank you very much, Hon. Temporary Speaker. I rise to also add my voice to this very important debate on the Report by the Departmental Committee on Labour, of which I am a member. I also congratulate my sister, Hon. Beatrice Kemei, for highlighting this issue that is happening not only in tea estates in Kericho County, but also in workplaces, schools and everywhere else in the country. It is about time we spoke about these issues, came up with laws and improved existing laws. The saddest thing is that these things are becoming a habit and every day’s norm. And the saddest thing is that we never see the perpetrators being brought to book. Every time we speak about sexual harassment or violence against women, we speak about them like history or stories we tell in class. We do not see anyone being brought to book and punished for such heinous acts. It is about time that we saw the results and not just spoke about the issue. We should not just debate

in the House for hours and then, eventually, the matter dies a natural death, without anyone being brought to book or punished for their deeds.

This translates to violence against women. Sexual harassment is violence against women. Those women go through depression. Most of these things are done by their seniors. In the case of Kericho tea estates, the senior management was the one forcing junior staff into those acts. The junior staff cannot speak out. Since they are trying to fend for their families, most of them will get into those acts and go into depression. They cannot speak about it. Some of them are married women. When they go back home, they do not want to speak about what has happened to them. They become very depressed. Some of them get infected with HIV and AIDS and others die. Those things eat into them and others watch them dying. Nobody speaks about them. It is time we spoke about those acts. Women should not be ashamed of speaking about those things, because they happen everywhere. When they happen, people just criminalise women by asking them how they were dressed. My dress is my choice. The way I dress should not be the way that I am judged on how I am treated sexually. Men should know that these women are not supposed to dress in a certain way, because what you believe in is not what I believe in. We are all brought up and dressed differently. One is supposed to treat a woman with dignity and respect regardless of how they dress or what they are doing. It is something that we need to put a stop to. Women are not judged by society on what they wear and how they walk or talk.

I want to add my voice to this. I ask my sister Kemei not to stop there. Let us follow up on this one and make sure that those people, regardless of their influence or who they are, are brought to book. Once they get punished, the rest of the people will know those actions are punishable. Otherwise, we are glorifying them. I know you said earlier that we are not talking about the videos that are going viral, but I think it is also a form of sexual harassment against women. Those things should be brought to a stop. Cyber bullying has led women into depression and made their children leave school because of shaming by fellow students. It also results in broken families. It does not only take women to do this act, but two people that have consented to it. Yet, every time it comes out, it is the woman who is demonised and faced with all forms of discrimination.

Therefore, I want to say that we will follow it up.

**Hon. Temporary Speaker** (Hon. David Ochieng’): Member for Kangema.

**Hon. Peter Kihungi** (Kangema, UDA): Thank you, Hon. Temporary Speaker. I have already contributed to the issue.

**Hon. Temporary Speaker** (Hon. David Ochieng’): Okay. Let us have the Member for Kaiti.

**Hon. Joshua Kimilu** (Kaiti, WDM): Thank you, Hon. Temporary Speaker for giving me this opportunity to contribute to this very important matter. Before I add my voice, I want to congratulate the Committee which has done good research and produced a very good Report. I also want to congratulate Hon. Beatrice and tell her that this is the way to go and should not stop at this stage because we need to see people getting their rights. This thing that is happening in the tea estates in Kericho is very bad. It is not only happening in Kericho, but in other areas as well. Kericho tea estates should act as an attestation for the other institutions that are doing the same thing of harassing women. I have a wife and daughters in the house. I want to support them because we have women and they need to be protected. Some of them are vulnerable and they do this because they want to secure jobs. If they do not do it, they are likely to lose their jobs.

It is high time as Members of Parliament, we stood with women in our country and supported them. Others are doing this to get school fees due to high poverty levels. If we cannot stand with them and support them, it will continue happening in our country and will make many people, especially girls, suffer at the hands of such people. The organisation in the

Kericho tea estates should be working to support the community around it and improve their living standards instead of harassing them. They are harassing women. Sexual harassment is very dangerous and bad because it even leads to unexpected pregnancies. To our young girls, we are working hard as legislators to pay for their fees so that they can go to school, get good education and secure good jobs. It is shameful if someone can work and after getting a job, be forced to do such an act. Harsh punishment should be imposed on the perpetrators. As a country, if we do not stand firmly to change our laws and impose harsh punishment on this, those vices will continue happening to our daughters. It is high time we stood with other Kenyans who are suffering at the hands of people who intimidate them. This is very bad.

I support this Motion because tomorrow my daughter might land in the hands of such people. Sometimes, those acts lead to depression of women and girls. When they go out to seek jobs, they get harassed and because of fear and stigma, they end up being depressed. It is high time we made sure that those acts will not happen in other organisations. Those acts can also lead to early marriages. When those girls are harassed, they get depressed and end up in early marriages. I support the Committee. Those are evil vices and we need to show the world that we want to protect our girls. As Members of Parliament, we need follow-up on such reports to the end. We need to make sure that those involved in such nonsense are brought to book. If we fail to do that, this will keep happening in other institutions. Those acts can also lead to unwanted pregnancies and infertility.

So, I support the Report and congratulate the...

*(Hon. Joshua Kimilu's microphone went off)*

**The Temporary Speaker** (Hon. David Ochieng'): Lastly, the Member for Kisumu West.

**Hon. Rozaah Buyu** (Kisumu West, ODM): Thank you, Hon. Temporary Speaker for giving me this opportunity. As I stand here, I speak as the immediate former Vice-Chairperson of KEWOPA, as a mother and as a woman.

Member for Kericho County, what you have done is slightly beyond your mandate, but it is a favour to the women of this country. As a County Woman Representative, you are a watchdog for all the vulnerable members of the society. I congratulate and thank you for being bold enough to bring this discussion on the Floor of this House. The Hon. Member has given an opportunity to many women. She has opened the lead to what thousands of women go through in this country, regardless of their age. Young teenage girls, young ladies, women my age, older women than me and married women face this same issue in different institutions and circumstances.

What is happening to women in this country even discourages young girls from furthering their education. The Government has put a lot of effort in affirmative action in supporting the girl child so that she can compete equally with the boy child. Unfortunately, the experiences that many young girls go through make them think that they do not need to struggle very hard to study. This is because whether you are educated or not, you are only asked for one thing when you are seeking employment or promotion - sex. The most unfortunate thing about this is that the woman ends up paying the price. She either gets infected or gets an unwanted pregnancy. Many times, the woman does not get the job that she gave sex for because the person who asked for the sexual favour was not sincere.

Hon. Temporary Speaker, the Committee should have gone even further and demanded or instructed that the owners of those companies must suffer more. If you sub-contract any job within your company, it does not matter. The buck stops with you. You have the final say because you are the owner of that company. If anything foul such as this happens within your company, you take the blame.

I think of sex for fish in Homa Bay County or the lake region. In order for women not to stay hungry and fend for their children, they have to sell their bodies. This is why I am saying that we need to have more severe punishment, so that we can deter people who think they can sell or demand sex from young girls or women for favours, employment, pads or food.

I commend the Committee for going into detail and finding exactly what goes on in those two companies. Like I have said, this is an eye-opener to many companies in this country because the same experience or things are happening in those companies.

Hon. Temporary Speaker, I support the Report. Once again, I thank the Hon. Member for being bold enough to bring this issue on the Floor of the National Assembly. Thank you, Hon. Temporary Speaker.

**The Temporary Speaker** (Hon. David Ochieng’): Very well. Hon. Members, the Question on the proposed amendment by Hon. Beatrice Kemei will be put during the next time when this Motion is considered. The Mover of the Motion will also be asked to reply when the Motion will be slated next for consideration on the Floor of the House.

*(Putting of the Question deferred)*

Next Order.

GENERAL DEBATE ON PROPOSALS TO AMEND  
THE CONSTITUTION AND THE STANDING ORDERS

THAT, noting the contents of a Memorandum submitted to Parliament by His Excellency the President asking Parliament to consider initiating amendments to the Constitution; acknowledging that the actualisation of the proposals which relate to, *inter alia*, the composition of Parliament as provided for in Articles 97 and 98 of the Constitution in order to attain the two-thirds gender principle, the creation of the Office of Leader of Official Opposition in Parliament, and the inclusion of various funds in the Constitution, would necessitate amendment to the Constitution, while the restructuring of parliamentary oversight to allow for Cabinet Secretaries to appear before the Houses of Parliament to respond to Questions by Members would require the amendment of Standing Orders; further acknowledging that, the Speaker, vide a Notification issued on 9<sup>th</sup> December 2022 referred the matters raised in the Memorandum to the Departmental Committee on Justice and Legal Affairs with regard to proposals relating to the implementation of the two-thirds gender principle and the establishment of the Office of the Leader of Official Opposition; the Joint Parliamentary Ad Hoc Committee with regard to proposals to amend the Constitution to entrench the Constituency Development, Senate Oversight and National Government Affirmative Action Funds; and the Procedure and House Rules Committee with regard to proposals to amend the Standing Orders to strengthen parliamentary oversight of the Executive, so as to facilitate public participation pursuant to Article 118 of the Constitution; now therefore, pursuant to the provisions of Articles 1(2) and 95(2) of the Constitution, this House notes, considers and makes general comments on the proposals contained in the Memorandum by His Excellency the President.

*(Moved by Hon. Kimani Ichung’wah on 15.2.2023—Morning Sitting)*

*(Resumption of Debate interrupted on 8.3.2023—Afternoon Sitting)*

There being no interest to contribute to this Motion, I call upon the next Order.

*(Motion deferred)*

**BILL**

*Second Reading*

THE STATUTE LAW (MISCELLANEOUS AMENDMENTS) BILL  
(NATIONAL ASSEMBLY BILL NO.60 OF 2022)

**The Temporary Speaker** (Hon. David Ochieng’): Hon. Members, this Order is deferred to the next time it is slated for obvious reasons. I will not say anything more than that. It will be discussed next time, when the Leader of the Majority Party is available in the House.

*(Bill deferred)*

**ADJOURNMENT**

**The Temporary Speaker** (Hon. David Ochieng’): Hon. Members, the time now being 6.28 p.m., this House stands adjourned until Tuesday, 25<sup>th</sup> April 2023 at 2.30 p.m.

The House rose at 6.28 p.m.

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