

PARLIAMENT OF KENYA

THE SENATE

THE HANSARD

Tuesday, 13th June, 2023

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

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

PRAYER

DETERMINATION OF QUORUM AT
COMMENCEMENT OF SITTING

The Speaker (Hon. Kingi): Clerk, do we have quorum?

(The Clerk-at-the-Table consulted the Speaker)

Serjeant-at-Arms, kindly ring the Quorum Bell for 10 minutes.

(The Quorum Bell was rung)

(Several Senators walked into the Chamber)

The Speaker (Hon. Kingi): Serjeant-at-Arms, I am informed that we do have quorum now. So, you may stop ringing the Bell.

Clerk, please call the first Order.

MESSAGE FROM UASIN GISHU COUNTY ASSEMBLY

CONFERMENT OF CITY STATUS TO THE
MUNICIPALITY OF ELDORET

The Speaker (Hon. Kingi): Hon. Senators, I wish to report to the Senate that, the Clerk of the Senate, pursuant to Standing Order No.48(3) and (5) received a Message from the Clerk of Uasin Gishu County Assembly.

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The Message dated, Tuesday 29th May, 2023 communicates a resolution by the County Assembly to the effect that, the County Assembly adopted the report of the joint Committee on Lands, Physical Planning, Housing and Urban Development on the *Ad Hoc* Committee Report on the conferment of city status to the Municipality of Eldoret dated 23rd May, 2023.

Hon. Senators, with regard to application for conferment of city status, Section 8 of the Urban Areas and Cities Act 2021 provides as follows-

(1) the Board of Municipality may, upon a resolution apply to the County Executive Committee for consideration for the conferment of city status;

(2) where the executive Committee approves the application, the County Governor shall constitute an *Ad Hoc* Committee to consider the recommendation and advise as appropriate;

(3) the *Ad Hoc* Committee shall comprise of relevant professionals in good standing, nominated by the following institutions taking account of regional, ethnic and gender diversity and representation of persons with disability;

(a) The Institution of Surveyors of Kenya

(b) The Kenya Institute of Planners

(c) The Architectural Association of Kenya

(d) The law Society of Kenya

(e) The Association of Urban Areas and Cities

(f) The Institute of Certified Public Accountants of Kenya

(g) The Business Community.

(4) where the *Ad Hoc* Committee under Section 2 determines the municipality under review meets the requisite criteria for classification as a city, the County Governor shall transmit the recommendation to the County Assembly for approval;

(5) where the County Assembly approves the recommendation for conferment of city status to a municipality, under this Section, the Clerk of the County Assembly shall transmit the resolution to the Senate for consideration; and,

(6) where the senate approves the recommendation, the Clerk of the Senate shall forward the resolution to the President for the conferment of city status on the municipality.

Hon. Senators, attached to the resolution of the County Assembly of Uasin Gishu, is the *Ad hoc* Committee Report on the conferment of city status to the Municipality of Eldoret as prepared by the Uasin Gishu County Executive.

Hon. Senators, pursuant to Standing Order No. 48 (7), which states that-

When a Message from a County Assembly is reported, the Message shall be deemed to have been laid before the Senate, and the Speaker may-

(a) Direct that the Message be dealt with forthwith.

(b) Appoint a day for the consideration of the Message

(c) Refer the Message to the relevant Committee of the Senate for consideration.

Hon. Senators, in this regard, I refer the resolution by the Uasin Gishu County Assembly to the Standing Committee on Devolution and Intergovernmental Relations for consideration. I further direct that the Committee expedites the matter and table its report for consideration by the Senate.

I thank you.

(Applause)

PETITION

DESTRUCTION OF SIANY WETLAND IN NYAMIRA COUNTY

Hon. Senators, I hereby report to the Senate, that a Petition has been submitted through the Clerk, by Siany residents of Misambi Sub location in Nyamira County, concerning the destruction of Siany Wetland.

As you are aware, under Article 119 of the Constitution, and I quote:

“Every person has a right to petition Parliament to consider any matter within its authority, including enacting, amending, or repealing any legislation.”

Hon. Senators, the salient issues raised in the said Petition are as follows-

THAT, Siany Wetland is a community land situated in Misambi Sub- location in Nyamira County. It is registered as a common grazing area under the Gusii County Council and is a major water catchment area in the region. It is also a source of several water springs, which are sources of fresh, clean and safe water for the community.

THAT, the water springs on the wetland come together to form Konyando Water Stream which drains into the Awach River, whose waters are being used by the larger community, including schools and health facilities. However, the water sources have now been polluted, contaminated with waste material due to human activities, which poses a great risk to the health of the residents.

THAT, the degradation of the wetland is being carried out through activities of the Kenya Prison Service and a section of community members. Through the cultivation and construction of structures, there is a primary school on the land.

THAT, the destruction of the wetland was brought to the attention of the National Environment Management Authority (NEMA), Water Resources Management Authority (WARMA) and the Ministry of Environment in the year 2010. Subsequently, NEMA gave orders for the stoppage of construction of structures on the land and issued an environmental restoration order in the same year.

THAT, the Kenya Prison Service is currently carrying out renovation and completion of buildings on the wetland despite the order issued by NEMA for stoppage of Construction.

THAT, the Kenya Prison Service has been on the wetland for 14 years, with the main activity being cultivation. This has led to loss of Indigenous trees and the drying up of water springs.

THAT, the country is currently dealing with adverse effects of climate change. It is therefore not logical that there is deforestation and destruction of an environmentally sensitive riparian land like Siany Wetland.

THAT, the petitioners have made all efforts to have this matter investigated and resolved by the relevant bodies, whose responses have not been satisfactory.

THAT, none of the issues raised in this Petition are pending before any court of law, constitutional or any other legal body.

THAT, the petitioners therefore pray that the Senate does the following-

1. Stop the destruction of the wetland and ensures that the ecosystem is conserved and preserved for future generations.

2. Protect the wetland from being subdivided by the National Land Commission (NLC) and the County Government of Nyamira through clear and correct boundaries and beacons put in place.

3. Direct NEMA to work with the community to restore the wetland and springs emanating from it to the original status through environmentally friendly activities.

Hon. Senators, pursuant to Standing Order No. 237, I am supposed to give time for Senators to make comments or interventions. Looking at the Order Paper of the day, which is fairly long, I am afraid I may not be able to give that opportunity that is allowable to us under Standing Order No. 237. Instead, we will proceed in terms of Standing Order No. 238, to commit this particular Petition to the Standing Committee on Land, Environment and Natural Resources for its consideration.

In terms of Standing Order No. 238 (2), the Committee is required in not more than 60 calendar days from the time of reading this prayer, to respond to the petitioners by way of a report addressed to the petitioners and laid on the Table of the Senate.

I thank you.

Next Order, Clerk.

PAPERS LAID

The Speaker (Hon. Kingi): Proceed, Senate Majority Leader.

REPORTS ON FINANCIAL STATEMENTS OF VARIOUS ENTITIES

The Senate Majority Leader (Sen. Cheruiyot): Mr. Speaker, Sir, I beg to lay the following Papers on the Table of the Senate, Today, Tuesday 13th June, 2023.

Report of the Auditor-General on the Financial Statements of the Bomet municipality for the year ended 30th June, 2022.

Report of the Auditor-General on the Financial statements of Kiambu Water and Sewerage Services Company Limited for the year, ended 30th June, 2022.

Report of the Auditor-General on the Financial statements of the Githunguri Water and Sanitation Company Limited for the year ended 30th June, 2023.

Mr. Speaker, I beg to lay.

(Sen. Cheruiyot laid the documents on the Table)

The Speaker (Hon. Kingi): Proceed, Chairperson Standing Committee on Agriculture, Livestock and Fisheries.

REPORT ON THE COTTON INDUSTRY DEVELOPMENT BILL
(SENATE BILLS NO. 5 OF 2023)

Sen. Munyi Mundigi: Mr. Speaker, Sir, I beg to lay the following Paper on the Table of the Senate, Today 13th June, 2023.

Report of the Standing Committee on Agriculture, Livestock and Fisheries on the Cotton Industry Development Bill, (Senate Bill No. 5 of 2023).

(Sen. Munyi Mundigi laid the documents on the Table)

(Applause)

The Speaker (Hon. Kingi): Next Order, Clerk.

QUESTIONS AND STATEMENTS

STATEMENTS

SHUTDOWN OF COUNTY ASSEMBLIES ACROSS THE COUNTRY

The Speaker (Hon. Kingi): Statements pursuant to Standing Order No. 53 (1). Proceed Sen. Kathuri.

(Sen. Kathuri was not in the Chamber)

That statement is dropped.

(Statement dropped)

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

MEASURES TAKEN TOWARDS ATTAINMENT OF RECOMMENDED FOREST COVER NATIONALLY

That Statement is dropped.

Sen. (Prof.) Tom Adhiambo Ojienda, SC: I am here, Mr. Speaker, Sir.

The Speaker (Hon. Kingi): Professor, with that size, I absolutely have no excuse not to see you. Proceed.

(Laughter)

Sen. Prof. Tom Adhiambo Ojienda: Thank you, Mr. Speaker. Sir. Today I stand here under Standing Order No. 53 (1) to seek a Statement from the Standing Committee on Land, Environment and Natural Resources, regarding measures towards the attainment of the recommended healthy forest cover levels nationally, and more specifically in Kisumu County.

In the Statement, the committee should-

(1) State the current forest cover levels in Kenya, particularly in Kisumu County, and whether the same meets the recommended healthy forest cover thresholds for both county and country.

(2) Outline the measures put in place by both the National Government and the County Government of Kisumu, to enhance the forest cover of Kenya and Kisumu County towards attaining the recommended forest cover threshold.

(3) Explain the specific measures in place to integrate private and public real estate development and construction projects to the national and county obligations, to attain the recommended forest cover threshold both nationally and in counties.

(4) Finally, to provide a report of the utilization of funds allocated by the National Government and the Kisumu County Government, towards attaining the recommended forest cover threshold.

Thank you.

(An hon. Senator spoke off record)

The Speaker (Hon. Kingi): No. I am afraid we are not going to invite comments on this Statement, owing to the business ahead.

Next Statement is by Sen. Thang'wa.

PUBLIC INSTITUTIONS, STADIA, ROADS AND PARKS BEARING
NAMES OF FORMER PRESIDENTS AND LEADERS

Sen. Thang'wa is not in, that Statement is dropped.

(Statement dropped)

Proceed, Sen. Mundigi.

SAFEGUARDING THE PROPERTY OF KAGAARI SOUTH
COFFEE FARMERS' CO-OPERATIVE SOCIETY

Sen. Munyi Mundigi: Mr. Speaker, Sir, I rise pursuant to Standing Order No.53(1), to seek a Statement from the Committee on Trade, Industrialisation and

Tourism on safeguarding the properties of coffee farmers' cooperative societies in Embu County from potential irregular disposal.

In the Statement, the Committee should -

(1) Explain what the Ministry is doing to safeguard properties including land of coffee farmers' cooperative societies in Embu County from possible irregular disposal, particularly those of the Kagaari South Coffee Farmers' Cooperative Society.

(2) Outline any modern management practice the cooperative movement in Kenya has adopted, to ensure greater participation of its members, hence, access to information about the management of their cooperative and saving societies.

Thank you.

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

Sen. Cherarkey: Thank you, Mr. Speaker, Sir.

REVIEW OF SALARIES, BENEFITS AND ALLOWANCES FOR JUDGES AND MAGISTRATES

Mr. Speaker, Sir, I rise pursuant to Standing Order No.53(1) to seek a Statement from the Committee on Finance and Budget on the review of salaries, benefits and allowances for judges and magistrates by the Salaries and Remuneration Commission (SRC).

In the Statement, the Committee should -

(1) State the reasons for the termination of taxable car allowance for the purchase of motor vehicles for the judges.

(2) State the rationale for the proposal to eliminate the non-practicing allowance, which is intended to compensate the judges and magistrates for forfeiting their legal practice.

(3) Ascertain whether the review is within the principals of ensuring the Judiciary can attract and retain the skills required to execute its function.

(4) Provide information on the last time a lifestyle audit was conducted on the Commissioners of SRC.

Thank you.

The Speaker (Hon. Kingi): I will allow four comments. Two from the Government side and two from the Opposition side.

Proceed, Sen. Onyonka.

Sen. Onyonka: Mr. Speaker, Sir, I appreciate the issue that my brother and leader from the other side has raised in this House.

As you rationalise the amount of money the members of the judiciary are going to be given for having lost time in practicing in their offices and managing their other affairs which may not be at the High Court or the Supreme Court, the Committee should also rationalise the issue of the salaries of the doctors who do not practice in their clinics but

are working for the county governments and are all complaining, saying how they are unable to meet their every day needs.

Finally, as the Committee looks at the issue of doctors and nurses, we should also look at the issue of Members of the County Assembly (MCA). I thank Sen. Cherargei for having brought that issue here. It is not well when half of the MCAs have adjourned the assembly *sine die* to go and just wait.

The reality is, it is going to look bad on the Senate, the Government of the day and everybody, if we do not rationalise the salaries of Kenyans from top to bottom.

Mr. Speaker, Sir, if it means that you cut half the salaries of the presidency, Senators and Members of the National Assembly, so be it. It is high time we began to tell each other the truth.

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

Sen. Okenyuri: Thank you, Mr. Speaker, Sir. I support the Statement by Sen. (Prof.) Tom Odhiambo Ojienda, SC.

First, allow me to indicate that this Government has prioritised the fight against the effect of climate change we are seeing. The Ministry of Environment, Climate Change and Forestry is putting many initiatives on the ground to encourage counties and academic institutions to embrace tree planting. Away from protecting the environment, people can also make money from these activities.

I support him for raising this concern from his county, but I know it also concerns very many other people. The young people from Kisumu County would want to participate in some of these initiatives that the Government of Kenya Kwanza has put in place.

I urge that Members of this House also take a personal responsibility as the President had requested, that we start championing this from the various areas that we hail from, so that it is a national and not just a Government responsibility.

Mr. Speaker, Sir, I am saying this because we generally have a culture of people who think that all their problems start and end with the Government. In India, children as young as nine years plant seedlings at school and take them home. If we embrace that in Kenya, it will engage most young people in productive activities so that we shun drug abuse and suicide because they will have better things to do. The Hon. Members in this House can also start making money from the carbon credits we are talking about.

Therefore, Sen. (Prof.) Tom Odhiambo Ojienda, SC, I support your Statement. However, I also wish to remind you that this Government has put many measures to support the effects of climate change that we are suffering.

(Technical hitch)

Sen. Faki: Bw. Spika, asante kwa kunipa fursa hii. Nilikuwa na hofu kwamba nimefanyiwa hujma ili nisiweze kuzungumza. Lakini, nimeskia Kiongozi wa Waliowengi akipeleka malalamishi kwa Kamishna.

Swala la marupurupu ya mahakimu ni swala nzito sana. Hii ni kwa sababu ndio watu ambao wameidhinishwa na Katiba kujaribu kutatua mizozo katika nchi yetu. Kwa hivyo, ikiwa hawatalipwa malipo ya kisawasawa pamoja na marupurupu ambayo wanatakikana kupata, basi hali yetu ya kupata haki itatatizika.

Bw. Spika, mahakimu wengi wanafanya kazi nzuri katika nchi yetu. Vile, kuna mahakimu ambao ni watepetevu na hawatakelezi majukumu yao kisawasawa. Ijapokuwa kuna mfumo mpya wa wao kupeleka hesabu zao kila mwezi, tumeona kwamba imekuwa ni donda sugu katika sehemu ambazo ziko nje ya Mji wa Nairobi na miji mingine mikubwa.

Bw. Spika, tumeona ijapokuwa mahakama ilikwenda kwa Serikali wakati Kenya Kwanza ilipochukuwa mamlaka, wameweza kupelekwa pia katika mizunguku ambayo haieleweki. Wanalilia wananchi kila mwezi kwamba hawalipwi marupurupu yao kwa wakati unaofaa.

Hatuwezi kudharau kilio cha mahakama kwa sasa kwa sababu inafanya kazi kubwa kabisa ya kuamua kesi za watu binafsi na kesi za Serikali. Kwa hivyo, kulipwa kwa marupurupu haya kwa wakati ni jambo moja nzuri sana.

Bw. Spika, tunaona pia huduma ya mahakama ikidorora katika sehemu zingine. Kwa mfano, tukizungumzia Mombasa, kumejengwa jengo jipya ambalo linaitwa Justice Towers. Lakini, jengo lenyewe limejengwa kwa hali ambayo si ya kuridhisha.

Wiki iliyopita, tuliona baadhi ya dari zikiangua na kahatarisha maisha ya mahakimu na maafisa wengine ambao wanafanya kazi mahakamani.

Bw. Spika, tungependa Serikali iweze kuangalia kwa makini maswala ya mahakimu na mahakama zetu. Hiyo ndiyo njia pekee ya kisasa na ya kistaarabu ya kuweza kutatua matatizo baina ya wananchi na Serikali au wananchi kwa wananchi.

Asante kwa kunipa fursa hii.

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

The Senate Majority Leader (Sen. Cheruiyot): Mr. Speaker, Sir, thank you for this chance. I join the rest of my colleagues who are commenting on this Statement by our colleague Sen. Cherargei on the Salaries and Remuneration Commission (SRC). You will recall that we had a similar conversation last week about Members of our County Assemblies (MCAs).

Today, he has equally reminded us that SRC has done certain things which from the tone and mood of the Statement, he finds either unjustified or would wish to understand it better. That is proper and in order. However, the Committee that you will task to handle this matter needs to give us a more countrywide view, on this conversation about SRC and the decisions that they have been taking lately.

Perhaps, we should continue to request them to come and explain to this House because of public interest. Sen. Cherarkey and the rest of us who support the Statements that he brings, do it from the perspective of a representative of the people. Part of the people that we represent include judges, magistrates, MCAs and ordinary citizens.

Be that as it may, you also know that SRC is a constitutional commission. It works independently but also looks at all matters that have been presented before it with a view of what is in the best interest of the country.

A good starting point is for them to give the rationale of one; why they have taken this decision with regards to MCAs, as was the case last week, and today with regards to the Judiciary.

Having presented the justification to this House, it will be in order for them to justify before us and say whether their decisions are in good faith or violate any principle of fairness and equity in remuneration of public officers. The SRC deals with the matter of remuneration for all public servants. Anybody that earns from the public kitty is under the purview and control of SRC.

I hope you will direct this matter to the Committee on Labour and Social Welfare. One of the decisions that needs to come out of this exercise, once we are done, is for them to explain to us the disparity that we hear between people who earn differently in the public sector. We hear there are public servants who earn exceptionally well and those that earn poorly. What is their plan and justification for each and every cadre?

Secondly, it would also be equally important for us and for this House, on behalf of the people of Kenya, to be satisfied that this exercise that SRC is undertaking, one, will not undermine the principles of good governance and two, the principle of attracting the best of talent to public service.

If we are not careful and continue to imagine that since we find ourselves in a difficult fiscal position as a country, the only solution is to reduce the earnings of those that are in offices, then people will move to the private sector or even change careers.

Mr. Speaker, Sir, brain drain is alive in our country. Some of our best professors and doctors are switching careers from the public service because of such decisions. I would rather that instead of continuously reducing the earnings of public servants, we have a limit on the number each institution can take.

There are institutions which are powerful. Parliament is such one institution. I say this as a fact, having served as the Chair of Staff Welfare for five years.

I know that we as an institution are one of the institutions that needs to be brought under control. The same can be said for the Judiciary. The worst offender of this principle, of course, is the Executive.

As we speak today, you cannot pinpoint and state the exact number of Kenyans that earn from the national kitty.

Finally, what plans does SRC have for those public servants? I do not intend to take long. I think the Committee on Labour and Social Welfare, or whichever Committee that will be charged with this matter, needs to report back to us.

What is the eventual decision on the huge wage bill that we continue to incur as a country? Is it just a matter of continuous reduction of salaries or do they foresee a strategy where they can cap employment just like they have done to county assemblies?

This practice of SRC capping institutions that perhaps do not have a recourse or platform such as Parliament and leaving others that they fear must come to a stop.

What is the justification of telling county assemblies that they cannot employ beyond 80 or 100 and leave Parliament, Executive and parastatals without an upper ceiling or guidance on the exact number of people that they can employ? If they want to regulate, then let them do so but the principle of equity and fairness must not only be done but must equally be seen to be done.

I thank you for this chance.

The Speaker (Hon. Kingi): Hon. Senators, before the Clerk calls the next order, I have a communication to make.

COMMUNICATION FROM THE CHAIR

VISITING DELEGATION FROM KIAMUGUMO GIRLS HIGH SCHOOL, KIRINYAGA COUNTY

In the Public Gallery, we have 30 students accompanied by two teachers from Kiamugumo Girls High School in Kirinyaga County who are in the Senate on an education tour.

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

I will allow Sen. Methu in under one minute to say a word of welcome.

Sen. Methu: Thank you, Mr. Speaker, Sir, for allowing me to welcome the students from Kirinyaga County. Kirinyaga is County number 019 while Nyandarua is County 018. They are very good neighbours. I welcome them on behalf of their Senator, Sen. (Dr.) Murango. I wish them a fruitful visit as they are here for their academic learning.

In under one minute, I encourage them that the sky is the limit. They can go all the way up. We have very good ladies of substance in this House. It tells them that women can break the glass ceiling and become whatever they intend to become. As long as they put a lot of effort in school, they will excel.

Mr. Speaker, Sir, I would want to stop there. The Senator for Nairobi City County is intimidating me badly because he is really admiring the tie that I have put on. It is quite an expensive piece of clothing.

The Speaker (Hon. Kingi): Next order Clerk.

BILLS

Second Reading

THE EMPLOYMENT (AMENDMENT) BILL (SENATE BILLS NO. 11 OF 2022)

(Sen. Cherargei 30.5.2023)

(Resumption of debate interrupted on 08.06.2023)

(Division)

Second Reading

THE COUNTY ALLOCATION OF REVENUE BILL
(SENATE BILLS NO. 16 OF 2023)

(Sen. Ali Roba 8.6.2023)

(Resumption of debate interrupted on 8.06.2023)

(Division)

The Speaker (Hon. Kingi): Serjeant-at-Arms, kindly proceed to ring the Division Bell for one minute

(The Division Bell was rung)

The Speaker (Hon. Kingi): Serjeant-at-Arms, kindly close the door and draw the Bar.

(The Door was closed and the Bars drawn)

Sen. Oketch Gicheru and Senator of Laikipia, please have your seats.

*(Question, that The Employment (Amendment) Bill
(Senate Bills No. 11 of 2022) be read a Second Time put)*

We are going to do Division from the two Bills. I will also proceed to put the Question on the Second Division.

*(Question, that The County Allocation of Revenue Bill
(Senate Bills No. 16 of 2023) be read a Second Time put)*

Hon. Senators, proceed to log out. Serjeant-at-Arms, collect all the cards remaining in the delegates unit. Clerk, I hope the system is working.

I am informed, painfully so, that the electronic system is not working. Therefore, we will proceed to vote manually. That is for another day but for purposes of this Division, we will move manually. You may just log in your cards.

Sen. (Dr.) Khalwale: On a point of order, Mr. Speaker, Sir.

The Speaker (Hon. Kingi): What is your point of order, Sen. (Dr.) Khalwale? I will allow you to make an intervention not necessarily a point of order because at this juncture, you may not rise on a point of order.

(Technical hitch)

Sen. (Dr.) Khalwale: Can we vote for Order Numbers 9,10 and 11 at once. For instance, one can say: "I vote, yes, for No.9, I vote, yes, for No.10 and I vote, yes, for No.11." It will be faster.

A hon. Senator: That is wisdom of an elder.

The Speaker (Hon. Kingi): Hon. Senators, we proceed to vote manually. In this case, the Clerk will proceed to read out the names. Before we proceed, we should have two Tellers; one for the 'Noes' and one for the 'Ayes'. Can we have two Senators or should I choose?

Sen. Mumma will be the Teller for the 'Ayes' while Sen. Miraj will be the Teller for the 'Noes'. Kindly proceed to the Table.

Clerk, you can now proceed to call the names and conduct the Roll Call voting.

As agreed, when your name is called upon, you vote for the two Bills, you say; Order No. 8, I vote this and Order No 9, I vote this. Proceed to vote to save on time. Hon. Senators, let us avoid speeches.

*(Sen. Lomenen walked across the Floor
without bowing to the Chair)*

Senator for Turkana County, you are out of order. You are supposed to bow before crossing on the other side. You will get your caution for the day. Proceed to take your seat.

(Roll Call voting in progress)

DIVISION

ROLL CALL VOTING

*(Question, that the Employment (Amendment) Bill
(Senate Bills No.11 of 2022) be read a Second Time,
put and the Senate proceeded to vote by County Delegations)*

AYES: Sen. Abdul Haji, Garissa County; Sen. Ali Roba, Mandera County; Sen. Cheptumo, Baringo County; Sen. Cherarkey, Nandi County; Sen. Cheruiyot, Kericho County; Sen. Faki, Mombasa County; Sen. Joe Nyutu, Murang'a County; Sen. (Dr.) Khalwale, Kakamega County; Sen. Kinyua, Laikipia County; Sen. Kisang, Elgeyo-

Markwet County; Sen. (Dr.) Lelegwe Ltumbesi, Samburu County; Sen. Lomenen, Turkana County; Sen. M. Kajwang', Homa Bay County; Sen. Maanzo, Makueni County; Sen. Methu, Nyandarua County; Sen. Mungatana, MGH, Tana River County; Sen. Munyi Mundigi, Embu County; Sen. Mwaruma, Taita Taveta County; Sen. (Dr.) Oburu, Siaya County; Sen. Oketch Gicheru, Migori County; Sen. Olekina, Narok County; Sen. Onyonka, Kisii County; Sen. Osotsi, Vihiga County; Sen. Seki, Kajiado County; Sen. Sifuna, Nairobi City County; Sen. Thang'wa, Kiambu County; Sen. Wafula, Bungoma County; and, Sen. Wambua, Kitui County.

Teller of the Ayes: Sen. Mumma.

NOES: Nil.

Teller of the Noes: Sen. Miraj.

The Speaker (Hon. Kingi): Hon. Senators, the results of the Division are as follows-

AYES: 28

NOES: 0

ABSTENTIONS: 0

The "Ayes" have it.

(Question carried by 28 votes to 0)

(The Bill was read a Second Time and committed to the Committee of the Whole tomorrow)

DIVISION

ROLL CALL VOTING

(Question, that the County Allocation of Revenue Bill (Senate Bills No.16 of 2023) be read a Second Time, put and the Senate proceeded to vote by County Delegations)

AYES: Sen. Abdul Haji, Garissa County; Sen. Ali Roba, Mandera County; Sen. Cheptumo, Baringo County; Sen. Cherarkey, Nandi County; Sen. Cheruiyot, Kericho County; Sen. Faki, Mombasa County; Sen. Joe Nyutu, Murang'a County; Sen. (Dr.) Khalwale, Kakamega County; Sen. Kinyua, Laikipia County; Sen. Kisang, Elgeyo-Markwet County; Sen. (Dr.) Lelegwe Ltumbesi, Samburu County; Sen. Lomenen, Turkana County; Sen. M. Kajwang', Homa Bay County; Sen. Maanzo, Makueni County; Sen. Methu, Nyandarua County; Sen. Mungatana, MGH, Tana River County; Sen. Munyi Mundigi, Embu County; Sen. Mwaruma, Taita Taveta County; Sen. (Dr.) Oburu, Siaya County; Sen. Oketch Gicheru, Migori County; Sen. Olekina, Narok County; Sen. Onyonka, Kisii County; Sen. Osotsi, Vihiga County; Sen. Seki, Kajiado County; Sen.

Sifuna, Nairobi City County; Sen. Thang’wa, Kiambu County; Sen. Wafula, Bungoma County; and, Sen. Wambua, Kitui County.

Teller of the Ayes: Sen. Mumma.

NOES: Nil.

Teller of the Noes: Sen. Miraj.

The Speaker (Hon. Kingi): Hon. Senators the results of the Division are as follows-

AYES: 28

NOES: 0

ABSTENTIONS: 0

The “Ayes” have it.

(Question carried by 28 votes to 0)

(The Bill was read a Second Time and committed to the Committee of the Whole tomorrow)

Hon. Members, before I ask the Serjeant-at-Arms to open the Doors and draw the Bar, you will notice from the Order Paper that the following two Orders will be prosecuted during the Committee of the Whole. Kindly do not leave the Chamber so that we dispense with Order Nos. 10 and 11.

Serjeant-at-Arms, proceed to open the Doors and draw the Bar.

(The Bar was drawn and the Doors opened)

Clerk, let us go to the next Order.

COMMITTEE OF THE WHOLE

(Order for Committee read)

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

IN THE COMMITTEE

[The Temporary Chairperson (Sen. Abdul Haji) in the Chair]

THE PARLIAMENTARY POWERS AND PRIVILEGES
(AMENDMENT) BILL (SENATE BILLS NO. 5 OF 2022)

(Loud consultations)

The Temporary Chairperson (Sen. Abdul Haji): Order, Senate Majority Leader and Sen. Methu. Hon. Senators, we should be going straight to Division for the Parliamentary Powers and Privileges (Amendment) Bill (Senate Bills No. 5 of 2022).

I request Senators to remain seated so that we can go ahead and vote on this Bill.

*(The Temporary Chairperson consulted
with the Clerks-at-the-Table)*

The Temporary Chairperson (Sen. Abdul Haji): Serjeant-at-Arms, can we ring the Bell for three minutes?

(The Division Bell was rung)

Serjeant-at-Arms, draw the Bars.

(The Bars were drawn and doors closed)

Hon. Senators, we seem to still have a problem with the electronic system of voting. We shall therefore go back to Roll Call voting. We have three questions in the Committee, should we combine the three and vote once?

Hon. Senators: Yes.

Okay. That is how we shall do it.

Whips, can we get the Tellers for the Ayes and Nays? For Tellers, we have Sen. Lemaltian for the Nays and Sen. Miraj for the Ayes.

Hon. Senators, we can proceed. Senators to call out all three votes when called at the Roll Call.

(Roll Call Voting in progress)

THE PARLIAMENTARY POWERS AND PRIVILEGES (AMENDMENT) BILL
(SENATE BILLS NO.5 OF 2022)

DIVISION

ROLL CALL VOTING

*(Question, that New Clause 3A be now Read a Second Time,
put and the Senate proceeded to vote by County Delegations)*

AYES: Sen. Abass, Wajir County; Sen. Abdul Haji, Garissa County; Sen. Ali Roba, Mandera County; Sen. Cherarkey, Nandi County; Sen. Cheruiyot, Kericho County; Sen. Chute, Marsabit County; Sen. Faki, Mombasa County; Sen. Joe Nyutu, Murang'a

County; Sen. (Dr.) Khalwale, Kakamega County; Sen. Kinyua, Laikipia County; Sen. Kisang, Elgeyo-Marakwet County; Sen. (Dr.) Lelegwe Ltumbesi, Samburu County; Sen. Lomenen, Turkana County; Sen. M. Kajwang', Homa Bay County; Sen. Maanzo, Makueni County; Sen. Methu, Nyandarua County; Sen. Mungatana, MGH, Tana River County; Sen. Munyi Mundigi, Embu County; Sen. Mwaruma, Taita Taveta County; Sen. (Dr.) Oburu, Siaya County; Sen. Oketch Gicheru, Migori County; Sen. Okiya Omtatah, Busia County; Sen. Olekina, Narok County; Sen. Onyonka, Kisii County; Sen. Osotsi, Vihiga County; Sen. Seki, Kajiado County; Sen. Sifuna, Nairobi City County; Sen. Thang'wa, Kiambu County; Sen. Wafula, Bungoma County; Sen. Wakili Sigei, Bomet County and, Sen. Wambua; Kitui County.

Teller of the Ayes: Sen. Miraj.

NOES: Nil.

Teller of the Noes: Sen. Lemaletian.

The Temporary Chairperson (Sen. Abdul Haji): Hon, Senators, this is the result of the Division:

AYES: 31

NOES: 0

ABSTENTIONS: 0

The "Ayes" have it.

(Question carried by 31 votes to 0)

DIVISION

ROLL CALL VOTING

*(Question, that Clauses 2 and 4 be amended as proposed,
put and the Senate proceeded to vote by County Delegations)*

AYES: Sen. Abass, Wajir County; Sen. Abdul Haji, Garissa County; Sen. Ali Roba, Mandera County; Sen. Cherarkey, Nandi County; Sen. Cheruiyot, Kericho County; Sen. Chute, Marsabit County; Sen. Faki, Mombasa County; Sen. Joe Nyutu, Murang'a County; Sen. (Dr.) Khalwale, Kakamega County; Sen. Kinyua, Laikipia County; Sen. Kisang, Elgeyo-Marakwet County; Sen. (Dr.) Lelegwe Ltumbesi, Samburu County; Sen. Lomenen, Turkana County; Sen. M. Kajwang', Homa Bay County; Sen. Maanzo, Makueni County; Sen. Methu, Nyandarua County; Sen. Mungatana, MGH, Tana River County; Sen. Munyi Mundigi, Embu County; Sen. Mwaruma, Taita Taveta County; Sen. (Dr.) Oburu, Siaya County; Sen. Oketch Gicheru, Migori County; Sen. Okiya Omtatah, Busia County; Sen. Olekina, Narok County; Sen. Onyonka, Kisii County; Sen. Osotsi, Vihiga County; Sen. Seki, Kajiado County; Sen. Sifuna, Nairobi City County; Sen. Thang'wa, Kiambu County; Sen. Wafula, Bungoma County; Sen. Wakili Sigei, Bomet County and, Sen. Wambua; Kitui County.

Teller of the Ayes: Sen. Miraj.

NOES: Nil.

Teller of the Noes: Sen. Lemaletian.

The Temporary Chairperson (Sen. Abdul Haji): Hon, Senators, this is the result of the Division:

AYES: 31

NOES: 0

ABSTENTIONS: 0

The “Ayes” have it.

(Question carried by 31 votes to 0)

DIVISION

ROLL CALL VOTING

(Question, that Clause 2 (as amended), Clause 3, Clause 4 (as amended), New Clause 3A, the Title and Clause 1 be part of the Bill, put and the Senate proceeded to vote by County Delegations)

AYES: Sen. Abass, Wajir County; Sen. Abdul Haji, Garissa County; Sen. Ali Roba, Mandera County; Sen. Cherarkey, Nandi County; Sen. Cheruiyot, Kericho County; Sen. Chute, Marsabit County; Sen. Faki, Mombasa County; Sen. Joe Nyutu, Murang’a County; Sen. (Dr.) Khalwale, Kakamega County; Sen. Kinyua, Laikipia County; Sen. Kisang, Elgeyo-Marakwet County; Sen. (Dr.) Lelegwe Ltumbesi, Samburu County; Sen. Lomenen, Turkana County; Sen. M. Kajwang’, Homa Bay County; Sen. Maanzo, Makueni County; Sen. Methu, Nyandarua County; Sen. Mungatana, MGH, Tana River County; Sen. Munyi Mundigi, Embu County; Sen. Mwaruma, Taita Taveta County; Sen. (Dr.) Oburu, Siaya County; Sen. Oketch Gicheru, Migori County; Sen. Okiya Omtatah, Busia County; Sen. Olekina, Narok County; Sen. Onyonka, Kisii County; Sen. Osotsi, Vihiga County; Sen. Seki, Kajiado County; Sen. Sifuna, Nairobi City County; Sen. Thang’wa, Kiambu County; Sen. Wafula, Bungoma County; Sen. Wakili Sigei, Bomet County and, Sen. Wambua; Kitui County.

Teller of the Ayes: Sen. Miraj.

NOES: Nil.

Teller of the Noes: Sen. Lemaletian.

The Temporary Chairperson (Sen. Abdul Haji): Hon, Senators, this is the result of the Division:

AYES: 31

NOES: 0

ABSTENTIONS: 0

The “Ayes” have it.

(Question carried by 31 votes to 0)

The Temporary Chairperson (Sen. Abdul Haji): I call upon the Mover.

Sen. Mungatana, MGH: Mr. Temporary Chairman, Sir, I beg to Move that the Committee do report to the Senate its consideration of the Parliamentary Powers and Privileges (Amendment) Bill (Senate Bills No. 5 of 2022) and its approval thereof with amendments.

(Question proposed)

(Question put and agreed to)

(The House resumed)

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

The Temporary Speaker (Sen. Wakili Sigei): Hon. Senators, I request that you do not leave the Chamber because we will proceed to the Third Reading and we will require you to vote.

I now call upon the Chairman of the Committee of the Whole to report to the House.

Serjeant-at-arms, withdraw the Bar.

(The Bars were withdrawn and Doors opened)

CONSIDERATION OF REPORT

THE PARLIAMENTARY POWERS AND PRIVILEGES (AMENDMENT) BILL (SENATE BILLS NO.5 OF 2022)

Sen. Abdul Haji: Mr. Temporary Speaker, Sir, I beg to report that the Committee of the Whole has considered the Parliamentary Powers and Privileges (Amendment) Bill (Senate Bills No. 5 of 2022) and its approval thereof with amendments.

The Temporary Speaker (Sen. Wakili Sigei): The Mover Sen. Mungatana, proceed.

Sen. Mungatana, MGH: Mr. Temporary Speaker, Sir, I beg to Move that the House do agree with the Committee in the said report. I call upon Sen. (Dr.) Khalwale to second the Motion.

Sen. (Dr.) Khalwale: I second the Motion as Moved by the Mover.

(Question proposed)

(Question put and agreed to)

The Temporary Speaker (Sen. Wakili Sigei): I call upon the Mover, Sen. Mungatana.

Sen. Mungatana, MGH: Thank you, Mr. Temporary Speaker, Sir. I beg to Move that the Parliamentary Powers and Privileges (Amendment) Bill (Senate Bills No.5 of 2022) be now read a Third Time.

I call upon Sen. (Dr.) Khalwale to second.

Sen. (Dr.) Khalwale: Mr. Temporary Speaker, Sir, I second the Motion as moved.

(Question proposed)

The Temporary Speaker (Sen. Wakili Sigei): I call for a Division. Serjeant-at-arms, ring the Division Bell for three minutes.

(The Division Bell was rung)

The Temporary Speaker (Sen. Wakili Sigei): Serjeant-at-arms, you may now close the Doors and draw the Bar.

(The Bars were drawn and the Doors closed)

Hon. Members, we will now proceed to roll call voting. I would like the tellers for the 'noes' and 'ayes' to approach the Table.

Senate Majority and Minority Leaders, kindly give us the tellers.

Sen. Miraj for Majority side and Sen. Lemaletian for Minority side. Kindly approach the Table?

(Sen. Miraj and Sen. Lemaletian approached the Table)

We now have the tellers. Clerk, could you go ahead and call out the names?

(Voting in progress)

(Vote tallying in progress)

THIRD READING

THE PARLIAMENTARY POWERS AND PRIVILEGES
(AMENDMENT) BILL (SENATE BILLS NO. 5 OF 2022)

DIVISION

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ROLL CALL VOTING

*(Question, that the Parliamentary Powers and Privileges
(Amendment) Bill (Senate Bills No. 5 of 2022 be now read a Third
Time put, and the Senate proceeded to vote by County Delegations)*

AYES: Sen. Abass, Wajir County; Sen. Abdul Haji, Garissa County; Sen. Ali Roba, Mandera County; Sen. Boy, Kwale County; Sen. Cherarkey, Nandi County; Sen. Cheruiyot, Kericho County; Sen. Chute, Marsabit County; Sen. Faki, Mombasa County; Sen. Joe Nyutu, Murang'a County; Sen. (Dr.) Khalwale, Kakamega County; Sen. Kisang, Elgeyo Markwet; Sen. (Dr.) Lelegwe Ltumbesi, Samburu County; Sen. Lomenen, Turkana County; Sen. M. Kajwang', Homa Bay County; Sen. Maanzo, Makueni County; Sen. Methu, Nyandarua County; Sen. Mungatana, MGH, Tana River County; Sen. Munyi Mundigi, Embu County; Sen. Mwaruma, Taita Taveta County; Sen. (Dr.) Oburu, Siaya County; Sen. Okiya Omtatah, Busia County; Sen. Olekina, Narok County; Sen. Onyonka, Kisii County; Sen. Osotsi, Vihiga County; Sen. Seki, Kajiado County; Sen. Sifuna, Nairobi County; Sen. Thang'wa, Kiambu County; Sen. Wafula, Bungoma County; Sen. Wakili Sigei, Bomet County and Sen. Wambua, Kitui County.

Teller for the Ayes: Sen. Lemaltian

NOES: Nil

Teller for the Noes: Sen. Miraj

The Temporary Speaker (Sen. Wakili Sigei): Hon. Senators, we now have the results of the Division.

AYES: 30

NOES: 0

ABSTENTIONS: 0

(Question carried by 30 votes to Nil)

(The Bill was read a Third Time and passed)

The Temporary Speaker (Sen. Wakili Sigei): Serjeant-at-Arms, draw the bar and open the door.

(The Bar was drawn and Doors opened)

Hon. Member, after consultations, Order No.11 is dereffered.

COMMITTEE OF THE WHOLE

THE NATURAL RESOURCES (BENEFIT SHARING) BILL
(SENATE BILLS NO. 6 OF 2022)

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(Committee of the Whole deferred)

The Temporary Speaker (Sen. Wakili Sigei): Clerk, proceed and call the next Order.

BILL

Second Reading

THE LEARNERS WITH DISABILITIES BILL
(SENATE BILLS NO. 4 OF 2023)

(Sen. (Prof.) Kamar on 03.05.2023)

(Resumption of debate interrupted on 03.05.2023)

The Temporary Speaker (Sen. Wakili Sigei): Sen. (Prof.) Kamar, you may now proceed to Move. You have a balance of 40 minutes.

Sen. (Prof.) Kamar: Thank you, Mr. Temporary Speaker, Sir, for the opportunity to complete the moving of this Bill.

Hon. Members will remember that when I started moving this Bill, I mentioned that the purpose of the Bill is to create a legal framework for the use of sign language in judicial proceedings, schools and public institutions to ensure that deaf---

Sorry!

Mr. Temporary Speaker, Sir, I was reminding hon. Members that when I moved the Bill, I did mention that the purpose of the Learners With Disabilities Bill (Senate Bills No. 4 of 2023) is to unlock Article 53 of the Constitution of Kenya which is the right to free and compulsory education.

This Bill is meant to provide a legal framework to ensure the actualization of the right to basic education for all learners. We are looking at the learners with disabilities who require a certain level of support and those that require to be assisted to enjoy the rights that other children have.

Article 53 of the Constitution of Kenya talks about the rights of children. Education is only one of them. The right to proper health is another one. The right to access food both in quality and quantity is also one of them. This Bill is trying to put all the rights in one so that the learners with disability can actualize their dream of being educated and developing toward the professions that they would like to do.

At the time when I stopped, I had reached Clause 12 on admission of learners with disabilities. Learners with disabilities require a different way of being admitted and that they should be assessed continuously. That is very important because these children sometimes are slow learners while others are very fast. We must distinguish the different disabilities to assist them to attain the level of education they deserve. We are also

proposing that an aptitude test, personality tests, and an entrance exam to be administered, if there is a need.

Hon. Members, the above proposal is very important because in our counties, we find that some parents because of the inability to take these children to school, have kept them at homes for far too long. We have overage children who are even 15 years of age, but have never been to school. The admission of such learners must be looked at differently to ensure they get the education they deserve.

It is also important that they do an assessment by a licensed medical practitioner. That is what we are proposing in the Bill. We always have our educational assessment centres. The introduction of a licensed medical practitioner is because we sometimes have multiple disabilities that require us to facilitate such children with different disabilities.

Mr. Temporary Speaker, Sir, Clause 13 is on the Board of Management (BoM). We said that a BoM shall be established for any school that is called a special school and the BoM of an educational institution for learners with disabilities must have one person elected from amongst parents of learners in the institution; that is learners with disabilities.

Mr. Temporary Speaker, Sir, I have personally been to special schools. It is amazing that sometimes you go to a school and find that in the BoM, they do not even have one parent from among those whose children are disabled, especially in the integrated schools. We are putting that clause so that even in a school that is integrated were we find learners with disabilities integrated with the other children, they must have a right as parents to be represented in the BoM.

The other clause that is extremely important in the membership is one representative of non-teaching members of staff. This is new because in the other BoM under the Basic Education Act, you do not find non-teaching members of staff in the institution being members of the BoM. This is very important in these special categories of schools because we are proposing in other clauses to have nurses and physiotherapist in the same schools.

Mr. Temporary Speaker, Sir, it is very important that a member who is touch with the children without necessarily being a teacher, be a member there. This is very essential because these children require other attention. You can only understand it from the non-teaching staff who are handling them and taking care of them.

Two members of this board are also expected to have experience in matters relating to special needs education and social work. Those are the ones that we have said the county government can nominate.

It is very important also that we have people who are very sensitive to the needs of these children. We want to have the special needs education practioners or people who have been involved with it. The others are the standard nominations.

The functions of this BoM will be to identify the needs of learners in the institution and the resources necessary to ensure that they receive the appropriate and quality education like all the other children.

Additionally, one of its functions will be to secure the resources required by a learner in the institution. It will do more to ensure that they facilitate this. Since, this Bill is looking for facilitation in the institution of learning to make sure these children can access education in a proper state that is required for them to enjoy learning.

They will also be required to ensure that were a learner with special needs is being educated in the educational institution, such education is compatible with the learners receiving it, which their learning difficulty calls for. Additionally, in the institution, there is provision of quality education for the learners with whom they will be educated along with as well as the efficient use of resources. Those are the roles that we are giving the BoM.

Mr. Temporary Speaker, Sir, the board must be committed and be selected yearly.

(Loud consultations)

The Temporary Speaker (Sen. Wakili Sigei): Hon. Members, let us allow Sen. (Prof.) Kamar to move her Motion in silence. If you are consulting, kindly do so in low tones.

Proceed, Sen. (Prof) Kamar.

Sen. (Prof.) Kamar: Thank you, Mr. Temporary Speaker, Sir. Clause 15 is talking about the establishment of a parents association. Every institution shall establish an association for parents and guardians in this case of learners with disabilities.

The parents association shall assist the BoM of an education institution in the performance of its functions and shall in particular advise it on matters relating to welfare of the learners and staff at the institution.

This is very important because some of the issues of a child in an institution of this kind are to do with welfare. A learner with disability has also welfare issues. We are proposing to have people who will provide care within the institution itself.

The parents association also will help in creating a more positive approach in parent-child-teacher relationship. This is extremely important. As we said, we are in a transition stage currently where from 2010 when we had the new Constitution. We have been able to talk more openly about our special children and children with disabilities. We are trying to encourage parents to make sure that they actually allow the children to go to school. So, there is need for an interaction between the parents association and the teachers.

The responsibilities of the County Education Board (CEB) are critical in this Bill. It says where a CEB is satisfied that the resources or facilities required for delivery of education to learners with disabilities are not available in an educational institution in the respective county, the CEB may arrange for the provision of that special education provision after having consultation with parents. This is a role that is very important for them.

We are going to have an institutional board. However, the CEB must facilitate. This is a programme that the Government must fulfil according to the rights as enlisted in the Bill of Rights for the Children.

Clause 17 is talking about facilities in institutions providing for special needs education. A person, authority or institution exercising functions under this Act in respect of learners with disability must plan, locate, design, construct, equip, maintain and keep under review facilities intended to be used by learners with disabilities, with due regard to the special capabilities, disabilities and requirements of such learners.

This is a very important thing. We must facilitate within the institution because that is one core aim of this Bill. The institutions must be accessible for the children, the children must get reading materials in a manner that they would be able to utilize for their learning. This is a very key thing in this Bill.

The Cabinet Secretary shall in addition to the requirements under what I have just read prescribe architectural and other building standard required to be met in the construction of education facilities.

Mr. Temporary Speaker, Sir, it took a very long time for Kenyans to have ramps for anybody with a wheel chair. It seems as if many schools made it almost impossible for any child with disability or who is not able to walk to get into the classroom. Therefore, the Cabinet Secretary is in charge of that and I know this has started.

Ramps were actually installed in this Parliament when a sitting Member got involved in an accident. That is when we realized that even Parliament did not have a ramp.

I think we are in a learning and transition stage. We must provide for that. This Bill is supposed to ensure that the Cabinet Secretary facilitates by ensuring that all buildings can be accessed by everybody and then when it comes to quality, we will also be looking at that.

The Temporary Speaker (Sen. Wakili Sigei): Thank you, Sen (Prof.) Kamar. I want you to take your seat. The Chair has got a Communication to make.

(Interruption of debate on the Bill)

COMMUNICATION FROM THE CHAIR

VISITING DELEGATION FROM ST. PETERS SANGALO
CENTRAL MIXED PRIMARY SCHOOL, NANDI COUNTY

The Temporary Speaker (Sen. Wakili Sigei): Hon. Senators, in the Public Gallery, we have 99 pupils accompanied by 12 teachers from St. Peters Sangalo Central Mixed Primary School in Nandi County, who are in the Senate on an education tour.

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

I thank you.

(Applause)

I will ask the Senator for Nandi, Sen. Cherarkey to make welcoming remarks for one minute.

Sen. Cherarkey: Thank you, Mr. Temporary Speaker, Sir, for your indulgence.

On behalf of the great people of Nandi and the Senate, I welcome the pupils from St. Peters Sangalo Central Mixed Primary School in Mosop Sub County, Nandi County. I hope that they will be enriched by learning about the operations of the Senate and Parliament at large.

Mr. Temporary Speaker, Sir, as leaders, we are proud of what they are doing. I know St. Peters Sangalo Central Mixed Primary School as one of the best performing schools in Nandi County.

Learning is continuous. I hope they have seen how the Senate looks like. They have also had the privilege of seeing their Senator. I would have wished that they were around when I am in action. However, I know they know the worth of their Senator through videos shared on social media.

Finally, even as we welcome them, I call upon the Government to fast-track and resolve the issue of Competency Based Curriculum (CBC). There are recommendations that were given to the President by the committee. We hope the issue of CBC will be resolved, so that our young people and students can have an opportunity to grow and learn within the environment.

To the students, please be disciplined and focused. You are where we were. The only way for you to come and sit in this House as future leaders, lawyers and engineers is to work hard, be disciplined and God-fearing, respect your teachers and parents and remain steadfast in your dreams and what you endeavour to do and you will go far.

We are proud of you. When you go back, please continue working hard. We want to see good results from your schools. We want you to not only lead in Nandi or North Rift, but in Kenya. You should think locally, but act globally. All the best.

I will try and take a photo with you later on and maybe with the courtesy of you, Mr. Temporary Speaker, Sir, we can have a cup of tea.

Karibuni sana.

The Temporary Speaker (Sen. Wakili Sigei): Thank you very much, Sen. Cherarkey. Please make sure that you honour the commitment that you have just made on the Floor of the House.

Sen. (Prof.) Kamar, you may resume. We held your time. Therefore, you have not lost much. Thank you for your indulgence.

(Resumption of debate on the Bill)

Sen. (Prof.) Kamar: Mr. Temporary Speaker, Sir, before your communication, I was going to Clause 18 on provision of special needs education outside an educational institution.

Where the Cabinet Secretary (CS) or CEB is satisfied that an educational institution is not appropriate for a learner, then a provision should be done to make sure that it is well established and set for use by learners with special needs.

Clause 19 is about the conduct of service providers for special needs education. It says:

“It shall be the responsibility of the Special Needs Education Advisory Board to establish and maintain a register of special service providers qualified to provide services to learners with disability.”

This one is important because there is always fear that people set up education institutions for learners with special needs and end up taking advantage of the students maybe through donors and what have you. Therefore, we have made a provision that the conduct of special education institutions must be approved by a board. This Bill proposes to establish a Special Needs Education Advisory Board (SNEAB) that will advise the Cabinet Secretary for Education.

Part IV is about identification and assessment of children with disabilities. Clause 19 talks about the register of learners with disability. Every CEB shall maintain a register of all learners with special needs in their area of jurisdiction receiving domestic, medical, and institutional or any other special educational services outside of regular school programmes, as well as special needs learners who do not receive any special education services.

This is also important. It is the right of a child and being the right of a child, we need to take stock and know those children. The reason we have had children, some of whom used to be locked in houses by mothers who could not take care of them is because there was no way of knowing even in areas where we have institutions.

We have institutions in this country, which can take care of those learners. There are boarding schools and I have visited some in Meru, Embu and Eldoret. However, nobody knows where those children are. It will be the responsibility of the CEB to know where all the children, especially learners with special needs, are.

Clause 21 talks about the need for identification of children with disability. Let them be identified and documented, so that we know where they are and their parents so that they can be taken care of. It is the responsibility of the Government to take care of such children. It is not the responsibility of a mother who gave birth to a child with disability to solely take care of him. It is our responsibility as a nation. That is why we pull our taxes so that we can take care of ourselves. So, this is a right beyond just education. We must ensure that we do as required by Article 53 of the Constitution.

Clause 22 talks about assessment of learners with special needs. In most cases, we do not provide for how many hours you may want to assess a child with disability. Nobody has quantified that. We are trying to make a provision for that, so that these children are given due attention not only during the training, but also assessment.

Where the CEB is of the opinion that a child within its area of jurisdiction may have a special education need, then the CEB shall determine a suitable education provision that shall alleviate the learning difficulties of that child. Therefore, there is need for assessment so that a child can be assessed and placed properly.

Part V is about institutional management of special education. There is an establishment of a SNEAB, which I had mentioned earlier. This Bill seeks to establish a SNEAB.

Clause 23 states that there will be established within the Ministry of Education, a board to be known as the SNEAB. It is something that does not exist. That is why the attention to these children has been extremely low.

The functions of the SNEAB will be to examine, comment and advise the Cabinet Secretary on any rules and regulations proposed to be made by this Act in itself and also advise the Cabinet Secretary and any Government agency on any matter pertaining to the provision of special education.

Mr. Temporary Speaker, Sir, this is an important board. It will also make an annual report to the Cabinet Secretary. The report on the progress or lack of it, made towards special education by the Government, shall be published in a gazette notice.

This is new and for us to progress, we need to monitor the performance of all institutions and in particular the education institutions.

Mr. Temporary Speaker, Sir, Clause 24 (1) on Special Needs Education Resource Centres says –

“The Cabinet Secretary (CS) for Education shall establish a Special Needs Education Resource Centre in every county and shall ensure that the centre is properly and adequately staffed with appropriate qualified personnel and equipment.”

This is of great interest to this House because our role as Senate is to take care of the interest of the counties and the county governments. An establishment such as a Special Needs Education Resource Centre (SNERC) is very important in the county.

This SNERC shall be a link between the children with disabilities and the society at large where there is provision of resource personnel which shall create disability awareness in the local community. Unless we talk loudly about this and have an awareness programme, sometimes, we still have those children being pushed to the side both at home and in their education institutions. We want the same to provide for the different ways of communicating with the children, be it sign language or braille so that people get to know.

In a way, as we are dealing with the education of these children, it is very important that even parents get familiar with what is going on so that they see the importance of educating a child such as that.

Mr. Temporary Speaker, Sir, we have had experience with People with Disabilities (PWD) who have lived to the full capacity as far as their education is concerned. We have professors. Yesterday, because our Committee on Education is

visiting some institutions in Eldoret next week, I visited a school which is integrated with Albinism and the visually impaired persons.

The shocker was to have a teacher who does not see completely teaching a whole class. He was teaching students and writing on the board. He already knows the dimensions of the board and he was teaching a class. It was fantastic. I felt really moved by that. We just do not know the potential of these people. Otherwise, we would have taken care of them from when they were babies.

When you have a SNERC, it is a place for us to educate one another and to have teachers. We should also have physiotherapy services so that during holidays, children can be taken there for play, exercises and physiotherapy. That also gives parents freedom to do other things.

Clause 25 is on Infrastructure. I believe I had mentioned that the Cabinet Secretary must ensure that there is adequate infrastructure; toilets and accessible rooms that are disability friendly. That is the right of this child. You cannot compare. If I have to give them one Kenya Certificate of Primary Education (KCPE) exam, we must make sure that they are also provided for.

Provision for materials and equipment is under Clause 26. You cannot ask parents to buy braille or special books for their children. The Government must provide them because this is part of the package that is in Article 53 of the Constitution.

Mr. Temporary Speaker, Sir, we also provided for the establishment of county coordinating mechanisms under Clause 27. Under Clause 28, we provided for the training of non-teaching staff. Non-teaching staff in the institution must be trained and re-trained both on attitude and on the way they care for these children. This is because they need more patience.

What we are really impressed with, for those of us who have been interacting in these schools, is that Kenya Institute of Special Education (KISE) has trained teachers who are fantastic. The way they handle their children and the patience they have with them is amazing.

Part VI is on Development and Facilitation of Special Needs Education. The section is dealing with what the Cabinet Secretary must do to facilitate registration of education institutions. As I said, he must ensure there is an inspection so that they provide for all the required amenities and facilities.

On an annual basis, it is expected that the Cabinet Secretary must provide sufficient information to registered institutions to enable them prepare their budgets and for the same children. In fact, in Clause 30, we are saying that funding of special education must be done right from pre-unit to the university. We are proposing that the Cabinet Secretary shall determine the funding procedures, provisions and minimum standards and the funding provision that should be done by Government.

Where funding is provided for an education institution the Cabinet Secretary may attach conditions as to the use of such funds so that funding that is earmarked for children with disabilities is not mixed with any other funding or pushed aside. We want to make sure that there is a dedication of this funding to special children.

Mr. Temporary Speaker, Sir, Clause 31 is the Responsibilities of the Governing Boards. As I mentioned earlier, it is to take reasonable measures within its means to supplement the resources that are required in the education institution; that is the BoM.

Clause 32 is on the Financial Records and Statements. We want to remove any doubt that anybody would misuse any fund in these institutions. That is why we have made that provision.

We also had a disqualification from receiving any other funding if you are being funded by capitation for a special child. This we are saying because, from experience, it has been misused where you have an institution that is receiving capitation.

We want to get the maximum capitation from these children then someone is using the same children to go and fundraise. We have a clause there to disqualify anybody who receives any funding from Government from levying anything.

Clause 34 is a very important one on the Levying of Office. It says:

“The Cabinet Secretary, in consultation with the Commission for Higher Education and the universities, may issue guidelines for the levying of fees for learners with disabilities attending or intending to attend universities and other tertiary education institutions.”

I know we have also received an amendment that is going to come later from the Committee on Education. When we talk of free education this is the group that must receive free education from pre-unit all the way to the universities. So, there is an amendment that is coming with that.

Quality assurance and standard is key when we are providing education. We have provided that in Clause 35 - Quality Assurance and Special Needs Education. We have also talked of the role of the county government on quality assurance. That each County Executive Committee Member (CECM) must ensure that the special needs education is delivered as per the standards prescribed by the Cabinet Secretary or county legislation. This is to ensure that the standards are taken care of.

Mr. Temporary Speaker, Sir, the other one is on the miscellaneous provisions that are going to take place, the assessment, education institution on public land, prohibition of alienation of land used. I believe Members will be able to see those ones.

Mr. Temporary Speaker, Sir, in a nutshell, that is what the Bill is. I beg to move and ask Sen. Crystal Asige to second.

The Temporary Speaker (Sen. Wakili Sigei): Thank you, Sen. (Prof.) Kamar. Before Sen. Crystal Asige seconds your Bill, I have a Communication to make.

(Interruption of debate on the Bill)

COMMUNICATION FROM THE CHAIR

VISITING DELEGATION FROM ACK ST. JAMES
MAYORI SECONDARY SCHOOL, EMBU COUNTY

Hon. Senators, I would like to acknowledge the presence in the Public Gallery this afternoon of visiting teachers and students from ACK St. James Mayori Secondary School in Embu County. The group comprises two teachers and 51 students who are in the Senate for a one-day academic exposition.

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

I thank you.

I call upon the Senator for Embu County, Sen. Munyi Mundigi to also welcome the school, the teachers as well as the students.

Sen. Munyi Mundigi: Bw. Spika wa Muda, asante kwa kunipa fursa hii niweze kukaribisha shule ya upili ya ACK St. James Mayori.

Wanafunzi wa ACK St. James Mayori, hii ni Bunge la Seneti. Kazi yetu ni kutengeneza sheria za kaunti na tunajifunza mambo mengi sana. Karibuni ili muone jinsi mambo yanavyoendelea katika Bunge hili.

Kama mtasikiza mambo ya walimu na kanisa, mambo ya kujiepusha na pombe, dawa za kulevya na bhangi, mtakuwa Maseneta, Spika na mutaongoza nchi yetu ya Kenya. Namuomba muangalia yale tunayoyatenda hapa kwa sababu nyinyi ndio viongozi wa kesho.

Shule ya ACK St. James Mayori iko katika Embu Kaunti. Embu Kaunti tuko na kaunti ndogo nne. Moja ni ya Mbeere South mahali ambapo hakuna maji na barabara. Hii shule ni moja ya zile zinazofanya vizuri sana katika kaunti yetu. Nimekuwa nikiongea mambo ya Embu Kaunti ili tuweze kusaidiwa. Hata wakati kulikuwa na zile pesa za Equalisation Fund, tulikosa. Shule kama hii ingesaidiwa, ingefanya kazi nzuri.

Kwa hivyo, naomba ule wakati mwingine, Bunge la Seneti liweze kuangalia mambo ya Embu Kaunti kama vile barabara, maji na kilimo.

Asante, Bw. Spika wa Muda.

The Temporary Speaker (Sen. Wakili Sigei): Thank you, Sen. Munyi Mundigi. Sen. Crystal Asige, you may take the Floor to second the Bill.

(Resumption of debate on Bill)

Sen. Crystal Asige: Thank you, Mr. Temporary Speaker, Sir. I rise to support this Bill; The Learners with Disability Bill that has just been moved. As I make my submission, I will start with a small anecdote.

There are two young fish swimming along and they happen to meet an older fish swimming the other way who nods at them and says “Morning boys, how is the water”? The two young fish swim on for a bit then eventually one of them looks over at the other and goes, “What the hell is water”?

David Foster Wallace used this story to illustrate how the most basic and important parts of our experiences as human beings are often the last to be recognized or appreciated and instead are taken for granted. I agree with him.

For me, the older fish represents privilege, people with means who we assume are not just ignorant, but have no desire to be informed. People who are not disabled really have no awareness that very few people around them are not swimming through life as easily and as exposed as they are.

Mr. Temporary Speaker, Sir, there is the water. I see the water in this story as an allegory to our basic human rights such as health, housing, water, electricity, access to information and education. These rights and freedoms are meant for all people no matter their ability or disability.

I have thrown myself into working on this Bill because I desperately wish to see as many barriers as possible removed from access to inclusive education by our learners with disabilities. To ease the buzz off them and their families if only a little bit so that they do not have to struggle like I did.

Mr. Temporary Speaker, Sir, learners with disabilities are not just young fish swimming in new waters, but exceedingly disadvantaged fish swimming in non-inclusive Kenyan waters.

Since high school, my eyesight began to steadily decline from the degenerative disease called glaucoma, through which I had my disability. I was the only student with a visual disability in school. Similar to now, I am the only visually impaired Parliamentarian in the House. Being a young learner back then, dealing with going blind with no policies on discrimination, no inclusive education, no integrated school systems, no assistive technology or devices, no personal aid, no teachers trained in special education, and no community of people with disabilities (PWDs) around to guide or encourage me, really broke me.

Then came the Constitution of Kenya 2010. Article 53 of the Constitution provides that every child has a right to free and compulsory basic education. It further provides in Article 54 that PWDs are entitled to access educational institutions and facilities that are integrated into society to the extent compatible with the interest of the person. Therefore, this Bill is aimed at providing a proper legal framework in order to ensure the actualisation of the right to basic education for learners with disabilities at all three levels of education in Kenya.

The Bill outlines the rights of learners with disabilities as well as the responsibilities of the parents and guardians of learners with disabilities as it pertains to access to education. However, there are still many improvements considering the burdens of families of learners with disabilities.

Mr. Temporary Speaker, Sir, according to a study conducted by the Kenya National Survey on children with disabilities in 2018, it was found that 72.6 per cent of learners reside in rural areas. These students typically rely on health care services provided by hospitals in these rural regions, as good health is closely linked to effective learning.

Given the significant reliance of the population on the National Health Insurance Fund (NHIF), it is expected that these children would also benefit from its cover. Unfortunately, due to the current status of the NHIF, over 350 rural hospitals have now

refused to accept NHIF cards. As a result, these learners are being deprived of the health care that they need.

This situation puts their families in a difficult situation forcing them to pay for medical expenses out of pocket which leaves them with very little money for other crucial expenses, which I have outlined in this House before. It becomes more distressing with the proposed Finance Bill 2023 and the provisions therein.

Mr. Temporary Speaker, Sir, let us consider a hypothetical family earning Kshs50,000 which will be subject to these deductions as specified in the Finance Bill. After accounting for all expenses, the family will be left with Kshs4,000 or Kshs5,000, an amount which is woefully inadequate to cover their medical bills.

The Bill creates provisions that obligate the national Government, through the Ministry of Education and the county governments to carry out their duties in bringing the education of learners with disabilities to parity with all learners and exclusion of persons with disabilities in the education cycle.

Mr. Temporary Speaker, Sir, the same study conducted by the Kenya National Survey on children with disabilities in collaboration with the Kenya National Bureau of Statistics (KNBS) in 2018, revealed that approximately 300,000 learners with disabilities are currently enrolled in our education institutions. However, the study highlights a significant dropout rate amongst these learners.

Mr. Temporary Speaker, Sir, what the study fails to provide is a true picture into the quality of education these learners receive. Many of them have expressed dissatisfaction with the quality, stating that teachers lack adequate training in special needs education, leading to a sense of neglect amongst the learners.

The Bill stipulates the process of identification and assessment of learners with disabilities, to ensure that every learner has access to education in a manner that is convenient and accessible to them.

In 2016, the Special Schools Heads Association of Kenya conducted a study revealing that over 100,000 learners with disabilities were not attending schools in Kenya. Among this group, the largest percentage, more than 35 per cent, consisted of learners with self-care difficulties; followed by those with communication difficulties at 25 per cent; intellectual disability at 10.7 per cent; and visual impairment at 2.8 per cent.

These figures are substantial, but it is important to note that they do not reflect the most recent data. Obtaining up to date statistics has proven challenging. Even the National Council for Persons with Disabilities (NCPWD), who were before the Committee on Labour and Social Welfare last week, expressed the on-going difficulties they face as an agency responsible for disability. They highlighted various constraints including limited staffing, with an estimated one officer per county. This makes it very difficult to gather accurate data on PWDs.

Learners with disability have different needs. Some require home based medical, institutional or other inclusive education services that are outside the regular school programmes. What the general public does not understand is the compound effect that

tears through these families. Due to the disability of a learner, more members of a family end up affected.

Mr. Temporary Speaker, Sir, there is a 26-year-old named Johnson in Watamu, who lives with his single mother and the brother. Johnson has Cerebral Palsy (CP), but has received no therapy. This has led to the development of autism alongside his CP. It is now a complex disability. His mother has struggled to find suitable education opportunities for him in Watamu. Unfortunately, a special school in Gede refused to admit him because of his age.

Despite his disability, Johnson has shown talent in arts and crafts. He used to make and sell key rings to tourists in Watamu to support his mother financially. However, he lost his motor skills and was unable to work again. So, he taught himself to cook and help with household chores because of the increased difficulties faced by his mother in taking care of the family. His grandmother then had to move from Nyeri to Watamu to assist.

On the other hand, Johnson's younger brother felt neglected due to the attention required by Johnson from his mother. This has affected his performance and has led to a silent war between the brothers. The younger feels Johnson is favoured.

These important details are often overlooked when we look at legislation, yet they significantly impact the home environment. The challenges faced by this family have been accumulating overtime, with the mother unable to focus on her work and developing high blood pressure in the process as she dedicates her attention to taking care of her children.

Sadly, this Bill can only solve some things, with hope that other Hon. Members in this House will also push disability responsive legislation that helps to solve other issues.

In the Learners with Disability Bill, provision is made for a framework of monitoring and evaluation as has been said, on the institutional management of inclusive education. Creation of an advisory board to the Cabinet Secretary and any other Government agency, culminating into an annual report to be published in the *Gazette* on the progress or lack thereof in inclusive education by the Government, its agencies and other institutions.

To eliminate the issues of stigma and prejudice suffered by learners with disabilities, the Bill provides for creation of inclusive education resource centres as has been said. The resource centres are to serve as a link between learners and the society, by providing resource personnel who shall create disability awareness in the local community; providing sign language interpreters; support teachers; physiotherapy services and carrying out any other activity that may further its role in providing inclusive education in the country.

The function of this resource centres shall be to provide expertise and diagnostic, therapeutic and corrective educational needs. They will also provide corrective and supportive services for all learners with inclusive educational needs in the country. The centres will also serve to provide home or hospital instructions and corrective and

supportive services to disabled learners, in cases where the nature and severity of their disabilities makes studying in regular institutions impracticable.

Further, the centres will assist educational institutions in designing individualised instructional programmes for learners with disabilities; conduct educational and psychological assessments; plan curriculum implementation; provide outreach services to learners not yet in educational institutions like the data I gave.

Still, the centres will provide advisory services to educational institutions and in the jurisdiction in these resource centres and carry out such other functions as the Cabinet Secretary may prescribe from time to time.

Mr. Temporary Speaker, all of the other provisions have been eloquently put forward by my co-sponsor, Sen. (Prof.) Kamar. I wish to add the reason we call it the Learners with Disabilities Bill. Most people have asked why we say learners with disabilities. It is because many of us with disability in education systems are not of the 'normal' age to be starting in Class One or Two. Often, you will find a 26-year-old like Johnson in Watamu, who requires to start Class One at his age. That is why we call it the Learners with Disabilities Bill not the children with disabilities because not all learners are children.

Lastly, the Bill provides for amendment to the Technical and Vocational Education and Training Act, 2013. I hope that this Bill is seen as a starting point and undergoes continuous amendments in the coming years, to improve the needs of learners with disabilities. It should be adaptive of challenges faced by families.

Parents should not be burdened with paying more than Kshs20,000 to support their children. We have heard accounts from Senators in this House and other people who have to pay Kshs2,000 per day to have somebody take care of their child. As you know, there are seven days in a week. Parents have told me their autistic child needs home-based education. It costs Kshs3,000 per day to get a home-based teacher, that is, Kshs15,000 a week, just because a learner has autism.

A potential---

The Temporary Speaker (Sen. Wakili Sigei): Sen. Crystal Asige, you have a balance of five minutes to give your contributions.

Sen. Crystal Asige: Thank you, Mr. Temporary Speaker, Sir. It is essential that learners with disabilities have access to proper healthcare without financial strain on their families. This should also be taken into account as this Bill moves forward, not just this year, but in subsequent amendments.

Thank you, Mr. Temporary Speaker. I second.

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

(Question proposed)

I note from the dashboard that there is expression to contribute to this Bill. I am aware that Sen. Maanzo had requested to contribute because you are rushing somewhere.

Go ahead and make your comments within five minutes. I know you have your 20 minutes and I have considered your request.

Sen. Maanzo: Mr. Temporary Speaker, Sir, five minutes are enough. I rise to support this very important Bill. I congratulate Sen. Crystal Asige and Sen. (Prof.) Kamar. It has distinguished the current practice on learners. Whatever has been happening has been without a law. There are international conventions on this. The Constitution has touched on it and there are scattered laws on how to deal with this issue. With this Bill, it is settled that people with disabilities will get an opportunity to learn because education is an equalizer.

If Members, including those from the National Assembly, took care or employed a person with disability in their National Government-Constituency Development Fund (NG-CDF) offices, own offices and in this House, it will go a long way to scatter these opportunities across the country.

Mr. Temporary Speaker, Sir, I have been doing this since I was a Member of the National Assembly. Right now in my office, there is a young man called Dennis. He has gone to school up to Form Four. I met him when he was in high school. Although he is an adult, he looks like a seven-year old boy. Many people mistake him for a child. When he boards a matatu, they think a child is lost.

From the time I employed him in my office, he has had a big impact. I am now helping him to study acting. I believe he has a future. Since I employed him, he has changed his family. Education is important for anyone with disability.

There is something else I thought probably Sen. (Prof.) Kamar will look at. Some of the disability cases can be attended to medically and they are cured. We also have a problem across the country where many families hide children with disability and they do not give them an opportunity to go to school.

Mr. Temporary Speaker, Sir, we should come up with a punitive measure in this law to punish a person who is found hiding a child of that nature and not taking him/her to school. This will create fear and make sure that people come out and release these children to go to school.

There are quite a number of facilities of children with disability but some are sponsored by the national Government. Therefore, this Bill has shared responsibilities between county governments and the national Government. It has come out that we have a definite way of dealing with these schools and giving those children education according to their needs and interests.

There has been no proper way of funding. One time, I employed a member of staff who was the only child in that family that could see. Upon employment, one of the things we did was conduct an *harambee* to make sure that these children go to Thika School for the Blind. Now, she has changed that home completely. A big relief was given to my employee who came on board by us helping that family.

Mr. Temporary Speaker, Sir, we have to come up with a system of making these children or adults go to school. Other than conducting *harambees*, the Government has to

have a system so that these children or adults can have an opportunity to have an education and other opportunities in life.

Most of them can be corrected through surgery and treatment. Many cases have changed. Although, some people have been tilted to believe that when you have a disability and get registered, you are not able to pay taxes and can get a car cheaply.

We had a nominated Member in the National Assembly, who is now in the East African Legislative Assembly (EALA), who used to say that he would not want to go and be prayed for in order to walk again because he did not want to lose those benefits. I used to think it was a joke.

Mr. Temporary Speaker, Sir, historically, this is a very old issue. It was in the biblical times. Even Jesus healed a number of people with disabilities; a blind person and someone who for 38 good years was unable touch the water in Bethsaida, Jerusalem. He had been there even before Jesus was born.

It being a practice of old times, it means disability is as old as people were. Everybody is a candidate for disability. Anybody can become disabled anytime through sickness or accidents.

We have to develop a law. It means even if you are an adult and you get disability, you have to learn new skills to survive other the ones you acquired in school or knew all your life. This will go a long way to change the way we perceive People with Disabilities (PWDs) or people who are talented differently.

Upon this law, they will be given an opportunity to learn a skill, which they can use to sustain themselves. I am looking forward to when Dennis will go to the university and come back to Kenya. He passed very well in Form Four. He is not able to drive a normal car. I look forward to his wedding and him having a good live and a family.

Thank you, Mr. Temporary Speaker, Sir, for this opportunity.

I support.

The Temporary Speaker (Sen. Wakili Sigei): Thank you, Sen. Maanzo. I request Members to allow Sen. Mumma to submit for five minutes. This is because she is pursuing the support of one of our colleagues whom we will bury on Friday.

Sen. Mumma: Thank you, Mr. Temporary Speaker, Sir, for the opportunity. I rise to the support Sen. (Prof.) Kamar and Sen. Crystal Asige. I congratulate them as well for tabling this important Bill.

I am a mother to a 28-year-old severely disabled son, who has cerebral palsy. I thought I should contribute a little to help support this good Bill and to possibly improve it. We will not speak to what is already in the Bill.

I advise the Movers to consider adding amendments that will deal with the two aspects of learning institutions for PWDs. Under the convention on the rights of PWDs, the recommended way for education for learners with disability is to integrate them in schools that other students go to by enabling the facilities to provide access; by training teachers to be able to handle differently abled learners.

Mr. Temporary Speaker, Sir, we need to progressively provide, in this law, that all schools should contemplate facilitating access to learners. This is because specialized

schools could be situated in far-flung places. If you only have one school in Kakamega, it means that students with disabilities in that district must go and be in boarding. It is not always the case that boarding schools are the best solution for students.

I request the Movers to provide for integrated learning in regular schools. This is so that all schools progressively provide an infrastructure that can facilitate learners with disability to be brought on board. This means that even the school buses in the country must be adjusted to be able to take on many learners with disabilities.

Mr. Temporary Speaker, Sir, I heard the House applaud when Sen. Maanzo mentioned that there are parents who do not take their children to school.

As a wearer of the shoe, I know many parents who have not taken their disabled children to school because the *matatus* will not take them and they do not have the facilities to carry their children to school. Beyond being denied the opportunity to go to school, they are condemned by society for not taking their children to school. As we consult, I want us to know the practical situation that students, parents and families of learners with disability go through.

The second bit is the specialized schools. Private actors in this country sponsor majority of schools or institutions for learners with disability. The public only sponsors few of these schools. I want the Movers to include a clause that can provide a partnership between the sponsors of private schools for Persons With Disability (PWD), to ensure that public money is expended in those schools to enable more learners to attend them.

My son went to St. Peters School, Loresho, whose land was donated by Mr. Ng'ang'a, a parent who had a child with severe disability, but could not get any school in Nairobi City County for his child to attend. He gave away his land for children with severe disability to attend the school. When we approached the Government to post teachers to that school, they refused because in their view they could only do so if the land was handed over to them. The board of trustees of course refused to do so because they knew once you handed over land to somebody in Government, you would not be sure whether it would remain a school or it would be taken over.

As I finalize, I want to ask the Movers of this Bill to interact a little in order to understand the lived experiences of families of persons and learners with disability, so that we can add in one or two things that will strengthen or consider the lived experiences of learners with disability.

I thank you

The Temporary Speaker (Sen. Wakili Sigei): Thank you Sen. Mumma.

Proceed, Sen. Cherarkey.

Sen. Cherarkey: Thank you, Mr. Temporary Speaker, Sir. I do not know what Sen. Sifuna is signaling, but maybe it is a good thing. From the onset, I shall be very brief; that you can be sure of.

I congratulate Sen. (Prof.) Kamar, who was our former Senate Deputy Speaker, a seasoned Cabinet Secretary for Higher Education, Senator of Uasin Gishu County and one of the trailblazers in elective politics. When we were discussing about women

election, I discovered that she was among the six women who were elected in the National Assembly. She represented Eldoret East.

We are proud of what Sen. (Prof.) Kamar is doing and support her. I know she was passionate about this Bill in the last session, but because of the *Sine Die* we could not process. I equally thank and congratulate Sen. Crystal Asige. She is cutting a niche in the legislative world, the same way she did in the creative world. There is a very beautiful song she has sung called *lenga*. It is very interesting and you should listen to it while relaxing.

I am happy that Sen. Crystal Asige is making her mark. In part of the song she says “*shida zikiwa mingi beba na lorry*”. She is doing extremely well. I am happy to see her being the champion of the PWDs; being known and respected as per the law and even to receiving their dignity within our society. I would not find myself outside of supporting this Bill. As we lead everybody- even Sen. Oketch Gicheru - we are leaders of all. We need the PWDs, the able bodied, poor, rich, judges, magistrates, the President and the people at the bottom.

I was made aware that in the 2019 population census, Kenyans are 53.01 million, and out of that, 2.2 per cent are people living with disability. That is around 0.3 million Kenyans. It is worth to note that even the 2010 Constitution recognized this population’s role. Under Article 54, one of the issues that it espouses is the right to access educational facilities. Of course, outside the braille language and so on, it also talks of access to public spaces and education.

Article 54(1)(b) of the Constitution states –

“54. (1) A person with any disability is entitled—

(b) to access educational institutions and facilities for persons with disabilities that are integrated into society to the extent compatible with the interests of the person;”

Many people imagine that PWD must be kept in particular spaces. There is a way they can be integrated with the normal children and within society. We must be aware to provide access to buildings such as using ramps and sign language. I am happy that even the media has incorporated sign language interpreters when they read the news. I have also seen that the Government, including Parliament, is alive to having a unique population. They must be part of the process even in recognition of braille language.

It behooves the Ministry of Education that when we pass this law--- I do not think anyone would object this law. We should process it very fast together with the Members of National Assembly. I can confirm that the President will assent to this Bill. Children come from God. Many parents would imagine that when you are expecting a child, they hope that it will be a normal child. Sometimes it does not happen that way. Some children are born differently able and others have albinism. That is why I am happy that the House has assented to my Bill on the right to disconnect and respect of privacy to family.

There is a tendency in this country to hide the children who are born with disability, because of the unique challenge they come with and their need for a lot of

support. I do not want to name the family, but I once visited them after campus and later realized they had a child with disability. The child had mental issues and they kept him away from other people. That is unfair. I challenge the Ministry of Interior and Coordination of National Government and the Ministry of Education to give 100 per cent transition using chiefs to ensure all children attend school.

In the spirit of this Bill, the chiefs should be ordered to conduct a census and ensure any child who is differently abled, is taken to school. It is the law. As much as we are pushing for 100 per cent transition rate, we should also ask the chiefs, National Government Administrative Officers (NGAO) and the Ministry of Interior and Coordination of National Government to conduct census for most of these children.

Parents should be proud. These are just children who are unique. You cannot imagine that Sen. Crystal Asige is the champion of PWD. She is in the creative world. When you are relaxing with your family, listen to that song and you shall really appreciate what she has done. She has a wonderful voice. Many people would have assumed that Sen. Crystal Asige should not get education simply because she is a PwD. She is doing marvelous. She is a Senator of the Republic of Kenya. I thank the party that nominated her. This is something that cannot go without notice. I congratulate her party for nominating her.

I have five points. The third is that we need the Data Protection Act, which is in place. We have the census. Let us ensure that we identify and prioritize it. The Kenya National Bureau of Statistics (KNBS) could tell us which particular persons have a child with disability, so that we can offer some of this support. I am surprised that there are Kenyans who are PwDs, but do not have PwDs card. Can you imagine?

When it comes to registering *wazee* for their monthly stipend, the chiefs are ordered to do so. I am looking for a situation where the National Council of Persons with Disability will be directed to ensure that all PWDs have a PWD card. Sometimes I see people complicating the process. If somebody is a PWD, what other evidence do you need to see so that you can give them the card?

Sen. Wambua, Sen. (Prof) Kamar and a number of colleagues in this Chamber can remember that in the last Senate I was a temporary PWD. It is not a preserve of a few individuals; others get it through accidents.

Clause 5 of the Bill proposes that every learner with disability shall have the right to access all school buildings and facilities with ease. The Disability Act of 2003 was critical; this Act was intertwined with the 2010 Constitution. We need to push for the training of teachers on how to handle to PWD children, and I know this has been addressed in the Bill.

In Nandi we have the Kapsabet School for the Deaf and small homes which the Catholic Church is sponsoring. I know other churches are also sponsoring some of these organizations. We should not leave PWD children to the mercy of charity. Somebody somewhere in USA fundraises to come and take care of our PWD children. Which society are we?

Kenyans and Africans, we had a heart of providing for everybody. It is sad that most of these organisations that support PWDs are sponsored by people who run charitable organisations. The provision of learning material, braille and sign language services are being done by the sponsors. What society are we if we can leave some part of the population to the mercy of charity?

The Government must take this issue with the seriousness it deserves. We have challenges even in feeding. In Ndalat we have someone who does not have legs and hands who runs and he is called Job. I hope one day Sen. Crystal Asige will allow me to take her to that school. I visited it a few months ago and there are unique challenges that they face. They are only requesting for wheelchairs, learning materials and ramps to be designed for accessibility to classes.

I would like to celebrate Job who comes from Ndalat in Mosop Sub-County for being a pioneer. He was born a PWD. The reason he is doing a wonderful job in Ndalat is because he was born without arms and legs, but the parents did not hide him. They took him to learn in a school that was within Ndalat region and not a special school. The young man is very handsome. I know this will bring contention with the ladies, but allow me to use these words; he is very brilliant. I hope Sen. Crystal Asige and other colleagues will visit the school. We should not leave them at the mercies of donations for our schools to run.

On the training of teachers in Junior Secondary School, Early Childhood Development (ECD) centers, I request that their syllabus in colleges be revised. Government institutions including Parliament and private institutions should be taught about this unique population, the PWDs, the same way we were taught about first aid, so that we appreciate them.

I think Sen. (Prof.) Kamar who was the Principal of Sen. Wambua should not have an issue because she has stayed in education and academia for long. This is a brilliant Bill.

We are now pushing for the Finance Bill to be passed. When the resources come, we should ensure they are used for funding of some of these schools that have unique challenges. Therefore, we should put the funding in the budget. The component of vote should ensure that it captures PWDs.

In conclusion, we should ensure that the counties play a role. We should ensure counties have ramps to access building for PWDs and the quality assurances are looked into, so that we can move forward. I will support this Bill with all my body organs and everything I have to make sure it passes.

Congratulations colleagues and I wish you well.

I support.

Sen. Sifuna: Mr. Temporary Speaker, Sir, always protect me from Sen. Cherarkey. I am entirely proud of the two Senators who have collaborated to put together this Bill. Sen. (Prof.) Kamar is a renowned educationist. I have the privilege of sitting next to Sen. Crystal Asige and I can tell you that I am learning quite a number of things

that I did not know, especially the perspective of the world from the point of view of somebody living with disability.

I was moved by her anecdote about the example she gave of the three fish. It is a poignant reminder that we must strive to understand the world other people live in, not necessarily yours and the one you are comfortable with. There are many things that we take for granted and are not available in other people's worlds and lives.

Allow me to commence my views on the Bill itself with the Constitution. Under Article 53, basic education is expressed not just as a right but a compulsory right that means all our children do not have a choice and cannot opt out of education because this is something the Constitution has made compulsory.

The realization of the basic education depends on eliminating both natural and unnatural barriers to access to that education. The barriers have been erected, impeding the access of PWDs to education. We must eliminate these barriers and create an environment to ensure there is equal access to PWDs. Many of the things we take for granted could be the simple barriers that deny access for PWDs.

Within the ODM Party we have many members who are PWDs. In fact, the Chairperson of the PWD Caucus in ODM, hon. Tim Wanyonyi, is a person I know and have had the opportunity to work and campaign with. When we were acquiring the new Chungwa House, the headquarters of ODM Party - because I was the Secretary General at that time - I ensured that there were two ramps installed, both at the front entrance and back entrance, to allow hon. Tim Wanyonyi and other PWDs access the building. At that time, we also had hon. Dennitah Ghati as a person whose mobility depended on a wheelchair.

At political rallies we have seen PWDs having difficulties accessing the podium at Uhuru Park or Kamukunji grounds. Luckily, since hon. Tim Wanyonyi he has been in Parliament for some time, he has the resources to afford a group of muscle men who help him to access these places. You can imagine how difficult it becomes for a first time MP or someone getting into politics with disability.

It has opened my eyes to very simple things. For example, every time we pick a venue for a meeting, you must always ask yourself if the venue is accessible to everyone. I am happy that this Bill tries to address some of the challenges of access to education by learners living with disability.

Clause 5(b) talks of a right to have information delivered in suitable legible media of instruction. It is not just about having schools. Those schools must be able to deliver that information in the language in which the PWD can understand.

The Bill also proposes the provision on access to all school buildings and facilities with ease. This is what I was trying to discuss here with the example of hon. Tim Wanyonyi.

However, what Sen. Crystal Asige has opened my eyes to is something I never thought about. The Bill talks about access to play areas, recreation, leisure and sporting facilities. My daughter who is six years old goes for swimming lessons every Saturday morning.

I was asking Sen. Crystal Asige, for instance, how you can make a swimming at a school and ensure that it is accessible to all PWDs. She was educating me that there are things called grab rails. I do not know if anyone here has ever heard of them before.

They need grab rails and slip resistant tiles. She even described that the swimming pool has to have a certain slope. The slope from the shallow end to the deep end has to have a certain gradient of I think 1.2. I do not even know what that means, but that is what she told me.

It is important to see things from this perspective. In fact, school is not just about classes and classrooms, but also play and recreational activities. When other able-bodied students take part in certain activities, we should not leave PWDs out. I am happy that particular component has been captured.

The Bill places certain responsibilities on the counties. They include providing the infrastructure that we are talking about. If you are going to have all public schools in Nairobi City County accessible to all persons and not just people on wheelchairs because disability takes many forms, we should invest in infrastructure and that will cost us money.

The Bill talks about setting up of resource centres and having a teacher in each school, who is able to instruct learners with disabilities. Of course, that will come with extra cost to our counties, which is why as a foremost defender of devolution and a fighter for greater resources to go to devolved units, I continue to insist that we as a Senate must do more to make sure that our counties are better resourced. This is so that they can take care of the new responsibilities we keep imposing upon them as a Senate.

This is another Bill that will add a fresh responsibility that requires extra resources by the counties. You will remember we passed the County Vocational Education and Training Bill that also requires that counties set up vocational training centres. That is additional cost that counties have to bear and we must provide the resources.

Mr. Temporary Speaker, Sir, finally, I learnt that under Clause 24, the Bill also provides that there be established resource centres in each of the counties. The Bill expresses that resource centres be put up by the Cabinet Secretary. That is basically assigning the responsibility to the national Government.

Resource centres in each and every county are supposed to have equipment, sign language interpreters and something that is referred to as a shadow teacher. I did not know what that is, but again, I am fortunate to sit next to Sen. Crystal Asige.

She said that if you have an able-bodied teacher, who has not been trained on how to instruct PWDs, then you need another teacher to shadow them, so that learners with disabilities can have somebody to explain to them in the language or medium of instruction that they understand. We talked about that.

I am happy with the provisions of the Bill. I take this opportunity to congratulate Sen. Crystal Asige. I know how hard she has been pushing us in the leadership to ensure that this Bill gets to this particular stage.

At the Senate Business Committee (SBC), we have fought for greater motion on the Order Paper, so that we can process business faster, and I am happy that we have gotten an opportunity to debate this particular Bill.

Mr. Temporary Speaker, Sir, with those many remarks, I support and thank you.

The Temporary Speaker (Sen. Wakili Sigei): Sen. Sifuna, I commend you for practically having ensured that Hon. Wanyonyi and the Orange Democratic Movement (ODM) officers are friendly to PWDs. That is one way of ensuring that all the people enjoy the benefits as members of political parties and as Kenyans.

Sen. Miraj, you may have the Floor.

Sen. Miraj: Asante, Bw. Spika wa Muda, kwa kunipa fursa hii ili kuchangia Mswada huu. Kwanza, nawapongeza dada zangu wawili kwa kuleta Mswada huu hapa ili tuweze kujadili na kutunga sheria.

Kwa kweli, kuna sheria nyingi zinazosema kuwa ni haki ya kila mtoto ama mwananchi wa Kenya kupata elimu ingawa imekuwa changamoto kubwa kwa watu wanaoishi na ulemavu. Kwa hivyo, wameleta Mswada huu kwa wakati mwafaka. Sasa kuna shule nyingi za watoto walemavu. Kuna moja ambayo imefungwa na zingine ziko katika hatari ya kufungwa.

Mimi ni mzazi wa mtoto mlemavu. Tulikuwa tunapata misaada mingi. Leo hii mimi ni Seneta. Kabla niteuliwe kuwa Seneta, nilikuwa nauza viazi. Kuwa na mtoto mlemavu ilikuwa na changamoto kubwa sana. Licha ya kuwa maisha yalikuwa magumu, ilikuwa lazima pia tumtafutie huduma ambazo alihitajika kupata kama *hearing aid* ambayo ni ghali. Ilikuwa inauzwa Kshs150,000.

Ni changamoto nyingi ambazo watoto wanaoishi na ulemavu wanapitia pamoja na wazazi wao. Ni jambo la kutia moyo kuona kwamba kuna watu ambao wamefikiria na kuleta Mswada huu ili uweze kusaidia palipo na pengo. Unanua kuweka sheria zote kwenye Mswada moja ili haki zao ziweze kuafikiwa.

Nampongeza Sen. Crystal Asige kwa kutambua kwamba sio watoto wanaokwenda shule pekee yao wanaohitaji huduma hizi, bali pia watu wazima ambao katika serikali za nyuma hawakuweza kupata fursa ya kupata masomo na huduma ambazo zinazungumziwa hapa.

Mswada ulipokuwa ukisomwa, niliskia ikisemwa kuwa kutakuwa na marekebisho kuhusu *technical and vocational trainings* ambazo zinaendelea katika taifa letu ili wao pia waweze kufaidika kwa sababu hata wao ni Wakenya.

Yale ambayo Sen. Mumma amesema ni kweli. Alisema kuwa sisi wazazi wa watoto walemavu tumekuwa tukipokea usaidizi kutoka kwa wafadhili na wala si Serikali.

Ningependa kumtambua na kumpongeza bwana mmoja kutoka kule Mombasa. Anaitwa Hasubhai wa Mombasa Portland Cement. Amekuwa akipeana Kshs7,000 kwa kila familia baada ya kila miezi mitatu. Huyu mfadhili wetu amekuwa pia akilipia wanafunzi karo ya shule na kutoa huduma nyingine ndogo ndogo kwa watoto walemavu.

Serikali ya Kenya Kwanza inafaa kukumbatia Mswada huu. Isichukuliwe kuwa watu wanaoishi na ulemavu wanapenda kuombaomba ama kutarajia wafadhili na wala si Serikali kuwafanikishia au kuwapa huduma ambazo zinastahiki kupewa na Serikali.

Juzi nilisema kwamba serikali huendelezwa. Kwa hivyo, katika *legacy* ambazo Rais wangu atawacha, naomba moja wapo iwe kwamba jamii ya walemavu watapata huduma ambazo wanahitaji kupata kutoka kwa Serikali ya Kenya Kwanza, ili serikali zitakazokuja zikumbatie na kusiwe na tashwishi katika maisha ya mlemavu yeyote katika taifa la Kenya.

Asante, Bw. Spika wa Muda.

The Temporary Speaker (Sen. Wakili Sigei): Sen. Wambua, you may have the Floor.

Sen. Wambua: Thank you, Mr. Temporary Speaker, Sir, for this opportunity to also add my voice to comments on this important Bill.

I will start by congratulating the two great lady Senators who have sponsored this Bill. One of them is my teacher. That is Sen. (Prof.) Kamar. It is always a pleasure when a student serves with their teacher.

Mr. Temporary Speaker, Sir, I also want to congratulate my sister, Sen. Crystal Asige, for being very consistent in representing the interests of the people that she is supposed to be represented in this house and leadership.

I will address myself to only four clauses of the Bill - Clause 5, 6, 21 and 23. I like the drafting of Clause 5 of this Bill, to the extent that it gives effect to the provisions of Article 35 of the Constitution of Kenya, 2010 on the right to access information either held by the state or by another person, which information is required to help someone to advance their course in life.

That provision in itself places a responsibility on those that plan education funding to make available equipment and facilities for learners with special needs to be able to access information.

It goes beyond that to involve even this Senate because the information from Senate is critical for the realization of the dreams and aspirations of our children in schools. That information that comes from this public institution should be accessible to these children in a manner that they can consume. The same applies to media houses. All these are sources of information for these children.

As a Senate then, we have an opportunity to make sure that our children that go to school and they have special needs, have access to this information in a format that they can consume.

I like Clause 6 for the simple reason that the language in it places an obligation on the shoulders of parents of children with disabilities, to ensure that these children access education. We all know that there are some parents, who when they are blessed with children with special needs, want to hide them in their houses. They do not want them to get out or to meet people.

I like the wording of this Clause and the use of the word “shall” because then any parent who does not make it possible for children with special needs to access education is liable to a fine, which is stipulated in the Clause.

Clause 21 should actually be read together with Clause 6. The Bill puts obligation on the County Education Board on the examination and registration of children

with special needs that need to be enrolled in schools and that are already in schools. For purposes of planning, it will be easier to know what facilities need to be made available to these children.

Clause 23 is on the establishment of the Special Needs Education Advisory Board. I call upon the promoters of this Bill to consider maybe refining that Clause and properly defining the qualifications of the people to sit in this Board.

Clause 23(2) tries to define those qualifications but in very general terms. It will be important to define the proper qualifications of the people that should sit on this advisory Board. This is because it is these people that will cause policy shifts and serious government decisions on the education of children with special needs.

I would request that maybe in Third Reading the sponsors of the Bill may consider refining the qualifications for the person that should sit on the advisory Board.

In conclusion, there is a problem with the training of teachers for special education needs children. That training is accessible to a very small and insignificant percentage of teachers in this country. Then the teachers that have had the privilege of going through the Kenya Institute of Special Education are so few that they cannot be effective.

I suggest that the promoters of this Bill also consider a Clause that makes it mandatory to integrate special needs education into the curriculum for the training of teachers in teachers' training institutions. We shall then we begin the process of making every public school an integrated unit for special needs children.

This Bill, in a nutshell, seeks to remove the barriers and substitutes them with enablers for greater access to education for our children with special needs and for that reason.

I fully support it. I thank you.

The Temporary Speaker (Sen. Wakili Sigei): Thank you, very much, Sen. Wambua.

Sen. Mungatana, you have the Floor.

Sen. Mungatana, MGH: Thank you, Mr. Temporary Speaker, Sir. I rise to support this Bill by saying a few words. There is an old man who had a child back home in Tana River County. The child was not able to walk, so he was using a wheelchair.

He was asked why he wanted him to go to a school where everybody was going and not to the nearby school, where other children had various forms of disabilities. The old man gave a very wise answer, which speaks to this Bill - that the child was not going to live in a world where he would be surrounded by people with disability.

He had to live and integrate with a school system that makes him, get used to living with people who are differently abled and also with people who have full body functions because that is the world that he was going to live in when he grew up.

This small illustration speaks to the fact that there is a serious need for national and county governments to make special allocations for infrastructure improvement for children with different disabilities.

Mr. Temporary Speaker, Sir, I support this Bill because it is attempting to solve some of the problems that are affecting children who are differently abled.

Mr. Temporary Speaker, Sir, there is another problem and I wish this Bill would insert a clause somewhere. This same old man said that although it was his wish that this child would continue to live and go to the same school until he finishes primary school, children of his age kept on laughing and mocking him whenever he went to the school latrine. They were wondering how he was going to help himself when the need arises. So, the father started providing diapers. However, over time, the psychological damage on this child, affected him to the point that he had to drop out of school and the parents had to look for a different way to get him educated.

This speaks to one of the gaps that exist in this Bill; awareness. There needs to be a clause that will force in the curriculum of education, from a very early age, that children are taught that there are others who are not like them. They do not have all the functions with them and they are still children like them. They are going to their school and they need to accept them.

Mr. Temporary Speaker, Sir, it took a long time before the one-third gender rule was accepted. It took a long time before the issue of Persons with Disabilities (PWDs) was accepted and mainstreamed. It would be a very important addition if this education curriculum can be enriched to include the awareness of children at an early age, to be told that they need to know that there are others who are not like them. By doing so, they will accept those who have difficulties in school. It would be useful if awareness finds a way into this Bill.

Mr. Temporary Speaker, Sir, children with disabilities come in different forms; it is not just physical. The Bill does not seem to address this. This is another gap and I hope the promoters will look at. I know Sen. (Prof.) Kamar is a very thorough person and she is taking notes.

These children not only have a physical disability, there are those who have Attention Deficit Hyperactivity Disorder (ADHD), SPE and those who have intellectual content, which is very low. There are also those who just lose their motor skills.

Mr. Temporary Speaker, Sir, they become vulnerable. So, the gap I see in this Bill is that there is no special provision for the protection of these children.

Already, we know that even normal children have been taken advantage of by predators but this becomes doubly serious with children who have various disabilities. They cannot even talk, defend themselves or even say anything about what happened to them.

We need to have a clause or a provision that creates that extra responsibility. It is not just for parents to take these children to school and leave it there. However, extra responsibility should be given to those caregivers who receive these children and spend the day with them.

This Bill should give special protection to these children so that they are not taken advantage of when they are brought to those learning areas. Otherwise, I am very happy with Sen. (Prof.) Kamar and Sen. Crystal Asige for the work they have put into this Bill.

I really encourage them to keep going. We shall support them to the end and I hope they will listen to all the ideas, which are being proposed here so that they can move the necessary amendments when the Bill comes to the Committee of the whole House.

I thank you and I yield the Floor.

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

Sen. Beth Syengo: Thank you, Mr. Temporary Speaker, Sir. I rise to support this Bill by Sen. Crystal Asige and Sen. (Prof.) Kamar.

Mr. Temporary Speaker, Sir, allow me to start by talking about disability and culture. We know that in Kenya, there are some communities that believe that if they give birth to a child with a disability, it is a curse and maybe a taboo.

They end up hiding their children in their houses. They lock them up and they do not want people to know that they have children with disability. These children are not taken to school. This Bill has come to save the lives of these children.

People living with disabilities are also human beings who have brains. Some of them are very brilliant. We have an example here in a Senator VIP. People have been very insensitive to learners with disability. Sometimes it is in the comments that we make and the way we treat and live with them at home.

The speakers who have spoken before me have also alluded to the fact that there are buildings and institutions that are not sensitive to PWDs. This makes PWDs not access places where other people access or transact business.

It is important that the Bill has also touched on the responsibilities of the counties. Counties should register children with disabilities within their counties, and also conduct assessments by having assessment tools that will enable them to ascertain the degree of disability of any nature.

It is important that the Bill is also touching on the Technical and Vocational Education and Training (TVET) institutions that must be resourced to handle learners with disabilities. The TVET institutions being tertiary colleges are very important. When learners with a disability are through with their elementary education, O Level or Ordinary levels, they can also move on to be trained according to their trade, talent, and ability depending on the type of disability that they have.

Mr. Temporary Speaker, Sir, sometimes I am perturbed by the things I see in Nairobi streets. You find many children and even grownups with disability lined up along the streets to beg.

It is an interesting scenario. During the day, you see them, but in the evening, they are picked. At one point I asked, where do they come from? There are so many PWDs lined up in the streets of Nairobi but they do not sleep in the streets. They are picked in the evening. Is it a cartel or an arrangement where children with disability are not taken to school, but somebody is taking advantage of them? They are being used to beg and collect money. In the evening they take that money to an individual. Could it be true? I do not know but these individuals are misusing children with disability.

Instead of them being taken to school, they are taken to begging in the streets. They are not even allowed to use the money they collect; it goes into the pockets of an individual.

Mr. Temporary Speaker, Sir, disability is not inability. This Bill is very important because it will give learners in this nation a chance to learn. Learners with disability will advance their lives since they are gifted. Some are very talented and bright. They can also make it to the presidency. I look forward to seeing a day that we will have a President with disability, where everybody will accept and support them.

I support.

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

Sen. Murgor: Mr. Temporary Speaker, Sir, thank you for giving me an opportunity to also add my voice to that of my colleagues.

I support this Bill because of the important role that it plays in the lives of those that are living with disability. In the past and even currently, some cultures treat a child born with disability as a bad omen, bad luck and taboo. Such a child is left to live in a situation that is really terrible in some homes.

Therefore, this Bill will help in educating these children. It will help them to be treated equally, if not better because of the fact that they need extra help. It will help in training of those that help these children or PWDs.

It also creates a future for them because when they get educated, then they will depend on themselves. They will go through school like any other child. Therefore, they will create a future for themselves, unlike what it was in the past, where there was no future for such a child.

Mr. Temporary Speaker, Sir, this will also make the county governments responsible for PWDs. They will also have a census or records of how many people in that county are living with disabilities. The kind of disabilities will also be known in the records of the county; whether physical or any other kind of disability. Therefore, it makes the county governments responsible in helping to recognize these people and finding ways of helping them.

It will also create ways for them to access facilities such as classrooms and toilets, as somebody mentioned. This will enable them to relieve themselves when need arises.

I support.

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

There being no other Senator interested in contributing, I call upon the Mover to reply.

Sen. (Prof.) Kamar: Thank you, Mr. Temporary Speaker, Sir. I thank the Members who have contributed in a record one hour. I thank Sen. Maanzo, Sen. Mumma, Sen. Cherarkey, Sen. Sifuna, Sen. Abdul Haji, Sen. Wambua, Sen. Mungatana MGH, Sen. Beth Syengo and Sen. Murgor.

I thank all of them for the very informative presentations that they have made. I assure Members that we will take note of every comment that they have given. I do not want to outline each one of them since some are in the Bill.

I assure Members that the Committee on Education finished going through this Bill. Sen. Joe Nyutu, the Chairperson of the Committee on Education will be tabling the report just before we go to the Committee of the Whole stage. So, we will be able to add more. We already have amendments that have come from the public participation. So, we have amendments from public participation, the Committee and the ones that we will be introducing from these Members. This was really enriching. I thank Members for that.

In a very special way, I recognize Sen. (Dr.) Musuruve, a Senator in the last Senate, for co-sponsoring the Bill with me. That is what motivated me to want to co-sponsor it with Sen. Crystal Asige because of the insight of what they know about this area, which is sometimes more than what we do.

Mr. Temporary Speaker, Sir, with those remarks, I beg to move that the Bill be read a Second Time.

The Temporary Speaker (Sen. Wakili Sigei): Sen. (Prof.) Kamar, I believe you were replying.

Sen. (Prof.) Kamar: Sorry, Mr. Temporary Speaker, Sir. I have been sitting on that Chair of yours until I seem to be talking on your behalf. I beg to reply and that we defer the putting of the question until the next time.

The Temporary Speaker (Sen. Wakili Sigei): Hon. Members, we defer putting of the question to tomorrow.

(Putting of the question on the Bill be deferred)

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

The Temporary Speaker (Sen. Wakili Sigei): What is your point of order Sen. Sifuna?

Sen. Sifuna: Mr. Temporary Speaker, Sir, pursuant to Standing Order No. 159, I rise to withdraw The Office of the County Printer Bill (Senate Bills No. 10 of 2022), which is appearing in our Order Paper today, at number 14.

The Temporary Speaker (Sen. Wakili Sigei): Clerk, take note. That is Order No. 14, the Office of the County Printer Bill (Senate Bill No. 10 of 2022).

Sen. Sifuna, that is noted and the same is being withdrawn.

BILLS

Second Reading

THE OFFICE OF THE COUNTY PRINTER BILL
(SENATE BILLS NO. 10 OF 2022)

(Bill withdrawn)

Order No. 13, the County Licensing Uniform Procedure (Senate Bill No. 9 of 2022) is deferred courtesy of a request by the Mover of that particular Bill.

Second Reading

THE COUNTY LICENSING (UNIFORM PROCEDURE) BILL
(SENATE BILLS NO. 9 OF 2022)

(Bill deferred)

Next Order.

Second Reading

THE AGRICULTURAL AND LIVESTOCK EXTENSION
SERVICES BILL (SENATE BILLS NO. 12 OF 2022)

Sen. Tabitha Mutinda: Mr. Temporary Speaker, Sir, I beg to move that the Agricultural and Livestock Extension Services Bill (Senate Bills No. 12 of 2022) be now read a Second Time.

Let me first begin by thanking the Committee on Agriculture, Livestock and Fisheries for carrying out public participation on this Bill. I also thank the Speaker and the Clerk of the Senate for facilitating the development and publication of this particular Bill.

The principle objective of this Bill is to provide for development and provision of agricultural and livestock extension services. Currently, there is no legislation that exclusively provide for this important aspect in the agricultural and livestock sector.

The Temporary Speaker (Sen. Wakili Sigei): Sen. Tabitha Mutinda, you have a balance of 59 minutes in the next sitting.

ADJOURNMENT

Hon. Senators, it is now 6.30 p.m., time to adjourn the Senate. Therefore, the Senate stands adjourned until tomorrow, Wednesday 14th June, 2023, at 9.30 a.m.

The Senate rose at 6.30 p.m.