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**THIRTEENTH PARLIAMENT**

**NATIONAL ASSEMBLY**

**THE HANSARD**

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## THE HANSARD

Tuesday, 18<sup>th</sup> April 2023

The House met at 2.30 p.m.

*[The Speaker (Hon. Moses Wetang'ula) in the Chair]*

### PRAYERS

### MESSAGE

#### NOMINATION OF PSC REPRESENTATIVE TO THE SALARIES AND REMUNERATION COMMISSION

**Hon. Speaker:** Hon. Members, I have a Communication and there is a second one that will come slightly later.

Hon. Members, this is a Message from His Excellency the President. Pursuant to the provisions of Standing Order 42, I wish to convey a Message from His Excellency the President relating to the nomination of a representative of the Parliamentary Service Commission to the Salaries and Remuneration Commission (SRC).

In the Message, His Excellency the President conveys that in exercise of powers conferred on him by Article 230(2)(b)(i) of the Constitution as read together with Article 250(2)(c) of the Constitution and the Salaries and Remuneration Commission Act, 2011, he nominates Mr. Isaac Kipkemboi Melly as a representative of the Parliamentary Service Commission to the SRC. For the information of the House, the name of the nominee was submitted by the Parliamentary Service Commission following a competitive recruitment process. In this regard, His Excellency the President now seeks the approval of the nominee by this House.

Hon. Members, Standing Order 45 provides that upon receipt of notification of nomination for appointment, such nomination shall stand committed to the relevant departmental committee for consideration. In this regard, pursuant to the provisions of Standing Orders 45 and 42(3), I hereby refer the Message from His Excellency the President together with the curriculum vitae, the report of the Parliamentary Service Commission and other testimonials of the nominee to the Departmental Committee on Finance and National Planning in order for it to undertake the necessary approval hearings.

Hon. Members, Section 7(11) of the Salaries and Remuneration Commission Act, 2011 provides 14 days within which the House is expected to consider the nominee. Section 8 of the Public Appointments (Parliamentary Approval) Act, 2011 requires the National Assembly to undertake the exercise within 28 days. In this regard, the Committee should undertake approval hearings and submit its report within the timelines provided for in the Public Appointments (Parliamentary Approval) Act, 2011 being the most recent amendment made by Parliament with respect to the general period of vetting of State appointees.

Hon. Members, the Departmental Committee on Finance and National Planning is required to notify the public and the nominee in good time. Therefore, it will undertake the necessary approval hearings and submit its report of the House within the aforementioned period to enable

the House to consider the proposed appointment within the statutory timelines. The House is accordingly guided.

I thank you.

### PETITION

**Hon. Speaker:** There is a Petition. Member for Kilifi North, Hon. Owen Baya.

#### DELAYED RESETTLEMENT OF RESIDENTS OF MNARANI IN KILIFI COUNTY

**Hon. Owen Baya** (Kilifi North, UDA): Hon. Speaker, I rise to present a public Petition on delayed adjudication and settlement of residents of Mnarani Sub-location, Kilifi County.

I, the undersigned, on behalf of the residents of Kilifi North Constituency draw the attention of the House to the following:

THAT, the people of Mnarani Ward, Kilifi North Constituency, have occupied the land in Mnarani Village for more than 100 years.

THAT, the land in Mnarani Village, Mnarani Ward, was surveyed on 28<sup>th</sup> May 1912 and granted in favour of Mr. Byremji Rustumji Khanjuri.

THAT, the land was later illegally acquired by Arab families during the colonial era with the assistance of the administration then, and the Arabs registered the land as their property.

THAT, the 172.8 acres of land occupied by the residents of Mnarani is registered as Plot No:YSR130 Section V situated at Mnarani-Kilifi Takaungu in the name of Kalthum Binti Mohammed and Shariffa Binti Mohammed, referred as Mohammed family, as an agricultural land.

THAT, the beneficiaries are: Ali Mohammed, Kalthum Mohammed, Shariffa Mohammed and Said Mohammed being the first, second, third and fourth borns of the Mohammed family respectively.

THAT, after several years, the illegally registered owners of the land migrated to the Middle East leaving the property under the care of caretakers whom they called trustees and the land changed to Wakf under the Islamic Laws.

THAT, the trustees invited locals to settle in the area willingly and were to pay a monthly fee considering that the land was agricultural and had a lot of cashew nuts, coconuts and mangoes.

THAT, Ali Mohammed, the first-born son, appointed one Mr. Ali Omar to be in charge of collecting money from the sale of coconuts and rent from the Mnarani plots. In the year 1959, the trustee allowed the residents to build a school which is the present-day Mnarani Primary School measuring 12 acres.

THAT, Mr. Ali Omar, the steward died and Mr. Mohammed Mwalimu took over as the new steward and tasked by Mr. Ali Mohammed with the help of one Mr. Shosi to vet the people who wished to be settled in Mnarani Village.

THAT, Ali Mohammed died and his sister Kalthumi Mohammed became the trustee of the wakf. Kalthum gave Mr. Abdallah Serf the power of attorney and the Wakf was registered in the name of Ms. Kalthum Binti Mohammed of P.O. Box 85059 Mombasa.

THAT, at the tenure of Kalthum Mohammed, the land ceased being an agricultural land and became residential, presumably with a number of households exceeding 1,107 and a population of over 20,000 people with a mosque, churches, schools and other social amenities.

THAT, the people who have settled on the land have put it into good economic use, constructed residential houses and commercial centres which are earning them an income but the Government has neither adjudicated the land nor issued title deeds.

THAT, the continued absence of landlords on this land and their failure to contribute to any development or welfare in the area has caused difficulties to the residents and has created major impediments in the people's livelihoods.

THAT, the residents of Mnarani have written many letters and lately, a memorandum to the National Lands Commission, but no action has been taken concerning the matter.

THAT, both the national Government and the county government have invested heavily on the said piece of land by providing the necessary infrastructure such as electricity connectivity, water, roads and other social amenities.

THAT, the matter presented in this Petition is not pending before any tribunal, court of law or independent body.

Therefore, your humble petitioners pray that the National Assembly through the Public Petitions Committee:

1. Inquires into the ownership of the land occupied by residents of Mnarani registered as Plot No. YSR130 Section V situated at Mnarani-Kilifi Takaungu in the name of Kalthum Binti Mohammed and Shariffa Binti Mohammed.
2. Recommends that the parcel of land in Mnarani be acquired and granted to the present occupants and that the process of compensation be finalised.
3. Recommends that the parcel of land be adjudicated so as to ensure that the residents acquire title deeds and save the residents from the alleged erroneous records and missing information on the parcel of land.
4. Makes any other recommendation or actions it deems fit in addressing the plight of the petitioners.

And your petitioners will ever pray.

Thank you very much, Hon. Speaker.

**Hon. Speaker:** Hon. Members, in accordance with the provisions of Standing Order No. 226, Members who are interested in making comments, observations or clarifications in relation to that Petition, you may go to intervention.

Hon. Robert Pukose, are you on this or something else.

**Hon. (Dr.) Robert Pukose** (Endebess, UDA): Thank you, Hon. Speaker. I want to support the Petition by Hon. Owen Baya.

These issues of land and people having their land taken away irregularly is an issue that the Committee will look at when they retreat. They need to look at this Petition with a view of the whole country because, more often, people will be coming up with individual petitions. It is a countrywide issue and is majorly seen within Rift Valley and the Coast regions.

The Committee should expeditiously look into this matter so that the aggrieved parties can get justice.

With those few remarks, I support.

**Hon. Speaker:** Hon. Beatrice Elachi.

**Hon. Beatrice Elachi** (Dagoretti North, ODM): Thank you, Hon. Speaker.

I also rise to support the Petition. As we look at this matter holistically, you will find that even in Nairobi there are families which are wondering what happened to their pieces of land. You find them already subdivided and if you go to a surveyor, you will find documentations which are

not valid and this family is left wondering what happened. Therefore, as you look at it, you should have a view of the whole country.

We also need to know what is happening at the Survey of Kenya. How come one can just come to you, you go and subdivide somebody's land and give out titles while the owners of the land do not even know what is happening?

I support and hope that it is something that will be done across the country.

Thank you.

**Hon. Speaker:** Hon. Geoffrey Ruku.

**Hon. Ruku GK** (Mbeere North, DP): Thank you, Hon. Speaker. I support the Petition by Hon. Baya because issues of land in this country need to be handled with care.

We saw what happened the other day, which was sponsored by my brothers and sisters from across, in as far as the issues of land are concerned. The people of coastal region and in particular Hon. Baya's constituency, have the right within the Constitution to ensure their matter is well considered within the law.

Thank you.

**Hon. Speaker:** Hon. Deputy Speaker.

**Hon. Gladys Boss** (Uasin Gishu County, UDA): Thank you, Hon. Speaker for the opportunity to lend my voice to this very important Petition.

I rise to support this Petition by Hon. Baya. This is land that I am familiar with and Hon. Baya knows that I can easily be elected as a Member of the County Assembly (MCA) in that particular area.

Since 1950s, I have known that these families have been in occupation of the land. The original owners have since left and in accordance to the law, surely, this land can be transferred to them on account of adverse possession because they have been in occupation with no resistance or claims against them since time immemorial, as far as many people can accept.

This is in line with one of the State of the Nation Address made by the former President, H.E Uhuru Kenyatta, in 2015 when he apologised on behalf of the Republic of Kenya in relation to historical injustices. Following that, I again presented a Bill, the Kenya Reparations Bill, 2019, in the last Parliament, in an attempt to try and resolve some of these historical land injustices such as this one.

For those reasons, I fully support the Petition by Hon. Baya, on behalf of the people of Mnarani in Kilifi North.

Thank you.

**Hon. Speaker:** Hon. Jared Okello.

**Hon. Jared Okello** (Nyando, ODM): Thank you, Hon. Speaker. In supporting my brother, Hon. Baya, this is a reflection of what happens across the country. It is true that land matters are quite emotive.

There is a pending Report called the Ndung'u Land Report which has gathered dust for very many years. One time we shall have a regime that is proactive and will bite the bullet and place the Ndung'u Report where it ought to be. To a large extent, these issues have bedeviled us for way too long and should be amicably addressed once and for all. This is something that cuts across the country. Everywhere you go you hear of land injustices and some are squatters on their own land. I do not know when and how this will be addressed once and for all to enable the country to move forward as one unitary society.

Thank you, Hon. Speaker, for the opportunity.

**Hon. Speaker:** Hon. Ferdinand Wanyonyi.

**Hon. Ferdinand Wanyonyi** (Kwanza, FORD-K): Thank you very much, Hon. Speaker. I take this opportunity to say this is an eye-opener for various cases in this country. In my own area, we have similar problems. Therefore, I want the State Department for Lands and Physical Planning to take this very seriously so that they can solve these problems once and for all because we have many busybodies around. You will find land changing hands within five years to four or five owners in this kind of business.

I want the State Department for Lands and Physical Planning to take this very seriously and solve this problem once and for all. I want to ask the Cabinet Secretary for Lands to come and explain some of these issues because this is very common and not only in that place but also in my home area. There are some people who own land and are abused by busybodies around. I support this Petition and look forward to having a solution once and for all in this country.

Thank you.

**Hon. Speaker:** Hon. Robert Mbui.

**Hon. Robert Mbui** (Kathiani, WDM): Thank you, Hon. Speaker. I also rise to support the Petition by Hon. Baya on Mnarani land. The issue of land is very emotive. Every time we have an issue to do with land, chances are that someone might even lose their life in the process because many times it is a matter of life and death. The issue of ownership of land needs to be addressed historically. In the beginning, land did not belong to any individuals but people started acquiring parcels of land all the way up to now. It is important for us to look at the history of how this happened.

No one is safe from the people who want to grab land. Recently, we saw land belonging to two former Heads of State being invaded by grabbers but fortunately they did not share those pieces of land. We have to be very careful. Just to know how serious this is, we came up with the new Environment and Lands Courts which are very busy.

Finally, the National Land Commission and the Ministry of Lands need to have officers who are highly disciplined. It was shocking to see a senior government officer who works in the lands office brandishing a gun on a matter of land. I think we need to condemn this in the strongest terms possible.

Thank you, Hon. Speaker.

**Hon. Speaker:** Hon. Anthony Oluoch.

*(Technical hitch)*

Clerk, what is happening to the screen, can you alert your technicians?

Hon. Anthony Oluoch go ahead.

**Hon. Anthony Oluoch** (Mathare, ODM): Thank you, Hon. Speaker. I want to thank Hon. Baya for bringing this Petition. I think the Committee needs to broadly look at it in terms of what the Constitution provides. Looking at how land tenure systems change in this country - this is something the Constitution emphatically says that whenever the land tenure system changes either from community land to public land or vice versa the sanction of Parliament ought to be taken into consideration.

We have a situation in which land changes in terms of land use including in Nairobi without the sanction of Parliament. Parliament ought to stamp its authority in terms of what is provided under Article 94(5) of the Constitution. It provides that anybody who does anything that has the provision of law must have the sanction of Parliament. We have the Committee on

Implementation and I want to urge that after they bring their report on this, they must make a follow-up.

I have a case with the Departmental Committee on Lands in respect to land in Mathare Constituency, where a ward with a population of about 30,000 people is allocated to a police station. This ward has registered voters, the Independent Electoral and Boundaries Commission (IEBC) offices and other Government institutions yet, the title of this land is in the name of a police station. The Committee on Implementation is seized of this matter. Therefore, as we look at this Petition, we must ask it to take its work seriously so that Parliament does not make its decisions in vain.

Thank you, Hon. Speaker.

**Hon. Speaker:** Mangale Chiforomodo.

**Hon. Mangale Chiforomodo** (Lungalunga, UDM): Thank you Hon. Speaker. I rise to support the Petition by Hon. Owen Baya on Mnarani. This land issue in the coastal region is wanting. I think the Petition has come at the right time so that the people of Mnarani can get their rightful privilege on this land which they have been owning for decades as has been explained by the Mover.

I want to say Mnarani is now occupied by too many people. I wish this House and the concerned Committee would take this issue very seriously and expedite the process so that the people of Mnarani would get their rights. Let me illustrate this. Yesterday, I received a phone call from someone in a place called Kanana where people were being evacuated because of the same issue. Land injustice is real in the coastal region. It is time we put our foot down so that the people of Coast and Kenya at large get what is rightfully theirs.

Thank you, Hon. Speaker, for this chance.

**Hon. Speaker:** Mbunge wa Mandera West, Adan Haji.

**Hon. Yusuf Adan** (Mandera West, UDM): Thank you Hon. Speaker, for giving me this opportunity. I also stand to support the Petition by Hon. Owen Baya on the issue of absent landlords who came from Britain, were given African land and after Independence they could not survive so they went back. They left nobody or the people left could not maintain that land. When the indigenous people claim that land, they are called squatters. I think this is very unfortunate. Therefore, I request the concerned committee to look at this in-depth. This is not only happening in Kilifi but also in other parts of this country.

Therefore, I support the Petition by Hon Owen Baya. Thank you.

**Hon. Speaker:** Hon. Charles Ngusya. Give him a working microphone.

**Hon. Charles Nguna** (Mwingi West, WDM): Thank you, Hon. Speaker. I rise to support this timely Petition. I have known the people who are occupying this ward for over 20 years, and most of them are my friends. I support them because they have done a lot of development there including building a very important school which serves many communities. This issue cuts across the entire country and it is high time we dealt with it and arrested these issues.

I would like to thank the Departmental Committee on Lands because I had a similar issue last year and they fixed it. So, I am looking forward to this issue being fixed by the Departmental Committee on Lands soonest possible so that the people of Kilifi can get justice.

Thank you, Hon. Speaker.

**Hon. Speaker:** *Wa mwisho* ni Hon. Beatrice Adagala.

**Hon. Adagala Beatrice** (Vihiga County, ANC): Thank you, Hon. Speaker. I want to support this Petition by Hon. Baya concerning land issues. Land issue is an emotive one. We have several places where people have been displaced from their land. The Kilifi issue has been there

and it needs to be looked into. There are several areas including where I come from around Hamisi and Kwavotsa area. Those people have not received their title deeds and therefore, I support this Petition. We should also resolve issues of land in Maseno and other places in this country. Kenyans should not be squatters on their own land.

Thank you. I support the Petition.

**Hon. Speaker:** Thank you. Order, Hon. Members.

*(Several Members walked into the Chamber)*

Take your seats.

*(Hon. Mohamed Machele walked into the Chamber)*

Hon. Machele, take your seat.

Hon. Members allow me to recognise the following schools in the Public Gallery before I go back to Order No.2:

1. Namanga Mountain View Academy, Kajiado Central from Kajiado County.
2. Kangaru Girls School, Manyatta, Embu County.
3. Legacy High School, Embakasi East, Nairobi County.
4. Josana Day School, Embakasi North, Nairobi County, and
5. Ngoto Boys' High School, Makueni, Makueni County.

On my behalf and on your behalf, I welcome all the students and their teachers to the House of Parliament.

Hon. Members, I will go back to Order No.2. There is a short Communication.

## COMMUNICATION FROM THE CHAIR

### APPOINTMENT OF MPS REPRESENTING THE MAJORITY PARTY IN THE BI-PARTISAN ENGAGEMENT

Hon. Members, as you are aware, His Excellency the President of the Republic of Kenya and Commander-in-Chief of the Defence Forces, Hon. William Samoei Ruto, CGH, who is also the Party Leader of the Kenya Kwanza Alliance, and the former Prime Minister and the Party Leader of the Azimio La Umoja One Kenya Coalition, the Rt. Hon. Raila Odinga, have proposed bi-partisan engagements in Parliament on a number of issues aimed at accommodating the concerns of the Minority coalition within the parameters of the Constitution and the law.

In furtherance of these discussions, I wish to inform you that I have received a letter dated 13<sup>th</sup> April 2023, from the Leader of Majority Party of the National Assembly, Hon. Kimani Ichung'wah, MP, appointing seven Members of Parliament representing the Kenya Kwanza Alliance to be part of the team that shall spearhead and facilitate the bi-partisan engagements. The letter is co-signed by the Senate Majority Leader, Hon. Sen. Aaron Cheruiyot, MP.

Hon. Members, the seven Members of Parliament appointed by the Majority Party are as follows:

1. Hon. Adan Keynan, CBS, MP;
2. Hon. George Murugara, MP;
3. Hon. Mwengi Mutuse, MP;

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4. Hon. Lydia Haika, MP;
5. Sen. Esther Okenyuri, MP;
6. Sen. (Dr.) Boni Khalwale, MP; and
7. Sen. Hillary Sigei, MP.

Hon. Members, attached to the letter forwarding the seven names is the draft of a Motion proposing the establishment of a Joint Select Committee and whose mandate includes the following:

1. Facilitating a bipartisan engagement in Parliament on the reconstitution of the selection panel on the recruitment of chairperson and members of the Independent Electoral and Boundaries Commission;
2. Recommending legal, policy and institutional reforms to strengthen the IEBC;
3. Collating views from stakeholders on proposals to enhance inclusivity and bi-partisanship in the electoral structures in the country;
4. Developing and recommending appropriate mechanisms for the reorganization of the electoral system; and
5. On the basis of the findings and recommendations of the Joint Committee, preparing a report and a draft Bill or Bills for consideration by Parliament.

Hon. Members, it is however worth noting that I am yet to formally receive the names of the Members representing the Minority Coalition in Parliament and the draft text of the Motion as proposed by the Minority Party. As you may be aware, parliamentary practice requires that a Motion of this nature be presented to the House upon negotiations and agreement between the Majority and Minority coalitions so that what is finally presented to the House is a harmonised bi-partisan Motion.

Hon. Members, in light of the foregoing, I hereby instruct the Clerk of the National Assembly to forward the proposed Motion to the Leadership of the Minority Party in Parliament seeking their concurrence.

Hon. Members, the Speaker of the Senate and I have also consulted and agreed that there is need to achieve bi-partisan and bi-cameral consensus on this matter. Consequently, the Speakers of the Houses of Parliament request the Leaders of the Majority and Minority coalitions in both Houses to consult and present to the Speakers a harmonised version of the proposed Motion for placement before the Houses of Parliament, at the earliest available opportunity. This shall set the stage for the commencement of the bi-partisan engagements in Parliament.

Hon. Members, as I conclude, allow me to urge all Members of Parliament to uphold the tenets of the Constitution, respect the process and undertake their engagements with utmost good faith, collegiality and on the basis of consultation, cooperation and mutual reciprocity. Indeed, this will be in keeping with the Motto of our Parliament which is: “For the Welfare of Society and Just Government of the People”.

I thank you.

Leader of the Majority Party, since it is your letter, let the Minority have the first bite.

**Hon. Kimani Ichung’wah** (Kikuyu, UDA): Thank you, Hon. Speaker, for that Communication. As you have indicated, as leaders, we have a duty to resolve all issues that are of concern to the people that we represent. As you have said, it is indeed true that His Excellency the President and the former Prime Minister on 2<sup>nd</sup> April 2023, Sunday evening, communicated to the country their intent to engage in a bi-partisan process to resolve some of the issues that have been of concern.

I also want to agree with you that this process can only be successful if there is collegiality. There is absolutely good faith in all the engagements and that is why at the end of last week, together with the Leader of the Majority Party in the Senate we wrote to both the Speaker of the Senate and the Speaker of the National Assembly to notify them of our intent and keen interest to get this process moving.

We also took liberty to share with you the thoughts of the draft Motion and I want to agree with you that indeed in that spirit of collegiality and bi-partisanship, it is good that our thoughts are shared with our colleagues in Minority. Since this is an important matter to the country, let me also mention that we have indeed been consulting informally with our colleagues in the Minority. We are all intent and I believe even the leadership in the Minority both in and out of the House are determined on resolving these issues.

Hon. Speaker, as you have already directed in your Communication, I shall be reaching out and writing to the Minority Leadership and hopefully both here and the Senate, for us to have a forum. I want to beg that your office as the Chairperson of the Parliamentary Service Commission facilitates us so that we can have a forum for talks before the talks. My good friend, Hon. Opiyo Wandayi, likes to taunt me about talks before the talks. I agree with him because, as you have mentioned, such a Motion can only come to establish this Committee if we agree on the terms of reference and what the Committee will look into.

It is not lost on you that we cannot have a Motion that is not agreed on. Therefore, I will be taking up that direction and challenge. This afternoon, indeed the time the Leader of the Minority Party retreats to his office, he will find a letter on his desk asking that we have a forum—hopefully before the end of this week—that I pray Parliament will facilitate. I hope to sit with the Leader of the Minority Party in the National Assembly, the Leader of the Minority Party in the Senate, the Leader of the Majority Party in the Senate, and the proposed Co-Chairmen proposed by the two coalitions, and harmonise whatever issue that is up for deliberations.

As you have said, let me invite all of us to be measured in what we say and do. The only thing we have and must value in this country is the peace and tranquility we enjoy. Any disruption of that peace and tranquility does not augur well for us as leaders or the people we represent. As leaders, we have a bigger responsibility and duty to safeguard the peace and tranquility the people of Kenya enjoy because they have elected all of us. Even the leaders who are not in elective positions but hold leadership positions in this country have a responsibility to ensure that we hold our country together. The people of Kenya have bestowed all the trust in us to resolve issues that are of concern to them and even to us.

I want to end by saying I am confident that working and reasoning together, we should sit as leaders and come up with solutions. We should harmonise the Motion on the terms of reference and what this Committee will be doing. By the time the Motion for approval of that Committee and its terms of reference come to the House, we should not be in a situation of throwing words at each other either inside or outside Parliament. That way we will have a very collegiate process that involves all of us and that will be for the benefit of our country.

With those remarks, I stand guided by your Communication. As I have said, I have been consulting with the leadership in the Minority so that we work together in this respect. Thank you.

**Hon. Speaker:** Hon. Opiyo Wandayi, Leader of the Minority Party.

**Hon. Opiyo Wandayi** (Ugunja, ODM): Hon. Speaker, let me make a few comments on this matter.

First and foremost, I must admit that I was taken aback when I read in the media that a Motion about these bipartisan engagements had been forwarded to the Office of the Speaker. That

could not have been a Motion about the bipartisan engagement, for the simple reason that my coalition was never consulted. Of course, it has now turned out that it was a draft Motion of the Kenya Kwanza side. Let me say this for the avoidance of doubt: that, we still have a lot of ground to cover. As we speak, there seems not to be an agreement or concurrence on the nature of these talks. As far as the coalition I lead is concerned, these talks can only be extra-parliamentary.

Two, as I have said time and again, before any Motion to set off this process of bipartisan engagement can be brought before this House, there have to be talks about the talks. I am happy my friend, Hon. Kimani Ichung'wah, has acceded to that. The reason we need the talks about the talks is, first and foremost, that bipartisan committee must have clear terms of reference. They must have a clear mandate.

Secondly, it must have a clear timeframe within which to accomplish this task. Most importantly, it must have clear mechanisms. Clear mechanisms must be established for implementing resolutions that the Committee might come up with. That is the essence of talks about the talks. Those talks have to be as inclusive as possible, as I have always said.

Therefore, without pre-empting anything else, our position is that we are ready and willing to engage in these talks as long as they are as inclusive as possible and they are not confined to Parliament.

Two, my coalition reaffirms its commitment to the spirit of dialogue as a way of resolving the problems we are currently facing as a country. We are facing serious problems in this country. It behoves us as leadership, regardless of our political affiliation, to be on the forefront to address those problems and realise that the bipartisan process is one such way.

We are going to engage so long as the Kenya Kwanza Coalition demonstrates utmost good faith, political will, and comes forward with open hands and open hearts. However, we shall go back to the people if there is any slightest indication of lack of good faith or lack of goodwill.

*(Applause)*

Thank you, Hon. Speaker.

**Hon. Speaker:** Thank you, Hon. Members. It is not my desire to open further debate on this. I think you have heard your leaders. They have a very serious legal and moral duty to this House and the country: to sit together, avoid unhelpful brinkmanship, and bring to the House something in furtherance of the wishes of the two leaders—the President and the former Prime Minister. Hon. Kimani Ichung'wah and Hon. Opiyo Wandayi, we encourage you not to play to any gallery but to do what you are expected to do as leaders to support the process.

Hon. Members, allow me to acknowledge, in the Speaker's Gallery, two visitors from the National Assembly of Zambia: Mrs. Mambwe Kaoma, Senior Legal Officer and Mr. Stanley Banda, Legal Officer. The delegation, drawn from the Legal Services Department of the National Assembly of Zambia, is in the country on a benchmarking study to our Parliament, specifically to share best practices. On my behalf and yours, I welcome the two visitors to the country and Parliament.

Next Order.

## PAPERS

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

**Hon. Owen Baya** (Kilifi North, UDA): Hon. Speaker, I beg to lay the following Papers on the Table:

1. African Union Convention on Cross Border Co-operation (Niamey Convention) and Explanatory Memorandum from the Ministry of Foreign and Diaspora Affairs;
2. Convention on the Means of Prohibiting and Preventing the Illicit Import, Export and Transfer of Ownership of Cultural Property and Explanatory Memorandum from the Ministry of Foreign and Diaspora Affairs.
3. Annual Report and Financial Statements for Tom Mboya University for the year ended 30<sup>th</sup> June 2020;
4. Elections Monitoring and Observation Report 2022 from the Office of the Ombudsman – The Commission on Administrative Justice;
5. 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) Petroleum Training Levy Fund;
  - (b) State Department for Transport;
  - (c) Commission on Revenue Allocation Staff Mortgage Scheme Fund;
  - (d) Receiver of Revenue (Recurrent) – National Treasury;
  - (e) Provident Fund – National Treasury;
  - (f) Revenue Statements of the Pensions Department – National Treasury;
  - (g) Kenya Local Loans Support Fund – National Treasury;
  - (h) Consolidated Fund Services – Subscriptions to International Organisations - National Treasury;
  - (i) Statement of Outstanding Obligations Guaranteed by Government of Kenya - National Treasury;
  - (j) Asian Officers Family Pensions Fund – National Treasury;
  - (k) Salaries and Remuneration Commission;
  - (l) Revenue Statements – The Judiciary;
  - (m) Commission on Revenue Allocation;
  - (n) Golf Hotel Limited;
  - (o) Kenya Accreditation Service;
  - (p) National Government Affirmative Action Fund;
  - (q) Ministry of Lands and Physical Planning;
  - (r) State Department for Shipping and Maritime;
  - (s) Kenya Shipyards Limited;
  - (t) State Department for Culture and Heritage;
  - (u) Health Sector Support Project (Credit No.4771-KE) – Kenya Medical Supplies Authority (KEMSA);
  - (v) Aquaculture Business Development Programme (IFAD Loan N0.2000002052 & 2000002614) – State Department for Fisheries, Aquaculture and the Blue Economy;
  - (w) State Department for Implementation of Curriculum Reforms;
  - (x) Kenya Energy Sector Environment and Social Responsibility Programme Fund – Ministry of Energy;
  - (y) State Department for Early Learning and Basic Education; and
  - (z) National Gender and Equality Commission.

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**Hon. Speaker:** Thank you. Chairperson of the Eastern Africa Parliamentary Alliance on Food Security and Nutrition Caucus.

**Hon. Yusuf Adan** (Mandera West, UDM): Hon. Speaker, I beg to lay the following Paper on the Table:

Report of the 4<sup>th</sup> General Assembly of the Eastern Africa Parliamentary Alliance on Food Security and Nutrition (EAPA-FSN) held in Kigali, Rwanda from 7<sup>th</sup> to 9<sup>th</sup> December 2022.

**Hon. Speaker:** Thank you. Chairperson of the Departmental Committee on Justice and Legal Affairs:

**Hon. George Murugara** (Tharaka, UDA): Hon. Speaker, I beg to lay the following Paper on the Table:

Report of the Departmental Committee on Justice and Legal Affairs on its Vetting of a Nominee for Appointment as the Chairperson of the Ethics and Anti-Corruption Commission (EACC).

Thank you, Hon. Speaker.

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

### NOTICES OF MOTIONS

#### NOTING OF REPORT OF 4<sup>TH</sup> GENERAL ASSEMBLY OF THE EASTERN AFRICA PARLIAMENTARY ALLIANCE ON FOOD SECURITY AND NUTRITION

**Hon. Yusuf Adan** (Mandera West, UDM): Hon. Speaker, I beg to give notice of the following Motion:

THAT, the House notes the Report of the Kenyan Delegation to the 4<sup>th</sup> General Assembly of the Eastern Africa Parliamentary Alliance on Food Security and Nutrition which was held in Kigali, Rwanda on 9<sup>th</sup> December 2022, laid on the Table of the House on Tuesday, 18<sup>th</sup> April 2023.

Thank you.

**Hon. Speaker:** Thank you. Hon. Murugara.

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

**Hon. George Murugara** (Tharaka, UDA): Hon. Speaker, I beg to give notice of the following Motion:

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, as read together with 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.

Thank you, Hon. Speaker.

### NOTICE OF ADJOURNMENT ON A MATTER OF URGENT NATIONAL IMPORTANCE

**Hon. Speaker:** Hon. Members, I have given leave to the Member for Butere to give notice on a Motion of Adjournment. If he has the requisite support, I will allocate time for it later today.  
Hon. Tindi Mwale.

#### OUTBREAK OF UNKNOWN DISEASES IN SCHOOLS

**Hon. Nicholas Mwale** (Butere, ODM): Thank you, Hon. Speaker.

Pursuant to Standing Order 33(1), I rise to seek leave for adjournment of the House in order to discuss a definite matter of urgent national importance regarding the mysterious disease outbreaks in schools.

In February 2023, four students of Moi Girls' Secondary School in Mandera County were hospitalised with suspected cholera symptoms. In March 2023, about 90 students from Upper Hill School, Nairobi County, were diagnosed with cholera with about 16 being hospitalised.

In April 2023, Mukuuni Boys' High School in Chuka, Tharaka Nithi County, was also closed until the following term due to a suspected outbreak of cholera at the learning facility. The most recent case in April was a mysterious disease outbreak at Mukumu Girls' High School where a teacher and three students succumbed to death while receiving treatment at the Lifecare Speciality Hospital and Kakamega County Referral Hospital, respectively. The autopsies revealed that the victims passed on as a result of typhoid-like-symptoms and multi-organ failure. From the foregoing, the school was closed indefinitely on 10<sup>th</sup> April 2023 after 500 other students were said to be infected. Butere Boys' High School was also closed recently following the outbreak of an unknown disease.

It is also concerning that the Ministry of Health is yet to release findings from the samples taken from the schools. In addition, the Ministry of Education and the Teachers Service Commission have not issued any statement whatsoever in this regard. It is unclear what steps are being taken to address the serious issues.

It is against this background that I seek leave of the House to discuss this matter of national concern, with a view to exploring possible and lasting solutions to the problem.

Thank you, Hon. Speaker.

**Hon. Speaker:** Do you have supporters for your Motion?

**Hon. Nicholas Mwale** (Butere, ODM): Yes. I have Members.

*(Several Members stood up in their places)*

**Hon. Speaker:** Thank you. The support is overwhelming. I will allocate you time from 5.00 p.m. to move your Motion. Members, you may take your seats.  
Next Order.

### QUESTIONS AND STATEMENTS

**Hon. Speaker:** Hon. Members, as you know, Questions will come tomorrow.

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## STATEMENT

STATUTORY INSTRUMENTS CONSIDERED BY  
THE COMMITTEE ON DELEGATED LEGISLATION

**Hon. Samuel Chepkonga** (Ainabkoi, UDA): Thank you, Hon. Speaker, for giving me an opportunity to make this statement. I thought Hon. Wandayi would be here so that I congratulate him on the choices he has made. He has chosen bipartisanship over bigotry and inclusivity over isolation. I thank him very much for seeking to be bipartisan in his approach to these talks.

I rise pursuant to Standing Orders 44(2)(c) and 210(5A) to report to the House the list of the statutory instruments approved under Standing Order 210(4)(a).

The Committee has received a total of 35 statutory instruments since its establishment on 4<sup>th</sup> November 2022. It has concluded consideration of 25 statutory instruments, out of which 17 were acceded to pursuant to Standing Order 210(4)(a) and reports on eight statutory instruments tabled and approved by the House. Of the eight reports approved by the House, six statutory instruments were approved in accordance with the Act to which they are made, while the House approved the report on annulment of one statutory instrument and rejected publication of one draft regulation. There are eight statutory instruments pending before the Committee for consideration. A detailed list of the statutory instruments that the Committee has considered is attached herewith for the House to note.

As you may recall, this House approved the Statutory Instruments (Exemption from Expiry) Regulations, 2022, which extended the life of 1,700 statutory instruments from the Executive and 10 statutory instruments from the Parliamentary Service Commission that were to lapse as provided under Section 21 of the Statutory Instruments Act, 2013. I urge the affected regulation-making authorities to submit the statutory instruments in good time to avoid the rush towards the expiry of the time extended, which is 23<sup>rd</sup> January 2024.

I thank you, Hon. Speaker. I submit.

**Hon. Speaker:** Thank you, Hon. Chepkonga. Hon. Cynthia Muge, Member for Nandi County. You are listed as having a statement on issuance of diplomatic passports to Kenyan athletes. Are you to receive a report?

**Hon. Cynthia Muge** (Nandi County, UDA): Thank you, Hon. Speaker. I am to receive a report on the said statement.

**Hon. Speaker:** Who is the Chairperson of the Departmental Committee on Sports and Culture? Where is Hon. Dan Wanyama? Who is the Vice-Chairperson of that Committee? Is Hon. Wamacukuru in the House? Any members of that Committee? Hon. Nguna, where is the response to the request for statement by the gracious lady from Nandi?

**Hon. Charles Nguna** (Mwingi West, WDM): Hon. Speaker, on behalf of the Chairperson and Vice-Chairperson, we will give the statement on Tuesday next week.

**Hon. Speaker:** Hon. Nguna, it is not up to you to choose when to give the statement. It was listed today. As a Committee, you are presumed to keep deadlines of the House so that we do not pile work. Tell your Chairperson and Vice-Chairperson that the House takes a very dim view of this kind of conduct.

Next Order.

**SPECIAL MOTION****APPROVAL OF NOMINEE FOR APPOINTMENT AS CHAIRPERSON  
OF THE KENYA FISH MARKETING AUTHORITY**

THAT, taking into consideration the findings of the Departmental Committee on Blue Economy, Water and Irrigation in its Report on the Vetting of a Nominee for the Appointment as the Chairperson of the Kenya Fish Marketing Authority, laid on the Table of the House on Wednesday, 12<sup>th</sup> April 2023 and pursuant to the provisions of section 201(1)(a) and (2) of the Fisheries Management and Development Act, 2016 and Section 8(1) of the Public Appointments (Parliamentary Approval) Act, 2011, this House approves the appointment of Hon. Martin Otieno Ogindo as the Chairperson of the Kenya Fish Marketing Authority.

*(Moved by Hon. Kangogo Bowen on 13.04.2023)*

*(Resumption of debate interrupted on 13.04.2023)*

**Hon. Speaker:** Hon. Geoffrey Mwangi. Is he still here? You have four minutes to finish your contribution.

**Hon. Geoffrey Wandeto** (Tetu, UDA): Thank you, Hon. Speaker. I will continue from where I left. I started by saying that I fully support the appointment of Hon. Martin Ogindo as the Chairperson of the Kenya Fish Marketing Authority (KFMA). Due to matters climate change, the whole world is rethinking sources of protein. Scientists tell us that production of one kilogramme of beef takes about 98.48 kilogramme of carbon emission. The other known sources of protein that we use in this country, such as chicken and mutton, fair no better when it comes to their contribution to carbon emission. The only remaining viable sources of protein that are climate-change compliant are things like fish.

*[The Speaker (Hon. Moses Wetang'ula) left the Chair]*

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

We urge KFMA to actively promote consumption of fish in this country so that we can help with matters climate change. In Tetu, we had a stimulus programme where we invested quite a bit as far as fish ponds are concerned. Unfortunately, this programme came to a halt because of inadequate funding and support. I urge the Government to revamp the aquaculture project, especially in inland counties. A lot of work that goes on as far as promotion of fish farming is concerned happens either at the Coast or around the big water bodies. I urge that we marshal support to ensure that we revive fish farming.

In addition, in my own constituency, out of the stimulus programme, we had a fish factory. Unfortunately, this investment is now rotting away because there is no supply of fish. We urge the KFMA to work with speed and ensure that we revive fish farming so that these factories can be revived for purposes of job creation and alternative sources of protein. I support wholeheartedly the appointment of the Chairperson of KFMA.

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Thank you, Hon. Deputy Speaker.

**Hon. Deputy Speaker:** Hon. Members, I wish to recognise the presence of Maliku Girls' High School from Kitui Rural Constituency, Kitui County, seated in the Public Gallery.

Member for Mukurweini, Hon. John Kaguchia, I think you never completed your contribution last time.

**Hon. Kaguchia John** (Mukurweini, UDA): Hon. Deputy Speaker, I thank you very much for giving me this opportunity. I guess I have my minutes because I had not done my contribution. I support the appointment of the former Member of Parliament, Hon. Martin Ogindo. He has served in this House and he is well qualified. If you look at his credentials, you will find that he has requisite qualifications to head the KFMA. For that reason, I support him.

Fish consumption in Kenya has had an upward trend. Many Kenyans have better income from fish farming. There is also an appreciation of the nutritional value in fish. Our country is a net exporter of fish. We have a net worth of US\$1.5 billion out of fisheries production. Most of this fish production is practised in freshwater lakes, oceans, what we call marine fishing, and farmed fish that we call aquaculture fishing, which happens across the country. Nyeri County is one of the leading aquaculture-farmed fish, particularly Tilapia, and ornamental fish farming. Several counties around the Mt. Kenya region are also doing very well in ornamental fish farming.

We have the Kenya Fish Marketing Authority which we believe is important in helping us to put into perspective all these kinds of fish farming that we have in our country. Just to farther this case for Kenya Fish Marketing Authority, you will realise from our freshwater lakes, we are producing about 120,000 metric tonnes of fish. From our marine fish farming, we are producing about 25,000 metric tonnes while from aquaculture we are producing about 20,000 metric tonnes. You will notice how small the fish farming we have is from marine fish farming. Just partly, 20,000 metric tonnes as compared to the freshwater lakes fish farming's 125,000 metric tonnes. The reason is that most of the fish farming happening in the oceans is under exploitation by superpowers. Most of them I believe are signing contracts with our country on development projects over and above that as they sign the loan contracts, they also sign a contract which helps them to exploit our fisheries resources.

You will find the fish farming which is happening in the marine waters, and this is concentrating much on high-value fish such as tuna fish, salmon and red snapper, is being exploited by the superpowers other than our country which would get good foreign exchange from that fish farming. You find that countries like China dock with huge ships and equipment in our deep seas while venturing into our water resources. They harvest our high-value fish and because they are so powerful with powerful machines they exploit our fish resources. They process and package the fish within their vessel and later export it. What is happening is that as a country we are no longer able to have proper statistics on how much fish is being harvested in this country as the fish is being exported by the superpowers and the returns out of it do not come to our economy.

Hon. Deputy Speaker, it is high time the Kenya Fish Marketing Authority put its foot down, concentrated and targeted this particular market. We should have the foreign market being supplied by fish sourced by our farmers, fishermen and by our country other than allowing the superpowers to exploit our resources. If this was to happen, we would have foreign exchange, food security and a better balance of trade. Today as a country, we are having a problem because there is very serious pressure on the Kenyan Shilling from the dollar. You find that most of our imports are now highly priced as a result of the dollar putting pressure on our shilling. If we can look at fish farming in this country in a better and more local way, we will ensure that we tilt the balance of trade.

I also have a case against some of these bodies that we are creating in the country. We have too many bodies that are dealing with fish farming in Kenya. It is high time that we looked at our budget and asked ourselves as a country, now that we have too many resources going to recurrent expenditure in the country and only a little amount going to development, is it sustainable that we keep creating too many bodies in the country? Look at the fish industry. For example, we have the Kenya Marine and Fisheries Research Institute (KMFRI), the Kenya Marine Fisheries Socio-Economic Development (KEMSET), the Aquaculture Business Development Programme (ABDP), the Fish Levy Trust Fund (FLTF), the Kenya Fishing Industries Corporation (KFIC), the Lake Victoria Fisheries Organisation, and now here we are creating another organisation that we are calling Kenya Fish Marketing Authority. Are we not able to do some of this fishing marketing using some of the already existing bodies? Must we keep creating new bodies one after another? This is encouraging the ballooning of our budgetary expenses in the country. How sustainable can this be? My question is: how can this be sustained if we keep on creating new bodies every other day? It is high time we relooked at this. As much as I support the Chair of this body, let us put a full stop to the creation of new bodies that are ballooning our wage bill.

Thank you, Hon. Deputy Speaker.

**Hon. Deputy Speaker:** Member for Mandera South, Hon. Abdul Haro. He does not seem to be in but his card is there. Member for Alego Usonga, Hon. Samuel Atandi.

**Hon. Samuel Atandi** (Alego Usonga, ODM): Thank you, Hon. Deputy Speaker, for the opportunity to speak on this Motion. The Fish Marketing Authority is a very important authority for the fishing sector. Unfortunately, it has no role because Kenya produces about 400,000 tonnes of fish against the consumption of about 600,000 tonnes and so, the marketing authority has no role because we do not have any fish to market. However, I want to support the appointment of Hon. Ogindo. We have a culture in this House of not opposing our former colleagues who are given jobs. That is the only condition on which I want to support this appointment of Hon. Ogindo. I think he is a person who is capable of performing this responsibility. Unfortunately, he is consumed in the politics of political parties. I want to urge him from this Floor that once he is given this job, he desists from playing party politics in the region and lays focus on this responsibility.

What I also want to say is that, for the benefit of this House, I am sponsoring a Bill to introduce an excise tax on imported fish. This is very important because we have all these authorities and bodies that are supposed to help us in making fishing a profitable sector in this country. This is not happening because we are not investing a lot of resources in the fishing sector. I intend to introduce this in the upcoming Finance Bill and I urge Members to support me so that we tax the imported fish coming from China and all these other countries. We do not need to import fish. The fishing sector is very profitable and it can help this country create jobs and balance foreign exchange. Right now we have a problem with dollars because everything is imported, including things that we can produce locally. I would like to urge the House to support my tax proposals when they come before this House to raise taxes on fish imports. Fundamentally, we need to invest more resources in the fishing industry, create more jobs and make the sector profitable.

Thank you, Hon. Deputy Speaker.

**Hon. Deputy Speaker:** Let us have the Member for Bureti, Hon. Kibet Komingoi. The Member for Molo, Hon. Kuria Kimani.

**Hon. Kuria Kimani** (Molo, UDA): Hon. Deputy Speaker, I had spoken to this. I am looking forward to speak to the next Order.

**Hon. Deputy Speaker:** Okay. Let us now have the Member for Boncahri, Hon. Charles Onchoke.

Hon. (Dr.) James Nyikal.

**Hon. (Dr.) James Nyikal** (Seme, ODM): Thank you, Hon. Deputy Speaker, for giving me this opportunity to contribute to this Motion. I rise to support the appointment of Hon. Ogindo as the Chairperson of the Kenya Fish Marketing Authority. This is someone we know. He has been with us in this House. He has held important positions and his credentials are well laid out in the Report. To that extent we support him.

However, I wish to bring out a few issues that will be important to him. I am sure he is watching us. As much as he has been appointed to develop the fish market, the most important thing we should look at is fish production. Fisheries is a major part of the blue economy which has not been fully exploited. However, it has a big potential for income generation and job creation in this country. As the Member said, even in the ocean, foreigners utilise our space and export fish from us. This should not be the case.

We have not adequately developed the potential for fish production in inland lakes like Lake Victoria, Lake Naivasha and Lake Turkana. As this is going on, the demand for fish is increasing even in the local market, particularly with Tilapia. This is to a point of us importing fish from China. This is something that we should not do because we have internal fresh water lakes that can produce fish.

Fish production is dwindling for several reasons, one of them being increased consumption. Also, we are still using old fishing methods some of which are illegal. Although this has taken place in some places, we have not adequately developed modern fish production methods like farming in pods and cages. This is something we should look at. May be if we develop the market, it will create a need for production because the biggest issue is production.

As another Member said, we have established very many bodies that have not been harmonised and thus we are not seeing their benefits. Some are national bodies while others are county bodies and are not really working well. We have the Fisheries Department, the County Fisheries Department and the Kenya Coast Guard Service (KCGS) which is used both as a security organ and as a regulatory body in the fishing industry particularly along the lake. Therefore, there is duplication in roles which hinders fish production and interferes with fish farmers who are trying to make a living with old-fashioned methods. In some cases, there is double licensing. Fish farmers need to get a licence from a local authority and the Government. At the end of it, there is no harmonised method of regulating this.

Hon. Temporary Speaker, there is also an issue with the management of beaches. We have the Beach Management Units that are authorised by law to manage the beaches. We have the KCGS and the county fisheries officials that police the beaches. This makes it extremely unproductive. Even within the internal waters, there is poor infrastructure at the fish landing sites along the beaches. If we are going to export fish, it is important that the hygiene and sanitation in these areas is upgraded. This is part of the requirements. We have people living in these areas where we are trying to increase fish production. These places lack proper sanitation like toilets. There are no access roads to these places and there is no water. Fish farmers are struggling as if they are on their own.

I know Hon. Ogindo is up to this task but to a large extent, he should concentrate on developing infrastructure for fish production particularly in the inland lakes where the majority of our people will make a living, produce enough to sell and consume. In fact, sometimes it is even hard to get fish locally. That is why the Chinese are importing fish to us. I support his appointment

and call upon him to look at the development of fish infrastructure in the inland lakes so that we support our people in fish production, create jobs and also earn foreign exchange.

With that, I support.

**Hon. Deputy Speaker:** The Member for Kericho County, Hon. Beatrice Kemei.

**Hon. Beatrice Kemei** (Kericho County, UDA): Thank you, Hon. Deputy Speaker. I spoke to this last time. So, I am waiting for the next Order.

**Hon. Deputy Speaker:** We will skip you.

Next is the Member for Dagoretti North, Hon. Beatrice Elachi. You will be the last one to speak to this because I will be calling upon the Mover to reply.

**Hon. Beatrice Elachi** (Dagoretti North, ODM): Thank you, Hon. Deputy Speaker. I also rise to support this Motion and the nominee, Hon. Martin Otieno Ogindo.

In support of what Hon. Kaguchia has said, looking at the fish industry, it is time we harmonised some of the authorities that we have. When we have most of them with the same mandate, they overlap and compete with each other. Instead of increasing production, they find themselves dealing with complaints all the time and everyone running away from what they are supposed to do. Most of the time, they do not perform certain roles because they assume that the other authorities will do them. This is what is hurting the industry.

I know many will agree that we need to look at the importation of fish from China but we also need to ask ourselves whether we consume all our fish. After that, do we have deficits? Being a global world, we should then allow for trade with other countries. Today we are talking about fish and tomorrow it will be avocados. We also need to ask: is the fish from China cheaper than the local fish such that the local fish is unable to move? The same way we have competition between the online taxis and our local taxis is the same way we must have competition in this industry.

Nonetheless, we must protect fish farmers. As a Government, we must provide anything that is needed. How do we safeguard those in fish farming? How do we ensure that they have better ways of doing their trade? How do we ensure that we can dry and export our fish? How can we help fish farmers to receive incentives like the other farmers? We have fights even in Lake Victoria but how do we help so that those fights are not there? We have new fishing methods like caging which we need to support our locals to do. The Chinese and the Indians, who are advanced, practise these modern methods now and bring their fish to Thika and all these other places. How do we ensure that everything is done and that there is value-addition?

With those few remarks, I support.

**Hon. Kangogo Bowen** (Marakwet East, UDA): Thank you, Hon. Deputy Speaker. I want to thank all the Hon. Members for the kind words and supporting Hon. Martin Otieno Ogindo as the Chairperson of Kenya Fish Marketing Authority (KFMA).

Hon. Members who have spoken to this Motion pointed out many issues affecting fish farming, marketing, and exploration in the country. They generally talked about the blue economy

sector in the country. It requires a lot of support and resources to be exploited because it is new. Finally, it is having a lot of potential in terms of income, youth employment and foreign exchange.

I do not want to take a lot of time. I want to take this opportunity to thank Hon. Members and seek the approval of the House for the appointment of Hon. Martin Ogindo as the Chairperson of KFMA once again.

Thank you, Hon. Deputy Speaker.

**Hon. Deputy Speaker:** Member for Gilgil.

**Hon. Martha Wangari** (Gilgil, UDA): Thank you, Hon. Deputy Speaker. I rise pursuant to Standing Order 53(3) to request you to defer the putting of the Question to a later date.

*(Putting of the Question deferred)*

## MOTION

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

**Hon. Deputy Speaker:** I can see Hon. Karemba. Proceed.

**Hon. Muchangi Karemba** (Runyenjes, UDA): Thank you, Hon. Deputy Speaker. Hon. Beatrice Kemei, Member for Kericho County, sought a Statement on 21<sup>st</sup> February 2023 from the Chairperson, Departmental Committee on Labour, regarding sexual harassment of female workers in various tea estates in Kericho County. In the Statement request, the Member stated that female workers in various tea estates in Kericho County lived...

**Hon. Deputy Speaker:** Hon. Member, kindly move the Motion as it is in the Order Paper and then proceed to articulate it. Give him a copy.

**Hon. Muchangi Karemba** (Runyenjes, UDA): Hon. Deputy Speaker, I beg to move the following Motion:

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.

Hon. Beatrice Kemei, Member for Kericho County, sought a Statement on 21<sup>st</sup> February 2023 from the Chairperson of the Departmental Committee on Labour regarding sexual harassment of female workers in various tea estates in Kericho County. In the Statement request, the Member stated that female workers in various tea estates in Kericho County lived and worked in deplorable working conditions and were victims of sexual abuse in the hands of their male bosses.

An expose` by the British Broadcasting Company (BBC) Africa Eye Documentary entitled "Sex for Work: The True Cost of our Tea" was aired on 20<sup>th</sup> February 2023 in which two companies, namely James Finlay Kenya and Ekaterra Lipton Teas and Infusions (formerly Unilever) were reported as having witnessed incidences of sexual harassment and exploitation. In addition, several anonymous females featured in the documentary named four male persons; two in each of the companies as the perpetrators of the acts.

Following the request for Statement, the Committee resolved to conduct an inquiry into the allegations of sexual abuse and table a report in the House with a view to having the report debated, adopted and recommendations forwarded to the concerned agencies for implementation. This was

besides facilitating the issuance of a response by the Cabinet Secretary (CS) for Labour and Social Protection for reporting to the House by the Chairperson.

The decision of the Committee to conduct an inquiry into the matter was informed by Standing Order 216(5)(e), which mandates Departmental Committees to investigate and inquire into all matters relating to the assigned ministries and departments as they may deem necessary, and as may be referred to them by the House.

The Committee set its terms of reference for the inquiry as follows:

1. To establish if there is concrete information on the allegations of sexual harassment of female workers in the various tea estates in Kericho County.
2. To establish the measures the Government has put in place to protect the rights of female workers in these tea estates.
3. To establish the measures the Government has put in place to ensure these tea estates adhere to labour laws and implement policies on sexual harassment
4. To establish the status of investigations into the heinous acts to ensure culpable perpetrators are brought to book and justice is served.

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

*[The Temporary Speaker  
(Hon. Omboko Milemba) took the Chair]*

The Committee carried out public participation in accordance with the requirements of Article 118 of the Constitution. It identified the following stakeholders who it requested to make submissions on the matters under inquiry:

1. The Kericho County Security Team which included the Directorate of Criminal Investigations (DCI), the National Police Service (NPS), the National Intelligence Service (NSIS) and the County Commissioner.
2. The National Labour Commissioner's Office and State Department for Labour and Skills Development.
3. The County Labour Officer, Kericho County.
4. The Management of James Finlay Kenya Limited.
5. The Management of Ekaterra Lipton Teas and Infusions.
6. The Shop Stewards, James Finlay Kenya Limited.
7. The Shop Stewards, Ekaterra Lipton Teas and Infusions.
8. The Assistant General Secretary, Central Organisation of Trade Unions (COTU).
9. The branch secretaries, Kenya Plantation and Agricultural Workers Union (KPAWU) of the counties of Kericho and Bomet.
10. Victims of the sexual harassment, if they consented to make their submissions to the Committee.

The Committee conducted public hearings in Kericho County on 3<sup>rd</sup> and 4<sup>th</sup> March 2023 during which it heard submissions from the aforementioned stakeholders. Both oral and written submissions were made to the Committee by those who testified. It analysed the submissions received and the outcome informed its findings and recommendations.

During the inquiry, the Committee faced challenges that included:

1. The witness who had been requested by the Labour Office to speak in camera to the Committee on the allegations declined and referred us to her lawyer.
2. The nature of the allegations made it difficult to receive witnesses' information, including from the shop stewards and the union. This is due to the stigmatisation that comes with reporting sexual related offences.

The issues for determination are as per the terms of reference of the inquiry as set by the Committee. Based on evidence on record, which is from testimonies from witnesses and stakeholders, the Committee analysed the testimonies and determined the issues as follows: To establish if there is concrete information on the allegations of sexual harassment of female workers in the various tea estates in Kericho County. From their submissions, the county security team had yet to interrogate the BBC Eye Africa reporter who made the expose. The county security team reported that they had communicated with the DCI Headquarters Forensic Laboratory to obtain the full information of the reporter to facilitate his interrogation. The Committee expressed its dissatisfaction with the slow pace this was taking.

The victims of sexual harassment cases were not reporting the abuse and the two tea companies reported that they did not have knowledge of the extent of the violations until the expose by BBC Africa Eye was aired. At the time of the visit by the Committee, there were no incidences of reports on the allegations of sexual harassment by the police on the four alleged perpetrators, namely Mr. Jeremiah Koskei and Mr. Samuel Yebei who worked for Ekaterra Teas and Infusions; Mr. John Chebochok and Mr. John Asava who worked at James Finlay Kenya.

Hon. Temporary Speaker, James Finlay Kenya terminated the contract agreement with John Chebochok's Company, Sislo Holdings. They have also suspended Mr. John Asava. The Company has barred Mr. John Chebochok and Mr. John Asava from getting into James Finlay Kenya premises. Ekaterra Tea and Infusions reported that they had suspended Mr. Jeremiah Koskei and Mr. Samuel Yebei, and barred the two named persons from accessing Ekaterra Tea and Infusion premises. This was done to prevent them from interfering with the investigations.

This is evidence on record that Ms. Sylvia Ten Den, Head of Africa Tea Plantations – Ekaterra, acknowledged that incidences of sexual harassment were happening in the Ekaterra Lipton Teas and Infusions Tea Estates. However, since taking up the position in 2019, she has put measures in place and created awareness to mitigate the incidences. The company is working towards a zero per cent rate of gender-based violence in the tea estates. Further, the company does not outsource labour except for security services.

The shop stewards at Ekaterra Teas and Infusions distinguished between incidences of unwelcome sexual harassment and incidences of sex for work, where the sex for work was sought for opportunities for employment, promotions, lighter duties and being graded thus increase in pay. However, no written submissions were presented on the specific incidences or names of persons affected.

The Committee observed that although there are sexual harassment policies, trainings, and reporting channels available, reporting was minimum, which makes it difficult to address the incidences.

From the foregoing, the Committee finds that there is credible evidence on record that there is sexual harassment in some tea estates in Kericho County, and that though there are sexual harassment policies, trainings and reporting channels available, reporting was very minimal.

On the issue to establish measures that the Government is putting in place to protect the rights of workers in these tea estates, the Committee noted that there is a Gender Office within the grounds of Kericho Police Station, whose independence was in question, having been funded by

James Finlay Kenya Tea Estate. However, the County Security Team informed the Committee that James Finlay Kenya only provided the funds for construction of the Centre. The Centre is fully manned by police officers and is independent of James Finlay Kenya.

The Committee heard that community policing as an avenue of reporting information relating to sexual harassment and abuse appeared not to be very active as the incidences of sexual harassment continued happening but not reported. The County Security Team submitted that there is the community policing and the *Nyumba Kumi* Initiative at the Ward Level to enable the citizenry report various issues, including gender-based violence.

The effectiveness of the various channels put in place to deal with sexual harassment and abuse appears to be poor. Both James Finlay Kenya and Ekaterra submitted that all employers have access to reporting mechanisms which include welfare committees, toll free anonymous call numbers, Bulk SMS for mass communication, notice boards, suggestion boxes, training of village committees on sexual harassment and other forms of abuse among others. The companies committed to continuously improve the systems.

We also noted – and this is important for the female Members in this House to hear – that there are few women in leadership positions at James Finlay Kenya. The composition of women in leadership is at 29 per cent at the lower management level, 19 per cent at the high management level, 6 per cent at the junior management level and 24 per cent at the senior level management. James Finlay Management submitted that it conducts gender surveys and that there is continued effort to be female gender inclusive through management trainees' programmes for women and training of women in Information and Communications Technology (ICT).

The criteria used to outsource labour services at James Finlay Kenya was unclear. The company submitted that it conducts a pre-qualification exercise for the services. Services outsourced include labour, maintenance and construction. However, it was disputed by the labour unions, who accused the company of directly procuring the services of the accused person's company called Sislo Holdings.

The Committee also observed that the Government has instituted measures to guard against sexual harassment abuses. These include the enactment of the Sexual Offences Act and the Employment Act, community policing, the presence of police stations, labour and gender offices in counties and other initiatives aimed at enabling women seek guidance on their rights and lodge complaints against sexual harassment. The Committee, nonetheless, noted that many women were not aware of the initiatives and therefore not making use of them.

On the issue of establishing measures the Government is putting in place to ensure these tea estates adhere to labour laws and implement policy on sexual harassment, the Committee observed that there is a gap in the frequency in reporting of sexual harassment incidences despite the documented available reporting channels. There is a need for collaborative effort by the stakeholders i.e., Labour Department, trade unions and legislators to come up with a clear and better framework for reporting.

The outsourcing of employees through contracts was a weak link in enforcing the sexual harassment policies. For instance, at James Finlay Kenya, the alleged perpetrator, Mr. John Chebochok operates Sislo Holding, a company contracted to provide contracted labour to James Finlay Kenya. The contracted company oversees performance and retention of employees. The competition for the available scarce employment opportunities for placement leaves the employees prone to exploitation and harassment. The Committee resolved to initiate legislation to govern outsourcing of labour services.

Ekaterra Teas and Infusions has 43 per cent of female supervisors and managers and were working towards increasing the numbers to 50 per cent. The Committee commended this but cautioned against discrimination against the male gender competing for the same positions. Further, it advised that the influence and ability to effect change of the female supervisors and managers should be empowered to effectively root out the vice.

The Committee finds that whereas workers acknowledged that there are policies to ensure adherence to labour laws, the same workers cited frustration in reporting cases since the culprits were never brought to book. Consequently, many of them were no longer reporting cases to the authorities.

Lastly, to establish investigations into the heinous acts to ensure the culpable perpetrators are brought to book and justice, the Committee noted that the investigations by the DCI into the allegations of sexual harassment and exploitation were progressing slowly. Further, the Kericho County Security Team reported they are yet to interview the BBC journalist who made the documentary to receive any evidence on the incidences as reported in the documentary by the time of the visit by the Committee.

The four persons named in the documentary as the perpetrators had not been arrested nor charged in a court of law since no victim had filed complaints against them to the police. The Kericho County Labour Officer did not report the frequency of their visits to the tea estates on matters sexual harassment. There is one labour officer in the whole county, and this may affect the quality and quantity of his visits.

So, based on these findings, the Committee made a number of recommendations. One, that the DCI should fast track their investigations to identify the victims of the alleged sexual harassment and bring those culpable to book. Two, the victims of the sexual harassment in the tea estates should report incidences to the police for investigation and criminal prosecution. Three, the victims of the sexual harassment should report the incidences to the County Gender Office and County Labour Office. We have made the Report available to Members.

I now beg to table the Report of the Committee and request Hon. Kuria Kimani, the Member for Molo to second.

Thank you, Hon. Temporary Speaker.

*(Hon. Muchangi Karemba laid the document on the Table)*

**Hon. Kuria Kimani** (Molo, UDA): Thank you very much, Hon. Temporary Speaker. I rise to second the Report of the Departmental Committee on Labour on an inquiry regarding sexual harassment of female workers in tea estates in Kericho County through a statement sought by the County Member of Parliament for Kericho County.

**The Temporary Speaker** (Hon. Omboko Milemba): Proceed.

**Hon. Kuria Kimani** (Molo, UDA): Thank you very much, Hon. Temporary Speaker. The Chairman of the Departmental Committee on Labour, Hon. Erick Muchangi aka 'Karemba' and I were students of Kenyatta University (KU), including Hon. Ndindi Nyoro, the Chairman of the Budget and Appropriations Committee. We have remained friends for quite some time, and perhaps that is why he asked me to second this Motion although I am not a Member of the Committee.

The revelations of the BBC exposé are very painful for millions of workers in this country. It is even more painful that it took a BBC exposé for us to know the fate and suffering of women in Kericho County. We thank the Member for Kericho for bringing this to the attention of this

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House and the Departmental Committee on Labour, which did a thorough investigation and has tabled the Report before us.

Of course, as we would expect, I noted in the Report that they were unable to get much evidence. This is because the victims of sexual harassment were intimidated and feared for their lives. Therefore, no single culprit of sexual harassment came to testify before the Committee, which begs the questions: What is happening in places of work across the Republic? What is happening to women who work in various institutions in this country? I dare say harassment does not just happen to women. We have heard of cases where men are also sexually harassed in their workplaces, while going to work and even in the normal operations of the businesses.

One would wonder whether we are short of laws to protect against sexual harassment in this country. The answer is no. Article 27 of the Constitution prohibits any kind of discrimination, including gender, anywhere in this country. Section 23 of the Sexual Offences Act expressly says what sexual harassment is, but unfortunately only sets a penalty of up to Ksh100,000 and an imprisonment of up to three years for these offences. So perhaps, it is high time that this Honourable House reviewed this Act, the fine and imprisonment term or punishment that should be vested on these sexual offenders.

Again, the Employment Act, section (6)(1) talks expressly about how we should relate with each other at the workplaces. Perhaps, this sexual harassment is not just happening in Kericho. Our police stations have become another place for sexual harassment. Most of the police stations in this country do not have separate cells for men and women. Most importantly, very few of them have separate cells for children. Even, the ones that have separate cells for child offenders, do not have separate mini-cells for boys and girls.

So, you have a child offender who is a boy who is arrested and taken to a police station and kept among other criminal men. By morning, a lot has happened to that young offender. So, I think it is high time the Executive and the Ministry of Interior and National Administration re-think how our police cells are made. They should ensure even if these people are offenders, they still have their rights and should be protected from harassment in those cells. So, it is my hope that we are going to have cells clearly defined, for men and for women. Most importantly, to make sure there are cells for the young offenders, both boys and girls.

This morning when I was preparing to second this Motion, I talked to Corporal Beth Kamau, a police officer in charge of gender in Elburgon Police Station. I was surprised to note that 75 per cent of all cases registered there – as she said this represents the statistics for all police stations across the country since they have a group where they share all these reports with other gender officers – relate to gender-based violence.

Hon. Temporary Speaker, in the morning when coming to work, I like to listen to Classic 105 and some of the debates by Maina and King'ang'i, and sometimes they are very controversial. I get very surprised when I hear stories of men and women talking about being beaten like it is the order of the day. Talking about women who are battered to near death, and they say: What do I do and where do I go Maina? These cases go on and on.

A few months ago, there was a debate about how men were being clobbered by their wives. One said he lost his eye, and another said he was still limping. The way the discussion goes is so casual because this is the order of the day. This is to urge Kenyans, especially those in abusive marriages, that when it comes to violence, when your wife or husband is beating you up, you are a potential candidate for death any minute. I remember when I was in high school, there was a case in Nyahururu, where a husband wanted to hit the wife, but she ran out. The only thing she saw that could protect her from being hit was an axe. So, when she was trying to defend herself with the

axe, their small baby who was one-and-a-half years woke up. He went to the sitting room and while the husband was trying to take away the axe from the woman, it fell on the boy, and he died. That guy ended up being imprisoned in Nakuru. I think he is still serving his term for murdering his son. I am sure he did not intend to kill the son. However, when we resort to violence instead of sitting as adults and having a conversation about the issues that are affecting us, then know that death becomes the ultimate. Sometimes, you might even find yourself as a candidate for murder. Therefore, it is good to encourage all of us, especially those in marriage institutions, to always resort to dialogue. Let us not normalise physical abuse as if it is the order of the day.

When our friends come to tell us that they have been beaten up, let us offer solid and sound advice. For example, being firm and saying that ‘you cannot hit me again’ or ‘you should never hit me.’ If possible, this includes going to record a statement at a police station. One should not just wait until they are killed by their spouses, then rush to the funeral in printed t-shirts of their photos eulogising them and saying how great those people were.

This morning, the issue of teen pregnancies was also brought to my attention by Corporal Beth Kamau. There are many cases that she must deal with every day. She shared that she is currently investigating 13 cases of pregnancies in just three schools. Who is responsible? Can you imagine it is grown up adults? I am wondering what it is that these men see in small children that they do not see in adult women. I think, the Q in Lesbian Gay Bisexual Transgendered and Questioning (LGBTQ), maybe that queer thing of how you can look at children and think about having sexual intercourse with them. As men, we should stand up and protect our children. This issue of having sex with underage children must stop so that we can protect our future generations.

Hon. Temporary Speaker, with those remarks, I support this great Report by the Departmental Committee on Labour chaired by my friend, Hon. Eric Muchangi.

Thank you very much. I second.

**The Temporary Speaker** (Hon. Omboko Milemba): Thank you.

Hon. Members, let me acknowledge the presence in the Public Gallery this afternoon, of students from the very famous Precious Blood, Riruta from Dagoretti North Constituency, Nairobi County.

**Hon. Beatrice Elachi** (Dagoretti North, ODM): On an intervention, Hon. Temporary Speaker.

**The Temporary Speaker** (Hon. Omboko Milemba): Hon. Elachi, this is not a matter of discussion, but what is it?

**Hon. Beatrice Elachi** (Dagoretti North, ODM): Thank you, Hon. Temporary Speaker for just allowing me to appreciate our girls’ school. This is an excellent school in this country. More importantly, I want to say that Precious Blood Riruta Girls School is one that believes in a mean score of 10. We always appreciate that. I want to tell the girls this: Welcome to Parliament and enjoy. Further, inspire yourself and pray that as you leave here, one day you will be in this House either as a Member, or even as a Speaker of this Parliament. Enjoy yourselves and more importantly, remember what we always say: ‘‘Read your books.’’ Read that storybook so that you can sustain the culture of Precious Blood Girls.

Thank you, Hon. Temporary Speaker.

*(Hon. Rozaah Buyu spoke off the record)*

**The Temporary Speaker** (Hon. Omboko Milemba): Hon. Member, that is not a matter that requires discussion. Allow the House to proceed, unless there is a very special point of order. I think you do not need to go that direction.

Let me first announce that at exactly 5.00 p.m., I will be calling upon the Member for Butere, Hon. Tindi Mwale, as the Hon. Speaker had directed earlier, to move a Motion of Adjournment on a matter of urgent national importance to discuss the mysterious disease outbreaks in schools in the country.

*(Question proposed)*

The first Member to have a bite on this is Hon. Farah. Proceed.

**Hon. Farah Maalim** (Daadab, WDM): Hon. Temporary Speaker, I want to commend this Committee for doing such a good job. Having said that, it is a pity that 60 years after Independence, with the blood of Koitalel Arap Samoei, the land that was grabbed and stolen from the Africans of this country is still owned by the same thugs who stole it!

*(Applause)*

Today, the poverty-stricken sons, grandsons and granddaughters of the same people who fought for this country are begging those multinationals to give them jobs that pay a meagre amount of money. In the process, those girls are being raped.

It is not yet *Uhuru!* Anybody who thinks that we got Independence is wrong. Our Independence is just symbolic. In this country, the Maasai who lost millions of acres have their land occupied by families that own 150,000 acres of land as a ranch somewhere in Laikipia. The Delamere family have about 600,000 or one million acres. Everybody else has those million acres of land, yet the poor guys are grazing their cows in our towns and cities because they do not have any place to graze them.

If this Government that calls itself the Hustler Nation is not ready to go and make a compulsory acquisition of all these lands and distribute to the same farm workers who are being raped, harassed, given menial jobs, and living a life of destitution, then it is not justified to be called a Hustler Nation.

I wish somebody comes to this country and says that we are going to have a new land policy that will reward the Mau Mau children, grandchildren and great grandchildren of the people who died for us. What does Dedan Kimathi have in the form of land today? Everything is owned by the collaborators. Sadly, this House and the subsequent Governments have been sanitising that. Today, we are talking about companies that own 200,000 acres of tea farms. Further, we are begging them not to rape our girls, who are earning Ksh10,000, Ksh15,000 and Ksh20,000, yet the land belongs to their ancestors who fought for Independence. You would all be slaves somewhere in Mississippi, California and God-knows where were it not for those Maasais and Kalenjins. They fought those days and made sure that those people did not make any inroads into this country.

*(Applause)*

The same slave owners and imperialists who did what they did to us still own the land the way they want it. The whole gains they have made everywhere... For example, look at the ranches

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and the way they run them in the form of families when the indigenous owners of this land are not there anymore. I know if a *Mugabe* came into this country and asked Kenyans to support him...

Look at Del Monte, which has a land lease of 99 years. What kind of a lease is that? Who made the laws? Who was consulted? Were we consulted as Africans when they were legislating on our lands? They came, colonised us, held us against our wish, and they still own the prime land. The only Africans who are very happy are those who had access to Government those days and were given millions of acres. They are going to protect them because they are exactly like them. The land of these African families who are holding millions of acres of land must be reclaimed and redistributed to the real sons and daughters of this land: those who fought for the Independence we enjoy, and the fact that we were not taken as slaves in the Carolinas, West Indies, South America or God-knows where else. It is a pity.

Listen to me, Members of Parliament. I do not just want you to applaud. I want you to make the right legislative decision to reclaim all those lands and ask them to compensate us for all the exploitation they have been doing for the last 100 years. They exploited our land. They do not have to be paid for it. The African landowners who inherited from the whites and are masters owning millions of acres right now must re-distribute that land to the people whose fathers, grandfathers, and great grandfathers, fought for this land's change.

Hon. Temporary Speaker, we need to have a country in which, as a Legislature, we want...

*(Hon. Farah Maalim's microphone went off)*

**The Temporary Speaker** (Hon. Omboko Milemba): Please give him one minute.

**Hon. Farah Maalim** (Dadaab, WDM): I am pleading with you, MPs; I am pleading with you, my brothers and sisters. I have been in this House for 30 years, and I am still here. We are still suffering the way we suffered 30 years ago. Some of these are historical injustices, and that is why nobody wants to see the Ndung'u Report implemented. Nobody wants to see the Truth, Justice, and Reconciliation Commission (TJRC) Report implemented. Some Africans go there and make a deal with the whites. What about the rest - the 50 million of us? We were about seven to eight million before, but today we are 50 million. The 50 million are paupers. We only have 50 African billionaires in this country. They have stolen from us. What we need to do, as a House, is to bring a Bill that says there has to be compulsory acquisition. We need to have a new land policy for this country to reward the landless who cannot even get a six by five feet plot for their graves.

*(Hon. Farah Maalim's microphone went off)*

**The Temporary Speaker** (Hon. Omboko Milemba): Hon. Farah, you have spoken very well on this matter. We added you one minute. Please allow other Members to speak on this.

*(Hon. Farah Maalim spoke off the record)*

We add you one more minute due to public demand, please.

**Hon. Farah Maalim** (Dadaab, WDM): Can I have my microphone on?

Hon. Kiborek, I am impressed with the fact that you are proud of what I am saying. If you come to my office tomorrow, we can decide on making a Bill that is going to make compulsory acquisition of land to be redistributed to the landless. If you are not alone, I want us all. This House has got to change the future of this country.

**Hon. Millie Odhiambo-Mabona** (Suba North, ODM): On a point of order.

**Hon. Farah Maalim** (Dadaab, WDM): On a point of order? Okay.

**The Temporary Speaker** (Hon. Omboko Milemba): You may take your seat, honourable.

**Hon. Farah Maalim** (Dadaab, WDM): Yes.

**The Temporary Speaker** (Hon. Omboko Milemba): What is your point of order, Hon. Millie?

**Hon. Millie Odhiambo-Mabona** (Suba North, ODM): Thank you, Hon. Temporary Speaker for giving me this opportunity. Very respectfully, I have been fairly patient because I did not want to interfere with my senior, who came to Parliament before me. As a human rights defender of women, I am wondering where land and women come in. The things he is talking about are very important, but we are talking about sexual harassment of women in Kericho tea estates. Whenever we have issues relating to women, we start identifying with land, cars, chairs, mountains and elephants. Where is the relevance between women being sexually harassed and land? As much as it is important, can the Hon. Member bring a different Motion on land ownership? We will support him. Right now, our concern is the issue of women harassment in the Kericho tea estates. Stick to the rules of relevance, please.

Thank you.

*(Applause)*

**Hon. Farah Maalim** (Dadaab, WDM): The rules of relevance are there, madam.

**The Temporary Speaker** (Hon. Omboko Milemba): Hon. Farah.

**Hon. Farah Maalim** (Dadaab, WDM): Let me just finish. She took my time. Let me conclude.

**The Temporary Speaker** (Hon. Omboko Milemba): Hon. Farah, proceed.

**Hon. Farah Maalim** (Dadaab, WDM): The rule of relevance is that these people are working on land. They are being victimised because they are working on land and on farms, tea farms. They deserve to own that land themselves instead of becoming something endangered as slaves and labourers. That is the synergy and the synthesis. These people need to take charge of that land themselves instead of becoming workers on land which their ancestors fought and died for.

Thank you.

**The Temporary Speaker** (Hon. Omboko Milemba): Very well. The Hon. Francis Sigei, the Member for Sotik.

**Hon. Francis Sigei** (Sotik, UDA): Hon. Temporary Speaker, thank you for giving me this opportunity to ventilate on this very serious issue. I rise to defend the rights of women.

Hon. Beatrice Kemei has brought up timely issues by this Motion. I come from that region. I know there have been many malpractices going on in the tea estates. While I condemn what was reported in the BBC, I ask the Government to take serious action on the perpetrators who were very brave to do what they were doing. This House must stand to defend our women. We have seen our women suffer because of poverty and not being paid by these tea estates. We appeal to the Government to look at this matter, particularly the issue of payment. Let us know how much the tea estates pay. These women are surviving from hand to mouth, and yet they have children. They are suffering. I would like to see the perpetrators taken to court and the law taking its course.

I have seen many of these issues being raised, but for a long time, they have been swept under the carpet. I thank the people who revealed this. At the same time, I regret that one of the

people who revealed these malpractices in the tea estates was killed by I-do-not-know-who. It is very sad that people who are bringing out issues of supporting and empowering our women are the ones who meet some serious criminal activities. I really sympathise with the family of the man who was killed.

As I conclude, I support the Hon. Member and thank her for this wonderful job. We would like to go further and look at labour laws in tea estates with a view to changing them so that they can be friendly to workers, not only women but also to men. Men are also suffering in tea estates, but they do not talk about these things. We suggest to Hon. Beatrice to go further and propose legislation that will protect our people in Kericho. I am happy that at last, this Hon. Member and our good lady from Kericho brought this issue up. I support her fully. I am requesting her to go ahead and look at legislation that can assist and protect our people in these areas who are poor. I request the Hon. Member to look particularly at the issue of pay. How much do they earn per day? *Mheshimiwa*, through the Hon. Temporary Speaker, I want to see legislation. Let us have legislation.

I support.

**The Temporary Speaker** (Hon. Omboko Milemba): Very well. Hon. Gabriel Kagombe of Gatundu South. He is not in the House. Next is Hon. Peter Kihungi of Kangema. Proceed.

**Hon. Peter Kihungi** (Kangema, UDA): Thank you, Hon. Temporary Speaker. I stand to support the Report on the investigation. The Government should take up investigation. I am a Member of the Departmental Committee on Labour, and I was among the team that went there. It is very painful to see what the people and women who work in those estates go through. It is as if they do not live in this country. It is as if there is no law and there is nobody to care for them. They seem extremely helpless. When we went to the sites while trying to interrogate the issues, we would start talking to somebody and when he or she would feel secure, they would hope that nobody will be able to notice. They would give you stories of how the person who was given the contract for labour misuses those women. We were told that whenever he has a desire for women, he does not have to get a room in a lodge because the estates have manmade forests that provide wood for boilers. He would have sex with women inside those forests. It was so repugnant; it was not as easy as we thought.

We were told that we were only allowed to access those estates because of the new Government in place. We got a letter that the BBC wrote before they aired the exposé. They wrote to the companies and gave them the evidence that they had collected, and mentioned the issues that had been raised by the journalist who was about to break the story. When the companies got that information, they did not care. They did not respond or even try to manage the exposé because they knew that the Government would do nothing, and nothing would happen to them because they thought they were in control.

When we met officers from the DCI and the Ministry of Labour and Social Protection, they were defending the tea estates. When we met them during a meeting that was held at the County Commissioner's office, they were defending the tea estates. I wondered where workers at the companies could report their cases to because the administration and the people who are supposed to represent them were defending the tea estates. The DCI and the Ministry officials said that those allegations were created to fight the tea estates. However, when we held discussions with the women, men and shop stewards at the companies, they told us that even if they gave us the evidence, we should not expose them because they would be sacked. Therefore, whatever the reporters aired was the truth.

John Chebochok was an employee who used to sexually harass women. He was later given a contract to outsource labour for those companies. Therefore, he continued with his bad behaviour. I want to prove that he still works in that company. Those people are helpless, and the Government is doing nothing. We cannot say that the administration in Kericho will help those people. The DCI and the Ministry of Labour and Social Protection were defending the tea estates. They said that those people want to fight the estates, and that those were wars between companies.

Let us trust that the Government will act on this issue. The people working in tea estates are extremely helpless and do not feel the presence of the Government. They feel like they live in another country where there is no law. They feel like they are governed by the tea estates and the managers, who do whatever they want because they control the Government. I wish the Government would take up this issue seriously and help our people in those tea estates.

Thank you, Hon. Temporary Speaker.

**The Temporary Speaker** (Hon. Omboko Milemba): Very well. Hon. Julius ole Sunkuli.

**Hon. Julius Sunkuli** (Kilgoris, JP): Hon. Temporary Speaker, thank you very much for this opportunity. I will speak about Kericho because I was posted there when I first became a magistrate.

The lifeline of Kericho is the tea estates. Without the tea estates, there is no Kericho. Kericho is one of the most beautiful places in Kenya, just like Limuru, which is also very beautiful. The economy of Kericho has always depended on tea estates. Tea estates have not just benefited the people of Kericho in terms of employment, but many people in the South Rift seek employment in Kericho. It is very important that I make this point, because this Report shows that there has been a problem with respect to those who seek employment there. I urge the management of all the big estates in Kericho, be it James Finlay Limited, George Williamson Tea, or the successor of Unilever Tea Brands, to take responsibility for those issues. Even before the police are invited to investigate, the estates should investigate this matter because the livelihoods of our people rely on those estates.

I urge Members that if we want our people to continue working in the tea estates in Kericho, let us desist from thinking that if we one day subdivide the estates in Kericho, life will be better. In fact, it is like slaying the goose that lays the golden egg. Let us protect the estates as they are. If we leave those estates to our people to manage, many things will happen. Still in Kericho, another employer called 'Tea Hotel' was very good when it was run by those estates. Our people agitated and said that they did not want those companies to be involved in the management of the Tea Hotel, which was the jewel of the South Rift. There is no Tea Hotel today. Our good Africans messed it up. If you propose the change of management of those estates and give it to Africans, they will turn them into tiny things, and you will not be discussing them today.

I know that there is a problem with the foreigners who run James Finlay Limited, George Williamson Tea or Unilever Tea Brands. They have acquired some colonial habits and that is what we should attack. We must tell them that this is a free country. That also happens in the Transmara Sugar Company. You cannot even see the Managing Director unless you share his skin colour. That is what we should attack. We should also attack the issues that we are discussing today. We do not want our people to go there and be told that they must have sex to get work. People must be given responsibilities because of their abilities or available vacancies. Kericho is large enough for all of us.

This Report has brought up these issues. I hope that those companies are listening. I hope that they will retain the dignity of women. As Members speak, they should not destroy the nature of Kenya. Today you will say that we subdivide Kericho, and then next time, you will want to

subdivide the Maasai Mara. We should retain our big estates as much as possible because we are a capitalist country.

With those remarks, I support the Motion.

**The Temporary Speaker** (Hon. Omboko Milemba): Very well. Hon. Millie Odhiambo.

**Hon. Millie Odhiambo-Mabona** (Suba North, ODM): Thank you, Hon. Temporary Speaker, for giving me this opportunity. From the outset, I thank the Committee for that Report. I only wish that the recommendations were stronger. One of the recommendations is that victims should report any sexual assault or harassment, but given the nature of our society, victims do not report, especially where it is an inferior-superior kind of relationship. The Committee should have put greater onus on the companies to make sure that they have a sexual harassment policy and systems in place to deal with the same. The Committee should have also used stronger language against the Government.

I also wish to thank the BBC for the expose. It is very embarrassing that with a whole government that consist of a Legislature, Executive and Judiciary, it takes the BBC to expose this. That means there is something that is not operational. If there is one thing we have done well as a country, it is to legislate. Perhaps we might even be accused of over-legislating. We have a lot of laws on sexual and gender-based violence, starting with Articles 25 and 26 of the Constitution on international conventions that are protective of women, including the Convention on the Elimination of all Forms of Discrimination against Women. Other laws include the Sexual Offences Act, Trafficking in Persons Act and Victims Protection Act. We have a plethora of laws that are protective of women. Where we fail is in implementation, which is the role of the Executive. It is embarrassing that a lot of women report cases of abuse against them, and no action is taken. Before I came to this Parliament, most of my work entailed dealing with issues of abuse, especially against children. It was embarrassing that you find cases like this.

**The Temporary Speaker** (Hon. Omboko Milemba): Order, Hon. Millie. The time being 5.00 p.m., as had been ruled by the Speaker, I now want to ask Hon. Tindi Mwale to move his Motion. You will still have your balance of eight minutes to speak on this Motion.

Hon. Tindi Mwale, proceed.

### **MOTION OF ADJOURNMENT ON A MATTER OF URGENT NATIONAL IMPORTANCE**

#### **OUTBREAK OF UNKNOWN DISEASES IN SCHOOLS**

**Hon. Tindi Mwale** (Butere, ODM): Thank you, Hon. Temporary Speaker. I rise on the ruling of the Speaker, who granted us time to debate the mysterious disease outbreaks in schools in this great Republic. It is very sad for both parents and the community at large to lose children or loved ones because of a problem that could have been contained or solved. It is very sad when the Government and the Ministry of Health do not come out clearly and address the issues affecting our children in schools. Recently, the Acting Director-General for Health gave a statement saying that some of the students had suffered from typhoid and a disease called ‘amoebiasis’. It is reported that when some of the victims went to health facilities in Kisumu, to be specific at a laboratory called ‘Pathcare Kenya’, it was found out that some of the students had suffered from cholera.

I want to urge the country, the Government, and Kenyans at large to treat this matter of mysterious diseases in schools with urgency. If you are not careful, you might find this disease out of schools. These diseases might come into our environment because the moment you close the

schools you are letting the children come to the community. Some of the students come from very far. You might find us transmitting the disease all over the country.

I want to point out some few issues which the Ministry of Health, in conjunction with the Ministry of Education, the Government and the community, should put into consideration. There is the issue of food that students eat in schools. It is very tricky and hard to ascertain food safety in schools. When I talk about food safety, I mean the source of the food, how it is stored and transported to the school, and how it is kept, cooked, and served to students. Many schools do not take into consideration measures to ascertain that the food being brought to schools is safe for consumption. That is why we end up with contaminated food which ends up in our children's stomachs. This eventually causes health problems.

The second issue is about the way the structures are built in our schools. You might find sewerage systems mixed with clean water lines. That may result in diseases such as cholera and typhoid. Health services are devolved. The Ministry of Education, in conjunction with county governments, are supposed to put in place measures to make sure that the health of students in institutions is taken care of. If possible, there should be smaller clinics in schools or institutions so that county governments are able to monitor health issues in schools. So far, it is reported that five schools have been closed because of this problem. I want to single out Mukumu Girls High School, where a teacher had to lose her life because of negligence of the school management, Ministry of Health, or students themselves. Our schools are overpopulated. We should control and manage the population in schools, their structures, land size and the facilities used by students. Some schools are too small to take care of students.

Many of my colleagues face these problems, including my brother, Hon. Fred Ikana, in whose constituency Mukumu Girls High School is situated. In Butere Constituency, where I come from, Butere Boys High School was the second one to be closed because of the outbreak of cholera. I ask my colleagues to join this debate on a matter with great importance, outline issues and propose ways in which the Government can protect our children in schools, not excluding teachers and subordinate staff.

As I finish, I condole with the families of the students and the teacher who lost their lives. I encourage them. I thank you for the opportunity that you have given me and for allowing this Adjournment Motion to be heard.

With those few remarks, I support the Motion.

**The Temporary Speaker** (Hon. Omboko Milemba): You move the Motion. Hon. Members, this being an Adjournment Motion under Standing Order 33, all other contributors will have five minutes. The first one will be Hon. Fred Ikana.

*[The Temporary Speaker (Hon. Omboko Milemba) left the Chair]*

*[The Temporary Speaker (Hon. Peter Kaluma) took the Chair]*

**Hon. Fred Ikana** (Shinyalu, ANC): Thank you, Hon. Temporary Speaker for giving me an opportunity to contribute to this Motion that is seeking to address the crisis that we are currently facing in our schools. I wish to state the very fact that one of the most affected schools, Mukumu Girls Secondary School, is from my constituency. It is very sad that we have had to lose very young souls that had promising futures. As we stand here, Shinyalu Constituency and other regions of the country are mourning the loss of three students from Mukumu Girls Secondary School. We are mourning innocent lives of Diana Mambiri, Wendy Oyugi and Miriam Namachanja. We are

also mourning the life of our teacher, Mrs. Juliana Mujema, who was the boarding mistress at Mukumu Girls. I urge my colleagues here in Parliament to put our heads together and come up with lasting solutions that shall ensure that this crisis of disease outbreaks every now and then that has been bedevilling our schools is addressed once and for all.

Of course, I understand that for those who have lost their loved ones, there is very little that can be done. However, as a responsible Government, it is my kind request and expectation that the Government, through the relevant ministries, comes up with at least a way of ameliorating the situation of those families that have lost their loved ones and those that are still nursing hundreds of children who are currently sick.

One of the suggested ways that I want to propose to this House to ensure that the lives of our little ones that we put in the care of the various schools is safe, is by ensuring that we fix the issue of procurement. We have a lot of gaps when schools are allowed to freely and randomly procure goods and services that are consumed by our students. We need to ensure that at least in every school, there are set standards for quality assurance of those goods, especially food and water that is consumed by our students.

You will also realise that if you make a random visit to some of our schools, you will find there are sick bays. The so-called sick bays in schools are always full. It takes a little bit long for some of our teachers or principals to take action on when to take our ailing students to various hospitals for check-ups and proper medical care. We need to come up with a solution and compel the heads of these various institutions to ensure that whenever students fall sick, they do not wait for too long before either contacting their parents or taking them for proper and comprehensive medical care.

To the Ministry of Education, I would want to say, as a representative of the good people of Shinyalu where Mukumu Girls High school is domiciled, I am very disappointed for the long time that the officials took to react to the cries of the parents and the various leaders to take action and save lives. I hope that after this debate, we shall come up with long lasting solutions once and for all to address issues of disease outbreaks in schools.

Thank you very much. God bless you.

**The Temporary Speaker** (Hon. Peter Kaluma): Thank you very much. Let us have Hon. Elsie Muhanda, the Member for Kakamega County.

**Hon. Elsie Muhanda** (Kakamega County, ODM): Thank you, Hon. Temporary Speaker, for granting me this opportunity to speak to this problem, which is a national crisis. As a mother and a grandmother coming from Kakamega County, where this problem has been realised, three of the schools in my county have been affected, namely the Sacred Heart Mukumu Girls High School, St. Peters Mumias Boys High School, and Butere High School. I am greatly touched by this problem.

On the emerging issues, one of them is congestion. When we introduced the 100 per cent enrolment secondary schools over enrolled students, causing congestion. A school like Mukumu Girls High School, which should be hosting 1,000 students is now hosting more than 2,000 students. So, there is congestion in classrooms, dormitories, and all other facilities. With this expansion, water management has not improved. You will find that most schools use boreholes and the water is not treated. The water points are also not enough for these students, and yet water is life.

Looking at the case of Mukumu Girls High School, it has since been found that the water that they drink was mixed with sewer. That is the report that I have just heard, and it is very sad. We need to look at the water system.

**The Temporary Speaker** (Hon. Peter Kaluma): Hon. Elsie Muhanda, is that a confirmed report, or is it an allegation?

**Hon. Elsie Muhanda** (Kakamega County, ODM): It is not confirmed. It is just information passed from the committee that has sat, but not yet confirmed.

**The Temporary Speaker** (Hon. Peter Kaluma): Proceed.

**Hon. Elsie Muhanda** (Kakamega County, ODM): Thank you, Hon. Temporary Speaker. Another problem is the food supplies and preservation. There is nobody there to test the moisture content of the maize. For example, you find that health officers do not visit these schools. They only visit these schools when we have a problem.

Another emerging issue is the composition of boards. There is no laid down regulation, or if there is, it is not followed. You will find that the board members are not well constituted in many cases. We need different experts in the board of schools.

Therefore, there is need for expansion of infrastructure in schools because of congestion. Equally, there is need for schools to have a mandatory school nurse and the institutions should be near health facilities. In the past, schools used to be near dispensaries or hospitals. We need to improve our water systems. It should be mandatory that water should be treated. I want to thank the Ministry of Health because this weekend, they visited Kakamega, and the CS said they were going to bring some system that will be treating the water, and we thank them for that.

**The Temporary Speaker** (Hon. Peter Kaluma): Let us have Hon. Gitonga Murugara, Member for Tharaka Constituency.

**Hon. George Murugara** (Tharaka, UDA): Thank you very much, Hon. Temporary Speaker. I am happy that you have reached me. This is the first time I am debating while you are on the Chair. I am grateful.

This Motion of Adjournment is quite timely, especially now that schools are about to close. We know very well that some of them were forced to close because of misfortunes, such as these unknown diseases that had visited them.

As schools close, we acknowledge that accidents are another issue that must be discussed at length. School buses and matatus, which carry school children are involved in accidents and, as a result, we are losing lives. Unfortunately, I am told that just now, there has been an accident that has occurred between Nakuru and Naivasha, and the fatalities include students. It is regrettable and totally discouraging. As we speak, we kindly appeal to traffic police officers in the country to be extra vigilant, especially when checking vehicles that are transporting our children after schools close.

**The Temporary Speaker** (Hon. Peter Kaluma): Is this a new accident at the spot or the previous one?

**Hon. George Murugara** (Tharaka, UDA): There is the previous one and another one today. This is unwelcome. As a country, we must relook at the issue of accidents especially those involving school children, because these are young lives we are nipping at the bud. They have a whole life ahead of them, and because of an accident all that is brought to an end. It is totally unwelcome.

Regarding what these diseases are, one of the schools in this Motion is Mukuuni Boys' High School in Tharaka Nithi County. It is one of the best schools in our county in terms of performance, and it has a very large enrolment. It is extremely unfortunate that as we debate, the school closed prematurely because there were cases of suspected cholera in the school. The way it was handled is totally inappropriate, because if these were real cases of cholera, you cannot send almost a thousand or more students home because you would be spreading the disease to their

homes instead of curbing it. We should have devised a way of ensuring that those young students are properly quarantined, treated, checked and are safe to go home, where they can mingle with other citizens. However, that is now a bygone. We should let it be, assume and pray that this was not cholera, and that it will not spread in those homes where the young ones went to.

We need to develop a policy in this country on supply of water to schools because the diseases that we are complaining about might be waterborne. We have just come from a drought season, where water was one of the major issues apart from food, which we were discussing. We are not very sure what the rains brought. Maybe this is the reason we are suffering. We must look for a way of safeguarding our food such that our children can consume what is fit for human consumption. These are policies that we have developed so that schools have electricity, clean water, and food for our children. That way, we may be able to get away from eventualities such as the ones that we are now faced with.

I support the Motion of Adjournment.

**The Temporary Speaker** (Hon. Peter Kaluma): Thank you, Chairperson of the Departmental Committee on Justice and Legal Affairs. You know what your Committee should be doing around those issues.

Hon. Member for Samburu West, Hon. Naisula Lesuuda.

**Hon. Naisula Lesuuda** (Samburu West, KANU): Thank you very much, Hon. Temporary Speaker for this opportunity to contribute to this very important Motion of Adjournment. I also want to thank Hon. Tindi Mwale for bringing it up this afternoon. I would also like to take this opportunity to pass my sincere condolences to the families that have lost their loved ones in the said school, and to wish those who are still unwell speedy recovery.

It is important for us, as nation, to value lives, and I have said this many times before, whether it is one, two, three or four lives. We should value even a single life. It is unfortunate that most of the times, especially when such tragedy happens, there is a lot of pointing of fingers, blame games, who did not do what, and who should have done what; but if everybody just did their part and on time, I am sure we would have saved more lives.

That issue first broke out on 1<sup>st</sup> of March, and it is unfortunate that two weeks later is when we are seeing senior Government officials visiting the school and even trying to find out what is really happening in that area. It is important that when something happens in this country, it is given the seriousness that it deserves. There are a lot of issues that have been spoken about. I remember the issue being reported in the social media that the principal of the school was, in fact, accusing the media of hyping the whole issue that was happening in the school rather than taking up the matter as a serious one where lives could have been lost.

It is unfortunate for a parent to lose a child. When you send your child to school, you have hopes that you will see your child when schools close. However, when you are told to come and pick your child because they are unwell, it does not sit well. There have been a lot of complaints for a very long time from parents saying that they have been called to schools to pick up their children when they are critically ill. It is important that our schools inform the parents from the moment the child is taken ill so that they can also make informed decisions on whether their children can seek further treatment depending on the nature of the illness, and how long that child has been sick.

Hon. Temporary Speaker, the second issue is overpopulation of our schools. It is unfortunate to see how overcrowded our schools are. It is important that the amenities and facilities that are in our schools match the population. From the time of admissions, availability of amenities

like sick bays, clean water, clean food and all those issues should be looked at and compared to the population in our schools.

The third thing that I would like to say, and I had mentioned it, is the timeliness of taking action when something happens in our schools. I wanted to mention the issues of accidents, which Hon. Murugara has also talked about now that we are closing schools. We have just lost six students and four others injured this afternoon. The issue of accidents has really gone up across the country, and we have been losing up to 10 to 15 people across the country, and that is a big number. It is important for the department of transport and those involved to look at what is really happening.

Hon. Temporary Speaker, we also have problems in our institutions where children are being beaten severely that they require life-saving surgery. It is essential to note that we have entrusted our children to schools, which should take care of them in return, rather than calling the parents to pick them up when they are gravely ill after being severely beaten.

As I conclude, it is important for us to realise that we must punish mistakes and reward good work. This issue of transferring people to another school when they have not done something good does not sit well. Are you telling us that you have taken disciplinary action on whoever was responsible? We have seen it many times, and we saw it in Mama Lucy Hospital yesterday, where people were being transferred from one place to another. I think it is very good to work in Government because no action is ever taken, but the whole issue of transfers must be looked at.

**The Temporary Speaker** (Hon. Peter Kaluma): Thank you, Hon. Lesuuda. Hon. Johana Ng'eno, Member for Emurua Dikirr.

**Hon. Johana Kipyegon** (Emurua Dikirr, UDA): Thank you, Hon. Temporary Speaker for giving me this opportunity to ventilate into this matter, which is of great national importance.

Hon. Temporary Speaker, I know the pain the parents of the young ones in school are going through. First, before I say anything, I would like to condole with those who have lost their loved ones and give them a word of encouragement. Those who are concerned should take serious steps and ensure this does not happen again in this country. There may be many reasons why we have such kinds of diseases in our schools. The most important thing is to have a health facility in every school. The schools we went to had serious dispensaries, doctors and nurses. So, if there was a disease, it was detected immediately. I remember the school I went to, Maseno High School, once had a very serious outbreak of malaria. At some point, we even lost a student. After the incident, the school introduced a very serious dispensary which was staffed with a doctor and nurse to take care of any disease that came up in the school.

Having more than three deaths in a school is a very dangerous phenomenon. I think the contributor to that situation is either contaminated water or un-cooked food. I remember one time we woke up in the morning only to realise that the tea we had taken in school had some dead rats in it. So, you can imagine what those students are going through. We need to have very serious health personnel to be always checking the food that the children are served in schools. It should be like what the Government does when it sends public health officers to inspect food that is sold in butcheries and hotels. We should have the same kind of personnel inspecting food that is cooked in schools. When you cook food for a large number of students, sometimes you overlook other things. You may end up cooking rats, cockroaches and some other stuff that I do not want to mention. We must put in place very serious measures to ensure that the food that the students eat in school is properly inspected. Even the cooks employed by schools should have undergone rigorous training on matters food and cooking.

The other issue is water. Most of the piped water to schools, like one of the Members has said, could have some connection with sewer lines. In that case, students end up drinking extremely contaminated water. I think we should take very serious measures to address that matter.

I would also wish to talk about accidents that are happening on our roads and thus killing our students. We need to tell our drivers to be very careful. When I was in school, we had a very beautiful bus. Two years after I completed school, I was told it got involved in an accident and was completely written-off. Fortunately, there was no student in that bus. We need to retrain our drivers, especially those that are carrying our children. They have to be extremely careful. Most importantly, let us pray for our children because there are very many things that are happening around them.

**The Temporary Speaker** (Hon. Peter Kaluma): Hon. (Dr.) James Nyikal, Member for Seme.

**Hon. (Dr.) James Nyikal** (Seme, ODM): Thank you, Hon. Temporary Speaker for giving me this opportunity. Today, we are discussing an extremely important issue: cholera cases in four schools in different parts of the country; typhoid in a school where three people have died and, in Butere, an unknown disease mostly presenting with diarrhoea and vomiting.

Hon. Temporary Speaker, this is a national problem and not an incident that has occurred in one place. We are talking about a widespread breakdown of our public health system because all those diseases are water-borne. They have to do with sanitation, food safety and water supply. So, the problem is across the board and yet, we are not speaking for those schools. There are well laid down systems of inspecting public eating places. Schools, hotels and restaurants are public eating places and should be inspected regularly. There should be regular inspection of places where food is sold, say, in markets and butcheries. We should ensure that water that is consumed publicly is safe. You may not know but Nairobi has a big water shortage and it is being rationed. That means we do not have enough water. You can see people buying water. When you buy water from a tanker, do you know of its source? So, we are dealing with a very serious issue.

Food handlers, whether in hotels or schools, should be regularly examined and certified as disease-free. Is this being done? When there is disease outbreak in a community or institution and you suspect or know that it is an infectious disease that can spread, rule number one is that you do not close the place and send the people away to spread the disease across the country. A good example is the case Hon. Murugara has talked about, where kids were sent away.

In Mukumu, all the kids were sent away and so, we have a national problem of public health. A mistake was made in one part of the country and similarly repeated in another part. We are all not safe and must call upon the national Government to collaborate with the county governments. I know this must be an issue about “who is in charge?” Disease surveillance is at the national level so as to monitor the country. I know this is where it belongs. Typhoid and cholera are deportable diseases and if one is reported somewhere, action should be taken where it came from. Has this been done?

I think we have a national problem that must be addressed. There must be collaboration between the national Government, county governments and research institutions so that there is food and water safety in the country. We have no option but to have safety in the markets and restaurants. I thank the Hon. Member for bringing this matter here. I call upon the Ministry of Health to support the county governments. They may not have the capacity and I think there is the issue of “who is responsible?” Is it the national Government or county governments? When we are talking about public health in local places it does not matter because the responsibility still lies

with the Ministry of Health. County governments must be willing to seek help at the first instance of an outbreak of a disease.

With that, I support this Adjournment Motion and call upon the national Government and county governments to ensure our safety and that of our children.

Thank you, Hon. Temporary Speaker.

**The Temporary Speaker** (Hon. Peter Kaluma): Thank you very much. Is the Chair of the Departmental Committee on Education in the House? Has the Ministry of Health reported to you what killed the girls of Mukumu Girls High School? Please, make your contribution as you respond to that question.

**Hon. Julius Melly** (Tinderet, UDA): Thank you, Hon. Temporary Speaker. I rise to support this Adjournment Motion.

Hon. Speaker, as you have rightly directed, they have not reported to our Committee. We have asked the Cabinet Secretary and the Principal Secretary to give us a detailed report of what is happening at Mukumu Girls, Butere Girls and other schools across the country.

I rise because this a very important Motion for this House and country. It is a wakeup call to two ministries - the Ministry of Public Health and Medical Services and the Ministry of Education. It is quite disturbing to have cholera in our institutions at this age and time. It is a case of negligence. Members of Parliament who are here are aware that dirt, poor hygiene, and poor handling of food causes cholera. Hon. Nyikal, the Member for Seme and our renowned doctor in the House, has rightly put it by arguing that every Ministry and Government Department knows very clearly that there needs to be regular inspection of eateries. Schools are abodes where we have many eateries. Who slept on the job? It is not good that many students have lost their lives.

Schools and institutions have been receiving hundreds and thousands of students during the last five years due to the 100 per cent transition. The 100 per cent transition has stretched our institutions beyond limit. You will see that if you travel across the country today. I was in one of the top girls' schools in my county over the weekend. The Principal and everybody else was saying they have converted libraries, labs and every other open space into dormitories. They have done that so as to enable the Government to hold onto the 100 per cent transition. It means that the issue we have at Mukumu Girls High School and other institutions is just a tip of the iceberg. We have a serious problem and the Government needs to wake up. It needs to fund those schools or we agree that we cannot take in more students. It is for the sake of their health and lives. We should not cram students in schools to the extent of those schools becoming time bombs. If you go to an institution where a dining hall is supposed to hold 500 boys or girls but the school presently hosts, say, 1,600 students, you will wonder how they eat. What kind of cooking facilities are used in such an environment?

This matter was is in the public domain. You have seen the kind of kitchen the school we are talking about has. The kitchen was built in the 1960s. This is something we need to cover. As the Departmental Committee on Education, we recommend that the Ministry comes out very clearly on how to curb this issue. When we were told there was an unknown disease in Butere, the Ministry of Health was not quite convincing even in this day and age of science and research.

Secondly, we need to come out and tell our officers in the field to take up inspection and check the quality of meals, living conditions and kitchens where students are. Toilets and all the other amenities should be checked. There are serious problems facing our learning institutions. We need to take it up. It is very sad.

**The Temporary Speaker** (Hon. Peter Kaluma): I would have added you a minute or two if you had requested, as the Chairperson for the Departmental Committee on Education. We thank you for your contribution because you have concluded.

Where is Hon. John Kaguchia, Member of Parliament for Mukurweini.

**Hon. Kaguchia John** (Mukurweini, UDA): Thank you, Hon. Temporary Speaker. I appreciate getting your attention once again this evening. I also had your interrogation the last time I had your attention. I hope the Temporary Speaker will not interrogate me today.

**The Temporary Speaker** (Hon. Peter Kaluma): Hon. Kaguchia, the Temporary Speaker only intervenes when it is a matter of national importance - like when I was asking questions to the Chairperson of the Departmental Committee on Education to know whether he has information about what killed our students. It was a critical question to him as the Chairperson of the relevant Committee.

**Hon. Kaguchia John** (Mukurweini, UDA): I like you because you are the most engaging Temporary Speaker in this Assembly. We appreciate that.

Once again, I rise due to the issue of public health concerns in our schools. That issue has caught us by surprise. I am not sure whether it is too much of a surprise because this problem has been building up. It has always been a time bomb. We, as a country, have ourselves to blame when we find ourselves in this situation.

Medics have identified that *Escherichia coli*, sometimes called *E.coli*, is the bacterium that has been affecting the young people. Medics have identified the other one affecting our children as *Salmonella typhi*. Doctors will tell you that those bacteria are mainly infections based on hygiene. I had a discussion with an Hon. Member earlier on, about the typhoid and cholera outbreaks. Those are diseases that are generally known to affect third world countries. They are as a result of poor hygiene conditions in schools.

I call your attention to the many policies that deal with public health in our schools. We have them in this country. We have a health policy on national schools. The Ministry of Health and the Ministry of Education developed it. We also have a Kenya School Health Policy. As recently as 2018, we had another school health policy that was also developed by the Ministry of Health and the Ministry of Education. No policies that we have developed have been implemented in our schools. For that reason, we find ourselves in a situation where our students are suffering because of errors of commission and omission by our administrators and ourselves. We may speak about death in our schools as something far-fetched or which is very far from us. Without giving many details, in recent times, we have also had Members in this Parliament admitted in hospitals with the disease, cholera. It is a fact and it happened recently. We are talking about students and yet, we are also affected in this House. It is because of sanitation.

Sometimes, we may blame it on congestion and infrastructure in our schools but, some of those issues are as a result of failure to follow laid down health procedures and codes of operations. It is a big problem. The Ministry of Health is supposed to conduct public health inspections in schools. This has now been domiciled in our county governments. Are they doing their work? The answer is no. We no longer have the inspections done. We no longer have impromptu inspections in our schools. That department has died a natural death. When we have those inspections, the inspectors who go to schools have their hands greased to look the other way. That is even when they find that issues of sanitation and hygiene are not carefully taken care of. It is high time we took action as an Assembly and ensured that there is implementation and enforcement of those rules.

**The Temporary Speaker** (Hon. Peter Kaluma): You will be given 30 more seconds.

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**Hon. Kaguchia John** (Mukurweini, UDA): Hon. Temporary Speaker, thank you very much for graciously giving me 30 seconds. I urge the National Assembly, through the Departmental Committees on Health and Education, to conduct proper investigation into those cases and the policies that have already been developed in the country. We do not need to develop new policies since we already have others in place. We have laws and the Act. The Departmental Committees on Education and Health should table a report in this House on what is being done and what should be done in our schools, so that we can avert such deaths in future.

Our children are dying not only from hygienic problems, but from accidents, mental health issues, suicide and corporal punishment in schools. We cannot watch our children die in schools as we sit in this honourable House without taking action.

Thank you, Hon. Temporary Speaker.

**The Temporary Speaker** (Hon. Peter Kaluma): Hon. Fatuma Jehow.

**Hon. Fatuma Jehow** (Wajir County, ODM): Thank you, Hon. Temporary Speaker, for giving me this opportunity to contribute.

*(Technical hitch)*

**The Temporary Speaker** (Hon. Peter Kaluma): There is no sound.

**Hon. Fatuma Jehow** (Wajir County, ODM): Is this better? Thank you, Hon. Temporary Speaker, for giving me this opportunity to contribute to this Motion of Adjournment to discuss matters of national importance. In this case, the matter is the outbreak of diseases in our schools.

First, I would like to pass my condolences to the parents who lost their kids in school. All of us here are parents. For one minute, I would like you to just imagine taking your kids to school when the term starts and to be called to come and collect their bodies. It is really sad. It is not something that we can imagine. In that regard, I would like to take this opportunity to ask the Cabinet Secretary for Health, together with the Cabinet Secretary for Education, to tell us what happened in those schools.

Today, we are talking about four or five schools. Within no time, we will be talking about all the schools in this country. I say that because all of us schooled within Kenya know all the issues that have been discussed here. People talked of un-cooked food. Everyone knows how many times we ate un-cooked *githeri* in high school.

**The Temporary Speaker** (Hon. Peter Kaluma): Is that Hon. Millie Odhiambo? Sorry! She has left the House.

**Hon. Fatuma Jehow** (Wajir County, ODM): Hon. Temporary Speaker, we talked about contaminated water. I heard you asking the other Member whether it was confirmed. I can confirm to you, with no iota of doubt, that the water that school-going kids take is contaminated. We all went through that. We know the kinds of shoes and coats that school food-handlers wore. It was not just once or twice that we drank tea and ate food that had cockroaches in it.

Members also talked about sanitation. If we were to just sample a school near Parliament today, there is no doubt that we will find evidence of poor sanitation. Whenever we visit schools in this country, we usually find one nurse. I want to tell the Cabinet Secretary for Health to upgrade the calibre of nurses or health centres that are found in high schools. They are not enough. They only dispense panadol tablets. I can assure you that if we had proper health centres in secondary schools, we could have avoided those deaths.

They say prevention is better than cure. There is no point of the Cabinet Secretaries visiting those schools and coming back at the end of the day without a report. What have they done? We

want a report on what happened and what has been done. I do not know whether it would be right to tell them to give us a report within the next one week. We have lost over five children and we cannot stand to lose more. As a parent, it is devastating.

I support the Motion. Thank you, Hon. Temporary Speaker.

**The Temporary Speaker** (Hon. Peter Kaluma): Thank you, Hon. Fatuma Jehow. Member for Elgeyo Marakwet County, Hon. Caroline Ng'elechei.

**Hon. Caroline Ng'elechei** (Elgeyo Marakwet County, Independent): Thank you, Hon. Temporary Speaker, for granting me this opportunity. First, I thank the Hon. Member for bringing the Motion of Adjournment. We are sad because when children suffer, it means that those with the responsibility of taking care of them have absconded their duty, in one way or another.

Lately, there have been very many issues in schools and I thank God that they are closing soon. There has been negligence in schools, especially boarding schools. Nowadays, many schools are focused on making money or having parents pay for issues of the welfare of teachers and non-teaching staff such that they forget to take care of the children. If there is an outbreak of a disease or something unknown, you find that it takes several days before it is communicated to the parents, who are responsible for their children. Why do schools take that long? It is because many schools are not what they appear to be. They just present a nice image. You might find that some of those schools do not have enough sanitation within their compounds. Some of those schools no longer use treated water. There is one school - which I cannot name - which does that. They use water from water tanks or fetch water from rivers, simply because they no longer pay water bills or they are tired of doing the same thing.

I appreciate the Chairperson of the Departmental Committee on Education because he is here. It is about time that we no longer rated schools in terms of bed capacity or the number of desks and classrooms that are available. You find that a school that is meant to accommodate 500 students is now accommodating between 1,000 to 1,500 students. Is that in the interest of education? No! It is in the interest of lining their pockets. How much will those students pay in terms of remedial classes? We are always being told by the Ministry of Education that parents should not be charged extra fees, but I know many Hon. Members in this House are parents in various schools...

**Hon. Omboko Milemba** (Emuhaya, ANC): On a point of order, Hon. Temporary Speaker.

**The Temporary Speaker** (Hon. Peter Kaluma): What is out of order, Hon. Omboko Milemba?

**Hon. Omboko Milemba** (Emuhaya, ANC): Thank you, Hon. Temporary Speaker. The matter we are dealing with is that of the deaths of our children. The Hon. Member is on her feet indicating that congestion in schools is courtesy of people lining their pockets. The 100 per cent transition from primary to secondary schools, as spoken about by the Chairperson of the Departmental Committee on Education, has completely stretched the limits of schools such that they are bursting at the beams. Is it in order for the Hon. Member to imagine that it is just teachers who want more student in schools and yet, the 100 per cent transition policy from primary to secondary schools has increased the enrolment of students in Sacred Heart Mukumu Girls High School from 900 to 2,800?

Thank you, Hon. Temporary Speaker.

**The Temporary Speaker** (Hon. Peter Kaluma): Hon. Ng'elechei, were you talking about private schools or public schools?

**Hon. Caroline Ng'elechei** (Elgeyo Marakwet County, Independent): Hon. Temporary Speaker, I wish he gave me enough time to finish my contribution, but as you know, once a teacher,

always a teacher. The Hon. Member was an activist for teachers and he would not like anyone to say anything bad about them. I am not castigating teachers *per se*.

**The Temporary Speaker** (Hon. Peter Kaluma): Hon. Omboko Milemba remains the Chairperson of the Kenya Union of Post Primary Education Teachers (KUPPET).

**Hon. Caroline Ng'elechei** (Elgeyo Marakwet County, Independent): I know.

**The Temporary Speaker** (Hon. Peter Kaluma): That is the union in charge of post primary teachers. Remember that in the tragedy we are talking about, a teacher also died. Were you talking about private schools or public schools?

**Hon. Carolyne Ng'elechei** (Elgeyo Marakwet County, Independent): Hon. Temporary Speaker, all of them.

**The Temporary Speaker** (Hon. Peter Kaluma): His point is that for public schools, the numbers are not about the teachers seeking them but because of the implementation of that policy. So, kindly clarify.

**Hon. Carolyne Ng'elechei** (Elgeyo Marakwet County, Independent): Thank you. You have wasted my time. I think you should add me more time.

**The Temporary Speaker** (Hon. Peter Kaluma): Hon Member, the Temporary Speaker will never waste your time. Make your contribution.

**Hon. Carolyne Ng'elechei** (Elgeyo Marakwet County, Independent): What I was trying to say before the Hon. Member diverted our attention is that some of those challenges emerge because of the over-population in schools. You will find that there is over-utilisation or the resources...

**The Temporary Speaker** (Hon. Peter Kaluma): Give her 30 seconds to conclude her contribution.

**Hon. Carolyne Ng'elechei** (Elgeyo Marakwet County, Independent): My point is that you will find a school which is supposed to accommodate 500 students is now having 1,500 students and being served by one nurse! Similarly, you will find that the volume of water in the school has not increased to correspond to the increased number of students in schools. The Ministry of Education should also work hard to increase the infrastructure in schools. We should not rush to increase the number of beds before we increase other important resources like sanitation. Hygiene of food and cleanliness in the kitchen are very crucial considerations.

I thank you, Hon. Temporary Speaker.

**The Temporary Speaker** (Hon. Peter Kaluma): Thank you. Next is Hon. Omboko Milemba, Member of Parliament for Emuhaya Constituency.

**Hon. Omboko Milemba** (Emuhaya, ANC): Thank you, Hon. Temporary Speaker. Let me begin by apologising. I had to make that point of order. I would like to send my condolences to the affected families and the school. The schools involved include Khasoko, Mukumu and Butere. By the time I left Western Kenya, there was a problem brewing in Chavakali. If you look at those schools, you will find that they are in the same region. All those are very old schools and they are generally boarding schools. This sends a signal of congestion that I just talked about. There must be a disconnect between the Ministry of Education and the Ministry of Health because within the Ministry of Education, we have the School Health Policy, which was revised in 2018. It is meant to stop water-borne and sanitation-related diseases from occurring in schools.

Secondly, that particular department has the task of collaborating with the line ministries and stakeholders to make sure that there is health and sanitation in our schools. Further, it is given the mandate of providing adequate capital both from the national and county governments to promote water supply to schools. It also has the mandate of training personnel, which I heard

somebody speaking about, to oversee the implementation of all those things. I must not forget that it further has the task of creating awareness in schools on the prudent management of water resources. This is where we have gone wrong. The disconnect between the Ministry of Education and the Ministry of Health is what has led to this problem.

I have heard one of the Members raise concern that, up to this point, we do not know the disease that caused the death of students in Mukumu Girls High School and all the other schools that have been affected. Until now, the Ministry of Health is not giving this country a daily update on their discovery of the reason for the deaths given that several students are still in hospitals. Yesterday, one of them was still on oxygen but the Ministry of Health is quiet.

The Ministry of Education has continuously pushed students to schools without expanding the facilities, as the Hon Member who spoke before me has said. We have not increased the supply of water and number of staff to Mukumu Girls High School, but we have made sure that there are more students in the boarding school. Boarding schools are being pushed to the threshold and are starting to burst or have already burst! This is just a tip of the iceberg of what we shall see. It is high time the Chairperson of the Departmental Committee on Education and Research, who is seated here called the Ministry of Education and any other stakeholder, including the Ministry of Health, to give a proper report. You do not intervene in the case of deaths of students by rushing to a school to sack the board and the school head. The Headteacher who was sacked is a teacher of Literature and English and she can only use this to interpret what happened in the Literature book: “*An Enemy of the People*”, where Dr. Stockman realises that there is dirt in water but the people cannot see. It was not necessary to sack the school head and harass the board. The real problem lies with the Ministry of Education and the Ministry of Health. They should in fact reinstate that principal and go for the real reason why we are losing our students.

Finally, the boarding schools menace must be addressed because we will continue having those challenges which arise because of congestion. We need to decongest those schools.

**The Temporary Speaker** (Hon. Peter Kaluma): Thank you, Hon. Omboko Milemba. Next is Hon. Martin Owino, Member for Ndhiwa.

**Hon. Martin Owino** (Ndhiwa, ODM): Thank you, Hon Temporary Speaker. At the outset, I support this Motion and thank Hon. Tindi Mwale for bringing it up. As a public health specialist and a Member of the Departmental Committee on Health, I am really saddened by what is going on. From Independence, we had three things which we were to relieve our citizens of: Disease, illiteracy and poverty. Unfortunately, we have added two more, which are: Corruption and tribalism. So, they are now five of them. I want to castigate the Department of Public Health. A Member said here that we have too many policies and regulations, but nobody is implementing them to the letter so that we can save our children. To bring a child up to that level and lose him or her is tragic. The underlying factors are public health issues like provision of basic needs like water, shelter, sanitation and other things that have been mentioned here.

Over-crowding in our schools is a public health offence. You only need to read Cap 242 of the Laws of Kenya which addresses that matter. Health officers and technicians should have taken action by closing down schools which are over-crowded. Saying that the 100 per cent transition to secondary school is the cause of disease outbreak does not arise. We have laws and policies to wake up the Government which is sleeping. Food preparation and food handlers’ routine checks are a must because that is where all the diseases like cholera, typhoid, *E. coli* and *Salmonella Typhi* come from. If schools are checked routinely and certificates issued, then we can surely prevent occurrence of infections.

Initially, before and soon after Independence, we used to have matrons and nurses in schools, but that practice died. There was a provision that each sub-location should have a dispensary and a health centre fully equipped to quickly isolate and deal with all the pathogens that we have mentioned today. That also subsided. I appeal to health departments in the county governments to screen children before releasing them to the community. If that is not done, we risk the transfer of pathogens to other family members and friends. When things fail and diseases come in, there is a standard public health approach on how to do things. One, is immediate response. Now that brings in the Ministry of Roads to ease evacuation. All our schools must be connected with better roads if evacuation is to be achieved.

Two, in medicine, there is a language that says even if you are doing triaging, you have to stable a patient. They should not have closed the school and released students to transfer pathogens to other areas. You have to stable a patient. Even if it means putting up a field hospital, you have to do it. That did not happen. So, county governments and national Government should be responsible for disease surveillance so that they know the trend of diseases and warn entities accordingly.

Lastly, this disease has not affected health only. It will also affect the education outcome. What will become of students who are traumatised because of the loss of other students and are suffering post-traumatic stress disorder (PTSD)? When they come back to school, their performance scores will be low. So, we are dealing with a crisis.

My time is gone. The Ministry of Health and the county governments must be called to action. As a Member of the Departmental Committee on Health, we need to have an inter-sectoral kind of arrangement with the Departmental Committee on Education and Research and address this matter.

Thank you.

**The Temporary Speaker** (Hon. Peter Kaluma): Thank you, Hon. Martin Owino Peters. Hon. Beatrice Kemei, Member of Parliament for Kericho County.

**Hon. Beatrice Kemei** (Kericho County, UDA): Thank you, Hon. Temporary Speaker for giving me this chance to contribute and support the Motion of Adjournment to discuss this very important issue concerning the education sector and, more so, our children in schools. I want to thank the Member who brought this Motion.

To start with, I want to join the Members of the National Assembly and other people, especially teachers and parents, in mourning the students and the teacher that we lost in line of duty. It is very sad and unfortunate. Having been a teacher and being in the sector for 20 years, I empathise with the teaching fraternity. I convey my message of condolence to the bereaved families.

What is the cause of the death of the dear students and the teacher? Was it contaminated food, water or something that is unknown? I want us to take this matter seriously. The Ministry of Education, together with the Ministry of Health, especially the Department of Public Health, should come out strongly and give us a report on the real cause of the deaths. It has taken long. It is now two weeks down the line and we are still waiting and wondering what caused the deaths. As it has been rightly put by the Chair of the Departmental Committee on Education and Research and other Members, we are waiting for the report on the cause of those deaths. However, from the preliminary reports, contaminated water and food is the cause. That should be prevented.

The infrastructural facilities in our schools are limited. We appreciate the Ministry of Education policy on 100 per cent transition of pupils. It has positive impact to our students and the society. However, the negative impact it has on infrastructure is one of causes of contamination of

food and poor sanitation. I am very particular with sanitation when it comes to girls. I am trying to comprehend where they dispose their used sanitary pads. The Ministry should look at how sanitation is maintained. We have quality assurance officers. I do not know how many times they go around to check on the state of those schools. This is a wake-up call. This does not only affect the schools in Kakamega but also all of us. Therefore, the Ministry should come out strong on this.

I want to ask all of us who are parents that, as our children come home when they close schools, let us deworm them and take them for check-up and screening so that if they have the same issue, it can be sorted out.

Accidents on our roads is another problem that we have. I plead with road users to be careful, especially with our children. I want to ask school administrators and teachers not to delay reporting whenever there is an issue in their schools and when it comes to...

**The Temporary Speaker** (Hon. Peter Kaluma): Give the Member 15 seconds to wind up.

**Hon. Beatrice Kemei** (Kericho County, UDA): Thank you, Hon. Temporary Speaker. I was putting a cross the point that school principals and teachers should not downplay issues of health. Sometimes, they imagine that students are faking sickness because they want to be in the sickbay or go home. That is why teachers, at times, take long to act. I want to ask them not to take chances. This is serious. It is a matter of life and death and when it happens, it is the teachers and parents who feel the pain.

Thank you.

**The Temporary Speaker** (Hon. Peter Kaluma): The Member of Parliament for Dagoreti North. The chance will pass.

Hon. (Dr.) Naomi Waqo, Member of Parliament for Marsabit County and the Deputy Majority Leader.

**Hon. Naomi Waqo** (Marsabit County UDA): Thank you, Hon. Temporary Speaker for giving me this opportunity to make my contribution to this Motion of Adjournment. I also appreciate the Hon. Member who brought it to this House. It is unfortunate that we are discussing this matter. Before I proceed, I want to condole with the parents and families affected because I know some students lost their lives. We also lost a teacher in this whole thing. I also know that there are students who were hospitalised and their parents are struggling with them. I wish them quick recovery as we condole with the parents who lost their loved ones.

It is unfortunate that in today's world, at this particular time, as a country, we are experiencing such a thing in our boarding schools. This clearly says something about the quality of services in schools and what happens there. Some years ago, we over-crowded our public schools and the private schools grew. Anybody who could afford to pay for a private school took their child to private schools where they could get quality education. Unfortunately, our public schools remain crowded with poor facilities. Teachers are not motivated and performance has gone down. Today, we all know that in all our public secondary schools, especially boarding schools, the quality of services and infrastructure are poor. You do not want to imagine what students go through. We know very well that students are suffering and there is nothing much they can do. Of course, with the competition and the few spaces that are there, parents have to take their children to the available spaces. It is unfortunate that we are talking about this today. I urge the Ministry of Education to give this matter the proper attention it deserves and see how best we can improve.

Students are going home for two weeks when schools close. While they are at home, it is high time the management and the Ministry saw how best those facilities can be improved. When we were growing up, public health officers used to inspect all the schools. It is high time that was done. These days, people practice corruption everywhere and some can even do fake reports

without visiting the schools. It is high time the people concerned undertook inspection and gave necessary reports so that any improvement that needs to be carried out can be done.

Cooks and those people who serve our students in boarding schools should also go for medical check-ups. They need to be in good health too. We also know very well that we have service providers such as the people who supply food. The quality of food supplied should also be tested and some standards put in place so that we are sure of what our children are eating.

We have also noted that we are losing our students through accidents. Great care has to be taken. Many things need to be put in place in terms of the vehicles that are used and the drivers that are employed. All that has to be put in place. I know my time is up.

**The Temporary Speaker** (Hon. Peter Kaluma): Hon. Mugambi Rindikiri.

**Hon. Mugambi Rindikiri** (Buuri, UDA): Thank you, Hon. Temporary Speaker, for giving me this opportunity.

First, I want to thank the Mover, our colleague, Hon. Tindi Mwale, for bringing this Motion. At the same time, I want to send my sincere condolences to all the parents, schools and classmates of all the children who have passed on. I am not going to spend a lot of time. I just want to ask a few questions, but I do not need answers. Who is to blame? We have talked about the relationship between the Ministry of Education and the Ministry of Health, but I think there is another problem.

Teachers are falling victims of those failures. There is a problem of school management because of the tug-of-war between the Ministry of Education and the Teachers Service Commission (TSC). Long ago, we used to have school inspectors. It was a team from the Ministry of Health and the Ministry of Education. That inspectorate unit died and nobody seems to have taken care of it. When we talk about negligence, there is a war between the teachers, the principal or the headteacher, and the Ministry of Education. The Ministry of Education is in charge of the management of schools, but whenever they point out a problem in schools, the TSC is quick to come to the defence of the teachers and *vice-versa*. That is where the problem starts.

We have spoken about sanitation. In this era, it is very unfortunate to note that many washrooms in our schools are still pit latrines. You will end up with percolation of water from the toilet to the main supply of water, either on the stream or the broken pipes.

Hon. Temporary Speaker, we need a lot of fumigation in our schools. We saw a lot of it taking place during the COVID-19 times, but it died. That is where we started losing some fight against some diseases. We need a continuous medical examination for our children, teachers and support staff. If we want to arrest the situation right now, this is very important. We need more money put into our educational institutions. I always say this without fear of contradiction. For the last 10 years, the Government has spent a lot of time developing road infrastructure and other infrastructures, but spent very limited resources in our schools.

At this point, it is high time some schools were divided into different sub-schools within the same institution, so that we do not strain only one person managing 200 or 500 students. We have now increased the number to 1,500. It is very unfair to target that principal or teacher. We need to re-look at the capacity of that person in a crowded environment. What are we doing? What are we saying? We, as a Government, are letting the school management down. We must come up with a policy to say the number of pupils or students every principal or head teacher must manage. It is also not good to continue bashing our teachers. I propose that we have mobile clinics for every sub-county to take care of our medical requirement for our pupils. We should also allow registration of more schools because it is very important. We have been preventing building of more schools and it is now becoming a problem.

You realise that we have no sporting facilities. We have children crowded in classrooms without ventilation. Those pupils have no space to go and play, enjoy themselves and build up their bodies. We are dealing with a population of people and students who are not healthy. It means, therefore, we need to really look at sporting requirements. If some of those guys are healthy and engaging in sports, they might not be...

*(The Temporary Speaker (Hon. Peter Kaluma) spoke off-record)*

**Hon. Duncan Mathenge** (Nyeri Town, UDA): Thank you, Hon. Temporary Speaker for giving me this opportunity to contribute. I want to thank our colleague, Hon. Tindi Mwale, for moving this Motion. A visit to most of our institutions will reveal that the number of sanitation facilities available for our students in schools are highly out-matched by the numbers. Virtually in every institution, the sanitation facilities are inadequate.

In terms of quality standards in our schools, the public health officers rarely visit our schools and yet, the Ministry of Education has a Quality Assurance Department that is staffed with officers. They only collect money when they visit the principals of the schools. Therefore, they keep glossing over glaring inefficiencies and inadequacies in our institutions. This crisis, unfortunate as it is, should serve as a wake-up call. It is time that we have a taskforce that will go round our schools and inspect the facilities that are available in terms of boarding, sanitation and classroom sizes versus the number of students. There is a scramble by school administrators to attract many students to their institutions without looking at the available infrastructure in competition for capitation from the Ministry of Education.

Most dining halls in schools have a characteristic smell that informs of the sub-optimal hygienic conditions in the institutions. There is a crave to convert existing schools into boarding schools. Most schools are in the new business of providing food and yet, there is no coherent policy on food purchase, storage, preparation, standards for kitchens and all food handlers. Areas where the utensils that the students use are completely unhygienic and a fertile ground for disease manifestation. If you go to the school clinics and conduct an inspection of drug catalogue, you will find that there is a very high turnover of medication associated with stomach upsets, diarrhoea, hyperacidity and food poisoning. The red flag has been with us for some time. This unfortunate crisis must serve as a wake-up call for all of us to act.

I thank our colleague for this Motion. I urge this House to go beyond the talk and passing of Motions. We passed a motion on a policy of feeding in schools and yet, nothing happened. Now this crisis is with us. This House must become more forceful in terms of legislation.

I thank you, Hon. Temporary Speaker, for the kind of guidance that you give us young legislators.

**The Temporary Speaker** (Hon. Peter Kaluma): Member for Samburu East, Hon. Jackson Lekumontare.

**Hon. Jackson Lekumontare** (Samburu East, KANU): Thank you, Hon. Temporary Speaker, for giving me this chance. First, I condole with the family of the students and the teacher we lost. Many issues have been raised. Schools have serious issues. We cannot ignore the issue of infrastructure in schools. Almost all schools have a very big number of students due to the 100 per cent transition policy. I remember a time the Cabinet Secretary for Education was telling school principals: "I want you to admit all of them; put them in a tent and tell me that they are there." This issue has been there. Principals and teachers are really trying. I sympathise with the Principal

and members of the Board of Management who were chased away by the Cabinet Secretary. I watched the Principal at a burial of one of his students. He said: "If it were possible for me to give my life to my daughters, I would." That is not the right person to be targeted. The Ministry of Education should wake up. If they are really serious about the 100 per cent transition policy, then they have to support Members of Parliament in funding schools.

Schools are very few in some of the constituencies and students have no other options to choose from. Therefore, in a bid to support them further their education, we have to accommodate them in those few schools. In some areas, parents are not able to pay school fees. Therefore, the issue of school fees is not there. I think we need to focus on congestion, facilities, sanitation and all the other important issues. The Ministry of Education has a huge budget allocation and, therefore, it needs to come and support those schools if at all we have to help those students. It is very embarrassing that we are losing young lives and a Cabinet Secretary just decides to deal with the Board and the school Principal without solving the problem.

Hon. Temporary Speaker, I support this Motion. We have to work together.

Thank you.

**The Temporary Speaker:** Hon. Mary Emaase.

**Hon. Mary Emaase** (Teso South, UDA): Thank you, Hon. Temporary Speaker, for giving me this opportunity to contribute to this Adjournment Motion as a matter of national concern. When we bid our children farewell with a hug and love in the morning, we hope that school is a safe place for them. When you send your child to a boarding school, it is our hope, belief and trust that, that is the safest place for them. Whatever is happening in Mukumu is sad and very painful. I think it is a wake-up call to the Ministries of Health and Education and to the leaders. It is just a symptom or a warning of something bigger brewing and waiting to explode. I want to agree with the Members who have alluded to over-crowding in our schools. There is serious over-enrolment which automatically compromises the quality of many things such as health and sanitation, which have deteriorated in a number of those schools.

I want to differ with the argument that over-crowding in those schools has been caused by the 100 per cent transition or the need for more schools. This is because there is an unending appetite in some of the schools in the country to continue to over-enrol even in circumstances where there is inadequate capacity to accommodate those students. There are three-decker beds in some dormitories. When disaster strikes, the damage is bigger, immense and more painful. Most of those schools over-enrol to attract capitation from the Ministry as a result of more numbers. Some of those schools over-enrol because of a fallacy that they are doing better in performance even when we know that some of them are practicing exam cheating. So, you will find more parents preferring to take their children to that school and yet, it is not even the best.

Hon. Temporary Speaker, in my constituency, there are very good schools with very good facilities but, if you visit them, you will be surprised because the population is not even a quarter of the full capacity of that school. This is because of the perception that school A is doing better and, therefore, most parents opt to take their children there. This leads to over-crowding.

This is a matter that the Ministry of Education must take seriously. It needs to carry out an audit, do a report and see how to rationalise and improve performance in other schools so that we can spread and address the over-crowding issue. That takes me to the question of standards and I want to state that this country is not in short supply of standard legislation or policy. The problem is in enrolment. In the case of Mukumu, I want to say someone slept on the job. Do they care what the source of the water is? Do they care if the borehole water is tested? Do they care where the

food is coming from? Do they care whether the chefs are trained or untrained? Basically, something has to be done about enforcement so that we have standards enforced and maintained.

*(Hon. Mary Emaase's microphone went off)*

**The Temporary Speaker** (Hon. Peter Kaluma): You have 10 seconds only. We have very many Members waiting to contribute. I request Members on the Floor to use three minutes or less.

**Hon. Mary Emaase** (Teso South, UDA): Thank you, Hon. Temporary Speaker. In conclusion, this takes me to the issue of the hospitals. How well-equipped are our hospitals? How prepared are they to deal with issues of calamities and emergencies like what happened at Mukumu Girls High School? If this issue was addressed fast enough, then we would have saved the lives of the students at Mukumu Girls' High School.

Again, the Ministry of Health should ensure that in every sub-county or nearby schools, we have a well-equipped hospital with nurses, medicine and laboratories. This is so that we address these issues with the urgency that they deserve in future.

Thank you, Hon. Temporary Speaker for the opportunity.

**The Temporary Speaker** (Hon. Peter Kaluma): Hon. Members, if you can, please, use less than three minutes. Hon. Dorothy Ikiara.

**Hon. Dorothy Muthoni** (Nominated, UDA): Thank you, Hon. Temporary Speaker for giving me an opportunity to contribute to this very important intervention. I rise to support this Motion this evening as much as it is a time of crisis.

Before I do that, allow me to join the families of the departed souls. I condole with the families of the students who have lost their lives. I also condole with the family of the teacher who lost her life in line of duty.

Hon. Temporary Speaker, it is quite interesting to debate a crisis after it has happened. It perturbs me more when I see the Cabinet Secretary for Education going to Mukumu Girls High School in person, whereas it is his responsibility to tour all the schools and know how schools are run. It is the norm that we are very good in being reactive when issues happen instead of being proactive. Members of this House have raised issues on enrollment, congestion and over-population in schools. It is not the responsibility of any headteacher or principal to over-crowd a school. The school enrollment is done at the Ministry of Education.

*(Applause)*

The Ministry is in-charge of the statistics. It is the Ministry that should know that a certain school is over-crowded. It is the same Ministry that is in-charge of infrastructure. When a crisis like this happens, one wonders who then is to blame. It is unfortunate that we are talking when we still have students in hospitals struggling and fighting for their lives. Other than saying that he has sacked a principal, what is the Cabinet Secretary for Education doing? Now that schools will close in two weeks' time, what measures is he putting in place to ensure that all schools are safe in May?

The Ministry of Health has programmes where everyone can be immunised against certain diseases like cholera. I imagine that the Cabinet Secretary for Education should now be looking for the Ministry of Health so that all students are immunised against cholera before schools open. I am sure we cannot do infrastructure in the coming two weeks.

I support this Motion.

**The Temporary Speaker** (Hon. Peter Kaluma): Member for Taita Taveta, Hon. Lydia Mizighi.

**Hon. Haika Mizighi** (Taita Taveta County, UDA): Thank you, Hon. Temporary Speaker for giving me an opportunity to add my voice to this very important adjournment Motion.

I also want to appreciate Hon. Tindi for bringing it. I want to begin by sending my condolences to the family and friends of the departed souls. It is very unfortunate that, as a country, we are in a very sad state of affairs. You can send your child to school to learn and he comes back in a coffin. It is very scary and worrying. The Kenyan parents are worried about such kind of situation.

A lot has been said regarding this case. We have heard of food poisoning, water and sanitation. We have policies on sanitation and hygiene in our schools. The biggest problem that we have is implementation. If all the policies can be implemented, such kind of situations can be avoided in our schools. Today, we are speaking of two, three or four schools. If we are not careful and we do not make the necessary follow-ups that are supposed to be done in our schools, this situation can escalate. When we were in school, we used to have frequent inspections. What happened to them? Where did they disappear to? There are people who are sleeping on the job and they need to wake up from that slumberland. We, as a country, cannot continue to lose our children in school because of people who are not doing their jobs.

I really appreciate that Hon. Tindi has brought this Motion for Adjournment so that we can discuss such kind of a situation. As schools close, we want to see action. We want to see our schools being cleaned, inspected and the Ministry of Health and Ministry of Education moving with speed to make sure that our schools are safe for our children.

Thank you, Hon. Temporary Speaker, for giving me this opportunity to add my voice to this Motion.

**The Temporary Speaker** (Hon. Peter Kaluma): Hon. John Waluke.

**Hon. John Koyi** (Sirisia, JP): Thank you, Hon. Temporary Speaker, for giving me this chance to contribute to this Motion.

First, I want to thank Hon. Tindi Mwale for bringing up this Motion, which I have risen to support. Health officers are sleeping on their jobs. As we speak today, they have not told the country the problem that affected those schools.

Before I continue, I want to pass my condolences to the families that were affected. Sorry for losing their loved ones. Sometimes, people in this country earn money for not working.

The Cabinet Secretary for Health needs to mobilise all doctors in this country to visit the seven schools that have been mentioned adversely with regard to disease outbreak, although they have not mentioned the exact disease itself. That shows the weakness of the public health officers concerned. When something like that happens, the Government takes too long to announce to its citizens that such a problem is there. Closing the schools means we are taking the diseases to all over the country. Students come from all over the country. The students need to be treated. Their blood samples need to be tested to know what kind of disease this was. Is it a case of food poisoning that is caused by aflatoxins? I always visit schools in my constituency and, sometimes, I meet very dirty cooks. That is how we get our students into some of those problems.

With those few remarks, Hon. Temporary Speaker, I support this Motion and thank Hon. Tindi Mwale for raising it. Thank you.

**The Temporary Speaker** (Hon. Peter Kaluma): Member for West Mugirango, Hon Stephen Mogaka.

**Hon. Stephen Mogaka** (West Mugirango, JP): Thank you very much, Hon. Temporary Speaker, for giving me this opportunity. I thank Hon. Tindi Mwale for moving this very important Adjournment Motion. I join my colleagues in paying tribute to the departed young souls and educators at Mukumu Girls High School and the rest of the *Mulembe* nation.

This is a very emotive moment. When a parent takes a child to school, that is their investment and future. A disaster of this magnitude striking at a public school is a wake-up call for all citizens, particularly those of us in leadership. It is because education is a core business of a parliamentarian. I thank the Cabinet Secretary for Education for flying there. I distance myself from my colleagues who are vilifying the Cabinet Secretary. He is not a medic. Our children did not die of an overdose of education, but because of substances that they took into their mouths. It is a health issue rather than an education issue. We must be worried as a nation if two weeks later, we do not have a diagnosis or a pathological report showing the cause of death of our angels at Mukumu. Who knows? It started in one school, it is spreading to others, and it might end up being a national disaster. Thank God the schools are just closing, but that is not a panacea. As a nation, we should be able to use flying doctors and send the best medics in town to go and establish the root cause of that problem and proactively manage it before it finishes a whole generation.

On behalf of the people of West Mugirango, I condole with parents who have lost their children. I condole with the teachers – and father was one - because we have lost one of them. Truly, this is not a moment to blame one another, but a moment to sit, reflect and find solutions to save our children.

I thank you, Hon. Temporary Speaker.

**The Temporary Speaker** (Hon. Peter Kaluma): Hon. Mwashako.

**Hon. Dan Mwashako** (Wundanyi, WDM): Ahsante, Mhe. Spika wa Muda. Nitasema machache sana. Kwanza ninatoa pole zangu kwa familia zilizopoteza wanafunzi na mwalimu. Mimi kama mzazi, ningependa kusema kwamba Serikali ina jukumu kubwa la kuchunga watoto wetu wakiwa shuleni. Haitakuwa vyema wakati wa mitihani tunaona Mawaziri wakikimbia kila mahali wakifuatilia mitihani isiibiwe ama kufanyiwa vibaya. Lakini suala hili la afya lazima Serikali ilivalie njuga na kuangaliwa kwamba Mawaziri wanaohusika wa afya na elimu, wanatembea kwa shule zetu zote na kuangalia ni vipi wanafunzi wanaishi katika mabweni, na pia kuangalia kama wana *facilities* za kutosha ili janga kama hili lisitokee tena.

Mhe. Spika wa Muda, nikimalizia, tumepoteza watoto wetu katika ajali za barabara na mambo tofauti. Tunakataa shetani huyu wa kupoteza watoto wakiwa shuleni. Kwa hivyo, Serikali lazima itupatie ripoti kamili. Je shule zetu ziko vipi?

Nakushukuru Mhe. Spika wa Muda.

**The Temporary Speaker** (Hon. Peter Kaluma): Hon. Lilian Gogo.

**Hon. (Dr) Lilian Gogo** (Rangwe, ODM): Thank you, Hon. Temporary Speaker. Allow me on behalf of the great people of Rangwe, to empathise and condole with the families who have lost their beloved ones - their children and the teacher. It takes too much to train only one teacher. The country has put too much to train a teacher. Teachers make us who we are and when we lose them through the food they eat, it is really painful.

I want to contribute to this matter as a food scientist because this is entirely food science and it entails concepts of food safety management systems. There are already established food safety management systems that can be used and adopted by the Ministry. Before any school is allowed to offer food, they should show how they will manage the safety of the food that they give the children. We have basic food management systems and the cheapest and oldest is good manufacturing practice; otherwise called good hygienic practice. It is just putting basic hygiene to

the processing and management of food. Raw foods are put separately and so are cooked foods. This is so that you can have safe food. Looking at the hygiene of the food workers in the school system, I believe this can be adopted.

We have what we call HACCP system of food safety management. This is Hazard Analysis and Critical Control Points concept. This is a more modern food safety management system that was brought in the early 1960s. We could adopt this and save our children from dying. We have the ISO 22000:2018. We had a 2015 version but right now we are practising the 2018 version. If this basics of food management systems are adopted, then we could have our children put to safety especially with the food that they eat.

Who is to blame? The Members have already mentioned who is to blame: the management system and others. I want to say the persons to be blamed over the death of our children in school are these Members of Parliament, especially from the 290 constituencies. They are endowed with money and can build good infrastructure for our headteachers to manage the safety of our foods. Members, I want to ask this: Why should we not build dining halls and modern kitchens for use in our schools?

Hon. Temporary Speaker, time is not on my side, but I pass my condolences to those families. Long live Kenya! Long live our schools! Long live our school principals! I pray, Oh God, that you may condole and help the families that are bereaved.

Thank you Temporary Speaker and grandson of the great Rangwe Constituency, Hon. Kaluma.

**The Temporary Speaker** (Hon. Peter Kaluma): Hon. Gitonga.

**Hon. Gitonga Mukunji** (Manyatta, UDA): Thank you, Hon. Temporary Speaker. I also want to support this Motion by Hon. Tindi Mwale. Without wasting anytime, I want to first pass my condolences to the families of those who have lost their lives; the young angels and the teacher.

It is during President Kibaki's time that we had the biggest education epiphany in this country: day secondary schools and also the Free Primary Education. Since then, this country has gambled and done less in our education system to an extent where today everything looks confused.

I want to appeal to the 13<sup>th</sup> Parliament to try to bring in line our education sector. I know many people are saying that this Parliament cannot achieve much. I have heard people today saying that they cannot trust this Parliament. However, together with many Members, we are willing to go that extra mile to correct any wrongs that have been done. I want to say that whatever is happening right now in our education system is because we have failed in the policy implementation from this House and elsewhere.

On the issue of feeding, I want to call upon the Ministry of Education to ensure that food is safe. I also want to call upon people to invest in technology to ensure that they taste any food in schools before kids are given to eat. There are many gadgets out there that are very cheap. We can invest in them so that they can be used...

**The Temporary Speaker** (Hon. Peter Kaluma): Hon. Beatrice Elachi. Three minutes only!

**Hon. Beatrice Elachi** (Dagoretti North, ODM): Thank you, Hon. Temporary Speaker.

I also stand to send my condolences to the families of the girls and teacher of Mukumu Girls High School. My take home is that it is, indeed, our responsibility to look after our schools. As an institution, we have been building the schools. It is time to look at whether any schools still have asbestos roofing and remove them because they are poisonous. Those are old schools that were best schools and we only need to have new roofing. We need to see where they get their

water and look at the food that could have aflatoxin. All the signs that are exhibited by those girls show that it was either food or water.

More importantly and going forward, it is time the Ministry of Health gave their findings to the parents. This is because this issue that children are just in hospital with failed organs is going to bring us another problem. It is fair enough that before the bereaved parents bury their children, they know what killed them. I want to plead with the Ministry of Health to avoid putting parents in anxiety. They already lost their loved ones and investments of many years.

With those few remarks, I beg that this House goes to every school. We should see the last time they washed their tanks and look at whatever is happening in the kitchen. They might be staying with rats and cockroaches and yet, we are just here.

Thank you, Hon. Temporary Speaker.

**The Temporary Speaker** (Hon. Peter Kaluma): Thank you very much, Hon. Beatrice Elachi.

Hon. Bisau Kakai.

**Hon. Bisau Kakai** (Kiminini, DAP-K): Thank you, Hon. Temporary Speaker. On behalf of the Kiminini people, I would like to send our condolences to Mukumu Girls for those losses. Indeed, there are lots of challenges like infrastructural deficits that we continue to see even in my own backyard. One of the reasons is the minimal budgets from the Ministry of Education.

Today, most institutions just do quick fixes. You find makeshift kitchens, dormitories and dining halls. There are even those that do not have sufficient space for all the students. During this rainy season, you will find that there are kids that do not even have a place to feed. Purposeful planning is not possible because of the limited budgets that we have. This is just the beginning. This trend will continue because the population is increasing and yet, our infrastructure is very poor. There are improper designs. Further, the buildings and compound layout are completely not acceptable. Lack of basic amenities like lavatories and water continues to haunt those schools.

To conclude, how I wish we ensured that we have standardised designs with maximum number of kids to be accommodated. Today, we continue to see principals admitting more kids and yet, the facilities are unavailable. It is because of the pressure based on the population in those areas.

Secondly, scheduled inspections of all institutions should be included in calendars so that inspections are done on a quarterly basis. Most importantly is to ensure there is a medic in every institution or sub-county to handle those cases.

**The Temporary Speaker** (Hon. Peter Kaluma): Order, Hon. Members. I hope we will pick up from the points raised on the Motion and have Parliament very constructively resolve the tragedy that befell our students and a teacher. On behalf of the Hon. Speaker, I join the House in condoling the families that lost loved ones in respect of both our students and the teachers who should be training the students.

## ADJOURNMENT

**The Temporary Speaker** (Hon. Peter Kaluma): Hon. Members, the time being 7.05 p.m., the House stands adjourned until Wednesday, 19<sup>th</sup> April 2023, at 9.30 a.m.

The House rose at 7.05 p.m.

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