

# PARLIAMENT OF KENYA

## THE SENATE

## THE HANSARD

Wednesday, 31<sup>st</sup> May, 2023

### Morning Sitting

*The House met at the Senate Chamber,  
Parliament Buildings, at 9.30 a.m.*

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

### PRAYER

#### DETERMINATION OF QUORUM AT COMMENCEMENT OF SITTING

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

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

Serjeant-at-Arms, 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 we now have the quorum.

Mr. Clerk, kindly proceed to call the first Order.

### QUESTIONS AND STATEMENTS

#### QUESTIONS

**The Speaker** (Hon. Kingi): The first question is by Sen. Veronica Maina. This Question is directed to the Cabinet Secretary in charge of Mining, Economy and Maritime Affairs.

Clerk, is the Cabinet Secretary present?

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

I am informed that we are going to start with Question No. 022; that is the Question asked by the Sen. (Dr.) Khalwale to the Cabinet Secretary for Education. Clerk, is the Cabinet Secretary present?

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

Can you usher them in, please?

*(The Cabinet Secretary for Education  
(Hon. Machogu) was led into the Chamber)*

The Cabinet Secretary for Education is present. Let me take this opportunity to welcome him. Hon. Machogu, welcome to the Senate.

I will now allow the Senator for Kakamega County, Sen. (Dr.) Khalwale to proceed to ask his Question.

*Question No. 022*

REMEDIAL ACTIONS TAKEN TO ALLOW RESUMPTION  
OF LEARNING IN MUKUMU GIRLS HIGH SCHOOL

**Sen. (Dr.) Khalwale:** Thank you, Mr. Speaker, Sir. I rise to ask Question No. 022 on the Order Paper.

(a) Could the Cabinet Secretary state the remedial actions that the Ministry has taken to allow resumption of learning in Mukumu Girls High School in Kakamega County following the suspension that occurred due to suspected contamination of food and water that resulted in the death of four students, one teacher and the hospitalization of more than 100 students in various hospitals within the county?

(b) What support has the Ministry given to families of the deceased, particularly in meeting the cost of treatment where applicable and the cost of burial?

(c) Does the Ministry intend to compensate families affected by the suspected contamination?

Thank you, Mr. Speaker, Sir.

**The Speaker** (Hon. Kingi): The Cabinet Secretary for Education, kindly proceed to respond.

**The Cabinet Secretary for Education** (Hon. Machogu): Thank you, Mr. Speaker, Sir. The Question is very clear. I beg to reply.

(a) Mr. Speaker, Sir, and all the Hon. Members, after the unfortunate events at Mukumu Girls High School, I personally visited the school on the 15<sup>th</sup> April, 2022 to assess the situation. I had a discussion with the school community and the local readership on the matter.

(b) On the way forward, I constituted a multi-agency team, comprising of officers from the Ministry of Education, the Ministry of Interior and National Administration, the Ministry of Health and the County Government of Kakamega, to look into the matter and make appropriate recommendations. We gave very clear Terms of Reference (ToR) to that team and the Regional Commissioner was the chairman of that particular team.

Mr. Speaker, Sir, during that particular day, apart from constituting that team, I also had an opportunity of going to Kakamega Referral Hospital, where during that particular time, there were 11 admissions. I stayed and consoled the families and those who were admitted in the hospital. At an individual level, the area Senator knows what I was able to do that day. Later on, I went to one of the families that had lost their loved ones to console with the family and the community.

(c) Mr. Speaker, Sir, the school was reopened after the multi-agency team confirmed that the school was safe for resumption of studies. The reopening was staggered between 8<sup>th</sup> May, 2023 and 12<sup>th</sup> May, 2023, to allow the multi-agency team to give specialised medical scrutiny and counselling to the learners and their parents.

The Form Four students reported on 8<sup>th</sup> May, 2023, the Form Three students reported on 9<sup>th</sup> May, 2023, the Form Two students on 11<sup>th</sup> May, 2023 and the Form One students on the 12<sup>th</sup> May, 2023. As at 30<sup>th</sup> May, 2023, 1,962 students had reported the school, 44 are yet to report, while 56 have applied for transfer to other schools. Based partly on the consultations and the subsequent recommendations of the multi-agency team, the Ministry has taken a raft of measures to allow for the resumption of running at the school.

First, the management of the school has since been changed, because I found it necessary to change the Board of Management (BoM). Therefore, I dissolved the BoM. The new one was constituted after I did the necessary consultations with the Bishop of Kakamega Diocese. I had arranged a meeting with him and the local leadership. We have a new BoM in place, which was inaugurated on 10<sup>th</sup> May, 2023.

Hon. Speaker, I also found it necessary to replace the former principal. We now have a new principal in place, Sister Jane Mmbone, who has been posted to the school with effect from the 15<sup>th</sup> April, 2023.

Mr. Speaker, Sir, the purpose of these changes is that the school leadership was to ensure that there was an acceptable leadership that could enjoy the support of the entire school community and the local leadership, in working to resume normal school activities.

Secondly, the following actions have been taken regarding the water supply to the school. When I went there on the 15<sup>th</sup>, April 2023, I requested the Ministry of Water, Sanitation and Irrigation, and we have done the following-

(1) All the tanks at the school have been flushed out and cleaned. All water storage facilities have been properly cleaned and fitted with new taps.

(2) The tanks have been filled with clean and treated water that is routinely tested by the Lake Victoria North Development Authority and the Kenya Medical Research Institute (KEMRI).

(3) The water piping system has been redesigned and upgraded to avoid leakages.

The Ministry has operationalized the water purifier dispensing unit in the school. This has guaranteed access to safe drinking water. The Hon. Member knows that on Saturday, 27<sup>th</sup> May, I was personally in Mukumu to commission this water system plus the water borehole that we have done for the school. Indeed, the cost of the water purifier machine is Kshs6 million.

The Ministry has also sunk a new borehole in the school compound across the road. A pump has been installed and the water output is 8.12 cubic metres per minute. The supply is adequate for the school needs. The water spring and supply system has been disconnected from the main water supply of the school because part of the problem we found was that the water from the stream was contaminated and hence it caused the problems that we had in Mukumu Girls High School.

The third measure we, as Ministry, have taken was to make an order that the contaminated food which was in the store amounting to 73 tonnes of cereals; maize, rice and beans to be destroyed. I am here to confirm that the contaminated food was destroyed at Bamburi Cement Factory in Mombasa under the supervision of the National Environment Management Authority (NEMA). The Mombasa facility was used because the nearby facilities have small capacities and could have taken at least 70 days to destroy the volume in question.

New suppliers have been procured to supply foodstuff. We are ensuring that we are doing proper checking to ensure that whatever food is consumed in the school is of proper quality and does not have any such contamination. The kitchen, bakery and dining hall have been refurbished. We have done painting and fitting of aluminum sheets on all dining hall tables.

Food handlers are medically checked after every four months. For now, as at the time I went to school on Saturday, I personally witnessed that they had been given certificates giving them a clean bill of health to handle food from the public health personnel. They have been tested and vaccinated against typhoid and issued with new uniforms.

Mr. Speaker, Sir, I also realized that there is asbestos iron sheets all over the school which is not so good. We have given this school Kshs10 million for the purpose of renovating dormitories and removing the asbestos roofs on some of the buildings to ensure that the learners are in a good general environment that is clean and healthy.

To avert the risk of potential consumption of contaminated food and water in schools, the Ministry is in consultation with the Kenya Bureau of Standards (KEBS) to conduct regular food and water tests across schools in the country.

Mr. Speaker, Sir, the Ministry of Education, together with the Ministry of Health, the County Government of Kakamega and other partners such as the Red Cross, has been providing counselling services to students, teachers, support staff and parents in the school. The counselling services will remain in place to ensure that the mental well-being of the learners and the general school community is taken care of.

The Hon. Member knows that when I was in the school on Saturday, part of what I did with the students was to sit down with them and create confidence that from now on all is well. The other thing we have done is that we now have a clinical officer and a nurse who are permanently employed in the school such that small and minor ailments

can be managed at the school level. They can identify the cases in good time so that we can take the necessary remedial measures.

I declare my interest in that particular school because my wife is an alumna of that particular school. So, I normally look at the comments of that particular school. We want Mukumu Girls High School to reclaim its lost glory. This used to be the top school in the country and as an extra-county school with a mean score of 8.6 last year; we want it to do even better.

I have taken the following measures to ensure that the academic performance of this school has improved:

The Ministry's Quality Assurance Team undertook an assessment of the school and provided various specific recommendations to guide the school management. This started on 23<sup>rd</sup> May, 2023. We are going to make sure that indeed it is done.

I have confidence in the men and women of diverse backgrounds that we have put in the BoM in consultation with the local leadership. In the BoM, we have among others: The former Principal of Moi Girls High School, Eldoret; the former Principal of Nanyuki High School, a man who did well in the team and Father Vincent who is the Chairperson of the BoM.

With the measures that my quality assurance team has recommended as given here, we are sure the school is in an upward trajectory and creating confidence among the parents and students. We are making sure that in a year or two, this school will be among the top schools in the country.

I have recommended what we are doing particularly in this area of performance improvement. We are going to make sure the performance of this school is improved. The multi-agency team remains in place to monitor the implementation of the recommendations and to ensure that the school fully returns to normal operations.

The team has regular engagements with the school's management and provides reports to the Ministry. The last such meeting was held on Friday and Saturday. When I was in the school on Saturday, we had a meeting with the Regional Commissioner and the entire multi-agency team. They confirmed to me that all the measures that are supposed to be taken, have been taken.

I also had a meeting with the school BoM where we recommended that they should be able to have regular meetings to make sure that nothing goes wrong. We have sent circulars not only to Mukumu, but to all our schools indicating what we expect.

Mr. Speaker, Sir, on the cost of treatment, I wish to inform the House that the Ministry through the Edu-Afya Insurance Policy, catered for the cost of treatment of the 109 students in the various facilities that they were admitted to. The facilities in which they were treated include the Kakamega County General Teaching and Referral Hospital; the Moi Teaching and Referral Hospital; the Aga Khan Hospital, Kisumu; the Kenyatta National Hospital; Lifecare Hospital, Bungoma; Oasis Hospital, Kakamega; and, Mediheal Hospital in Kisumu and Eldoret.

The bereaved families are entitled to a group life insurance compensation of Kshs400,000 per student from the Edu-Afya Insurance policy. We are following the claims and in a few days' time, the Kshs400,000 according to the policy, will be paid to the affected families.

The Ministry through the regional, county offices and the school management has provided guidance and support to the bereaved families in pursuing these claims, which should be paid any time from now. The requisite forms have been completed and forwarded for processing. As a Ministry, we are pursuing to ensure that the payment is made expeditiously.

Lastly, on whether the Ministry intends to compensate families affected by the suspected contamination, as I have indicated the Ministry through the Edu-Afya Insurance Policy paid the cost of treatment for the learners who fell sick following the contamination. The families of the deceased students will be paid Kshs400,000 from the group life insurance cover as compensation.

The Ministry will also continue to provide psycho-social support for the affected families and students. These are the forms of compensation and support that the Ministry is able to provide within the existing framework.

As a Ministry, we are taking this seriously. I go to each and every school with my senior officers. For example, yesterday, I was in schools in Siaya County. These are some of the things we ensure we check to ensure schools are able to comply and conform to the basic health requirements.

Thank you, Mr. Speaker, Sir and Members. I submit.

**The Speaker** (Hon. Kingi): Thank you, Cabinet Secretary. Sen. (Dr.) Khalwale, pursuant to Standing Order No.51(C)(7), you have a right to ask two supplementary questions. You may ask them now or you may ask one, allow your colleagues to ask supplementary questions and thereafter ask as the last person. What would you like? Ask two supplementary questions at a go or ask one and choose to be the last to ask the last question?

**Sen. (Dr.) Khalwale:** Thank you, Mr. Speaker, Sir. I prefer to do it the traditional way which is that you allow me to ask one question, then my colleagues will support me with whatever interventions they have. Then you give me the final say at the end.

**The Speaker** (Hon. Kingi): Kindly proceed.

**Sen. (Dr.) Khalwale:** Thank you, Mr. Speaker, Sir. This is a satisfactory answer. I thank the Cabinet Secretary for the same. Cabinet Secretary, on behalf of the leadership of the local community, which I am the head of, it is called Abakakamega comprising of the Isukha and Idakho communities.

I would like to confirm that myself, hon. Elsie Muhanda, hon. Fredrick Ikana, hon. Bernard Shinali and the Members of the County Assembly(MCAs) are satisfied with the changes you have made and we fully support.

Secondly, we would like to thank you for the intervention you made. This was not a laughing matter. The death of a teacher and four children was big to bear.

Mr. Speaker, Sir, may I ask my question now.

**The Speaker** (Hon. Kingi): Please proceed to ask your question.

**Sen. (Dr.) Khalwale:** Mr. Speaker, Sir, despite the answer being satisfactory, there is a bitter taste in the mouth. The Director of Education in Kakamega County was fully informed of this problem long before the children died. This was not the first time it was happening. It had happened the previous year. It came because of the long rains

when the rains swept faeces into the spring. He ignored the warning. The principal of the school was fully informed, but she ignored.

Could the Cabinet Secretary inform us whether he will take action against the County Director of Education and the former principal for the crime of negligence that led to the death of our children?

Will the Cabinet Secretary invite the Ethics and Anti-Corruption Commission (EACC) into the school to investigate the crime of a syndicate by the former principal who was a supplier together with the employees of the school?

**The Speaker** (Hon. Kingi): Sen. (Dr.) Khalwale, those are two questions. Cabinet Secretary, kindly proceed to answer the two questions. One is to whether you will take action for the criminal negligence of the principal and the second is on the syndicate the principal was involved in the supply of goods to the school. Sen. (Dr.) Khalwale, you have exhausted your right.

**The Cabinet Secretary for Education** (Hon. Machogu): Mr. Speaker, Sir, I would like to make it clear to all the principals in the country that they or anybody working within a school is not supposed to be a supplier. This is conflict of interest. In such cases, there will be misuse of public funds. Not only for Mukumu Girls, but any public secondary schools.

Let me know once you find a specific case. I will investigate and take necessary disciplinary action. We shall not only be removing that principal from that school, but also investigate to see whether public funds were embezzled in the process.

I have met a number of principals and all principals of national schools. I have also had a meeting with principals in various parts of the country. That was one of the items of agenda we discussed. I have had a meeting with all my county directors. We normally have virtual meetings. One of the emphasis we make is on this.

Mr. Speaker, Sir, in case the hon. Member has empirical evidence that there was anything like this, I would like to see it so that I am able to investigate further. If we find that it was the principal supplying food, then we will take action.

We took up from there and the principal is due to retire in December. We gave her some soft landing in the Regional Director's Office for the time being as we do further investigation because she has six months to retire.

Secondly, I have been getting two reports in a week from the multi-agency team. Among other people that we had in that multi-agency approach were the Directorate of Criminal Investigations (DCI) officers. So far, we have not received a report incriminating an individual as culpable for us to pin down on negligence to the level where we would have said that any individual was criminally responsible to warrant being taken to court.

**The Speaker** (Hon. Kingi): Proceed, Sen. Kathuri.

**Sen. Kathuri:** Thank you, Mr. Speaker, Sir, for this chance to ask questions to the Cabinet Secretary for Education.

I want to ask a direct question because basic education and the right to clean water are fundamental rights for all children. Therefore, how is the Cabinet Secretary going to make sure that all schools, and not just only Mukumu Girls, have access to clean water in the country?

Additionally, I want to thank him for visiting many counties in Kenya. When is he visiting Meru County because we have many challenges and we would love to host him?

**The Speaker** (Hon. Kingi): Proceed, Hon. Cabinet Secretary.

**The Cabinet Secretary for Education** (Hon. Machogu): Mr. Speaker, Sir, my good friend knows that I was in Meru County. We sorted out the problem in Meru University. I am happy that the university is now doing well.

I also went to Meru National Polytechnic and another Technical and Vocational Education and Training (TVET) institution. I am sure that as I will be visiting other counties, Meru is also in my programme.

Progressively, the Government is doing something concerning water. If you look at the allocation, there is money for school borehole development. However, since we do not have the technical capacity and the equipment to do water boreholes, the money is given to the Ministry of Water, Sanitation and Irrigation because it has the technical expertise and the equipment.

The other week, we opened and commissioned two boreholes in Nyandarua. The one I commissioned in Mukumu Girls was done by the money which is given by the Government for schools through the Ministry of Water, Sanitation and Irrigation.

Mr. Speaker, Sir, progressively, we are doing boreholes. I am commissioning another one in Laikipia on 7<sup>th</sup> July. So, progressively, we are using the allocations we have been given for water for doing boreholes.

*(The Speaker (Hon. Kingi) left the Chair)*

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

Mr. Temporary Speaker, Sir, in the meantime, we request schools, particularly those in areas that get an adequate rainfall, to do a little bit of rainwater harvesting. A number of schools are supplied by the existing water supplies in areas where they are. Progressively, we will be improving the situation out of the allocation that is given to us through the Ministry of Water, Sanitation and Irrigation.

**Temporary Speaker** (Sen. Wakili Sigei): Sen. (Dr.) Khalwale, you can ask the last question.

**Sen. (Dr.) Khalwale**: Mr. Temporary Speaker, Sir, I would like to appeal to the Cabinet Secretary. The current infrastructure in respect of classrooms and laboratories at Mukumu Girls High School was built for 1,000 students. Today, the population has swollen to 2,000. We urgently need just Kshs20 million to fix the classrooms and the laboratories. Please, could you offer to give us this emergency support then all will be well?

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

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

**The Cabinet Secretary for Education** (Hon. Machogu): Mr. Speaker, Sir, the hon. Senator who is my good friend is aware of the discussions we had. The school procured 12 additional acres on the other side of the road. We had serious discussions during the meeting on Saturday.

I am sure that out of the infrastructure funds that are meant for schools in the next Financial Year 2023/2024, one of the schools that will benefit is Mukumu Girls. So, I give you the assurance that is going to be done.

**The Speaker** (Hon. Kingi): Sen. Madzayo, proceed.

**The Senate Minority Leader** (Sen. Madzayo): Bw. Spika, ningependa kumuuliza Waziri maswali mawili.

**The Speaker** (Hon. Kingi): Sen. Madzayo, under the Standing Orders, you are entitled to one supplementary question.

**The Senate Minority Leader** (Sen. Madzayo): Bw. Spika, swali langu la kwanza linatokana na majibu yake ya swali la 8. Kwa hivyo, ningependa unipe muda mchache niweze kuongea na Waziri.

Bw. Waziri, jina ni Sen. Stewart Madzayo. Mimi ni Seneta wa Kilifi Kaunti na Kiongozi wa Wachache katika Seneti.

Swali la nane linasema kwamba kulikuwa na tani 73 za mahindi, mchele na marahagwe yaliyoharibika ambayo yalichangia matatizo katika shule hiyo.

Jambo la kushangaza ni kwamba hatua iliyochukuliwa na Serikali ni kutoa chakula hicho katika shule ya Wasichana ya Mukumu iliyoko katika Kaunti ya Kakamega na kukipeleka kiwanda cha Bamburi Portland Cement kule Mombasa, chini ya usimamizi wa halmashauri husika. Chakula hicho kiliharibiwa kwa sababu hakikufa kutumiwa. Jibu ulilotoa linanishangaza sana kwa sababu chakula hicho kibaya---

*(Sen. Cheptumo stood in his place)*

Bw. Spika, ningependa kumwona Waziri ninapomwuliza maswali. Sasa Seneta ananizuia.

**The Speaker** (Hon. Kingi): Hon. Senator, you are out of order. Kindly take your seat.

*(Sen. Cheptumo sat at his place)*

**The Senate Minority Leader** (Sen. Madzayo): Bw. Spika, chakula hicho kilipelekwa katika kiwanda cha Bamburi Portland Cement kilichoko kule Mombasa ili kuharibiwa. Jambo la kushangaza ni kuwa Bamburi Portland Cement ni kampuni ya kutengeneza simiti ilhali chakula hicho kilipelekwa huko kuharibiwa.

Ningependa kujua sababu ya kuchukua chakula hicho kutoka Kakamega kwenda kuharibiwa katika kiwanda cha Bamburi Portland Cement kule Mombasa ambayo ni kampuni ambayo inahusika na simiti.

Pili, kwa nini ulipeleka chakula hicho kule kuharibiwa? Chakula hicho kilisafirishwa kutoka Kakamega. Kilipita sehemu nyingi sana kama vile Mlolongo ambapo kuna kampuni nyingi sana.

Bw. Waziri, tafadhali nisikize. Kuna kampuni nyingi sana hapa Mlolongo zinazohusika na mambo ya saruji kama vile Simba na Rhino. Kwa nini ukawacha hizi zote, ukapeleka vyakula katika kiwanda cha Bamburi Cement kuviharibu? Si huo ni uharibifu wa pesa za Serikali kulipa pesa hizi zote kupeleka hicho chakula kiharibiwe. Hilo ni la kwanza.

Bw. Waziri, ningependa ujibu swali langu sasa. Umejibu vizuri sana kuhusiana haya mambo ya Mukumu Girls' High School. Nilivyokwambia awali, mimi natoka Kilifi Kaunti ambapo tuko na shule nyingi. Tuko na shule ambazo zinajengwa na wanavijiji wenyewe na pia za kaunti. Pia wanasiyasa wanajaribu kusaidia kuinua hali ya maisha ya watoto wetu wanapoenda shule kusoma.

Kuna shule moja inayoitwa Amason Jeffa Kingi (AJK), Adu Ward, Uwakilishi Bungeni wa Magharini, Kilifi Kaunti, ambapo mimi ninawakilisha. Ninaomba kujua ni lini utafanyia shule hii mipango? Shule hii imepata taabu sana kwa sababu ya uhaba wa walimu? Wale wakaazi wa hapo wamekuwa wakilipa walimu. Wakati mwingine wanaposhindwa, walimu wanakosa kufundisha kwa sababu hawajapata malipo yao ya mwisho wa mwezi.

Ni lini Serikali itaweza kupeleka walimu wa Serikali katika shule hiyo? Ni lini Serikali itachukau hatua ya kumiliki hii shule na kuajiri walimu ili wakaazi wa eno hilo wapate afueni?

**The Speaker** (Hon. Kingi): Proceed, Hon. Cabinet Secretary (CS).

**The Cabinet Secretary for Education** (Hon. Machogu): Thank you, Mr. Speaker, Sir. The first question was to do with classrooms and laboratories. Hon. Members, I assure you that we do not have so much of a problem with classrooms because we domiciled junior secondary schools in the existing primary schools.

Where we have a problem. We are trying to work on laboratories because the curriculum for junior secondary schools require that we have laboratories in junior secondary schools. On this, we have had a discussion and negotiations with the World Bank, which is at a very advanced level. The funds that we are likely to get in a month, or two, will do almost 40 per cent of the total requirements countrywide as far as laboratories are concerned.

We are also having a discussion with our Members of Parliament (MPs) to do the rest from the National Government Constituency Development Fund (NG-CDF). That will be a kind of partnership with the MPs.

As we move forward, we are taking stock of the requirements. This is in terms of what we will require in years to come and it includes classrooms in senior secondary schools. This will enable us to plan and do some of these things in advance.

Mr. Speaker, Sir, I know the issue of teachers is not isolated to a single school. You will agree with me that it affects a number of our schools. However, this administration has employed 35,000 teachers since we came into power. This coming financial year, we are also likely to employ an equal number. This will alleviate and mitigate the kind of teacher shortage that we have, not only in that school, but countrywide.

Again, ever since this administration came into being, we had a very serious problem concerning registration of schools. You would find a primary school has gone up

to Grade Four and a secondary school up to Form Three and yet it is not registered. We have since given new guidelines, where we are speeding up the registration of schools.

If AJK is a registered school, as you have requested, we will be able to work on it. If it is not registered, then we will ensure that it is registered. We will also look at the number of teachers that we have in this school. I am sure we will be able to do something.

Mr. Speaker, Sir, I was in Kilifi County and I am sure the Hon. Senator is aware. We went to St. Thomas Girls' Secondary School. It is one of the top schools, not only in Kilifi County, but in the whole country. We are doing something. I also went to a number of other schools.

I thank the Sen. Mandago because he is not from Kilifi County, but he brought to my notice a school in Kilifi County, which is very needy. During this financial year, that particular school is in the programme of being funded from the Infrastructure Funds. The money will be in the school's account before Friday this week because we have received funds from the National Treasury.

The last question was why we had to take the contaminated maize, rice and beans all the way from Kakamega County to Bamburi Cement Company. Initially, I was also asking the same question. I found out from our experts in the National Environment Management Authority (NEMA) and public health, that the only area that we have a facility for disposal and dispensing these foods was Bamburi Cement Company. The whole of western region and Nairobi City County does not have that kind of facility for disposing off. Bamburi Cement Company has a very good facility for disposal. Initially, I thought it was something easy.

Out of the experience which we have had in Mukumu Girls' High School, we are advising schools not to be buying maize, beans and rice that lasts the entire term. They had very big quantities that would have lasted the entire term.

Mr. Speaker, Sir, also, the kind of preservatives being used is one other thing that brought many problems. We are also checking on that. Out of that experience, we are escalating to all the schools nationally, so that our county directors, public health workers and experts are able to check on this. We have had meetings with the county directors of education and we are really following up on this.

Mr. Speaker, Sir, it was out of the recommendation from experts. We were informed that Bamburi Cement Company was the only facility where we could have it destroyed. We did not want to have the kind of a situation, which we are hearing, that there was something contaminated somewhere, but it got into our market. We did not want the cereals stored somewhere and then after a few days, you find the same maize, rice and beans in the market. We wanted it disposed of as soon as possible and expeditiously so.

**The Speaker** (Hon. Kingi): Proceed, Sen. Chute.

**Sen. Chute:** Asante sana, Bw. Spika. Ninashukuru Waziri kwa kuongea kuhusu mambo ya shule. Vifo wanafunzi wane na mwalimu vilishangaza na kushutua sana.

Bw. Spika, jana nilikuwa Santuri Primary School, Loiyangalani, Laisamis Constituency. Niliingia *staffroom* nakupata chakula kinapikwa. *Grains* zimewekwa kwa *staffroom* huku ndege wanaingia, wakikula na kutoka. Niliuliza kwa nini hali ilikuwa

hivyo nikaelezwa kuwa hawana *facility* ya kutosha ya kuweka chakula hicho. Chakula hakiharibiki kwa sababu ya vile kinavyo safirishwa pekee. Hata vile kinahifadhiwa katika magala kinaweza kuharibika.

Nimemsikia Bw. Waziri akizungumza juu ya mambo ya shule moja pekee yake. Ni mikakati gani Wizara yake imeweka kuhakikisha shule zote nchini zina mipangilio mizuri ili shida kama ya shule hii izitokee tena?

Ninajua Bw. Waziri yuko na maofisa wa kutosha wakumujulisha mambo yote kushusu elimu yanayoendelea kila mahali nchini. Umetuambia hatua ambayo umechukua katika shule hiyo, lakini hujatuambia hatua ambazo utachukua kuhakikisha usalama wa wanafunzi katika shule zingine nchini. Leo, hatujui ni wanafunzi wangapi nchini watakufa kutokana na shida kama iliyokuwa katika ya upili ya Mukumu. Shida hiyo sio shule pekee, lakini ni shisa pia katika shule nyingi hapa nchini. Ni hatua gani umechukua ili tusipoteze watoto na walimu tena katika shule ya Mukumu High School?

Asante sana.

**The Speaker** (Hon. Kingi): Proceed, Hon. Cabinet Secretary.

**The Cabinet Secretary for Education** (Hon. Machogu): Thank you, Mr. Speaker, Sir. I wish to inform the House that the Ministry developed the Safety Standards Manual for schools to provide guidelines to ensure safety and healthy conditions in the school environment.

The manual requires each school to have a school safety sub-committee. It also provides guidance on a number of issues such as skills-based education on prevention of endemic conditions, promotion of environmental sanitation and hygiene practices, provision of safe water and sanitation, protection of children with special needs with regard to their health and hygiene and on taking of immediate steps when there is a threat on an epidemic outbreak.

Through our quality assurance teams on the ground, we continue to monitor compliance with the requirements of the manual. So, we have a manual on this.

As you are aware, another problem is that we have over 30,000 primary schools. Some of them provide meals to students during lunchtime. We have over 10,000 secondary schools, several TVTs and universities.

Apart from the structures that we have as a Ministry, which we must strengthen, we have sub-county directors of education. Some of them were not properly facilitated to move around schools. However, what this administration has done is that with effect from this year, we are giving each one of them a vehicle, such that they can be checking around their schools.

As Cabinet Secretary and the Principal Secretary (PS) for Education, it is not physically possible for us to move to each and every school to check on this. Nonetheless, we have insisted that the officers, right from the regional, county and the sub-county level must go to schools.

Among other things that they have to check on is to ensure that people comply and conform to the tenets and the provisions of the manual.

Yesterday, I had an opportunity of moving to six secondary schools in Siaya County and the Nyanza region. One of the things that is mandatory for me to check is

food and water. This is what happens every place that I move to. For example, when you see me in Kilifi or your county, I make sure that I check this.

Additionally, on monthly basis, I always remind our officers to be keen on this issue of handling food and water in schools. Where I am unable to, we have virtual meetings. When I am not chairing those meetings, my PS chairs. One of the items of agenda that we discuss is the issue of handling food and water. I hope with the kind of insistence that we are having on our officers at each and every level, we will soon be able to get it right.

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

**The Senate Majority Leader** (Sen. Cheruiyot): Thank you, Mr. Speaker, Sir. My question is similar to what Sen. Chute has asked. However, I will put a slight amendment and say that one life is too many already. When you lose a school going child, even if it is just one, it should gather the collective rage of the Ministry of Education and all those who are responsible.

I have heard the Cabinet Secretary respond to Sen. Chute and state that there are guidelines that have been put in place to guide the schools on how food handling is done; a guide that will prevent a similar occurrence in any other school in the Republic of Kenya.

The only thing that was not clear from the response of the Cabinet Secretary, which I want him to clarify to this House is, if these guidelines were already in place at the time of the incident in Mukumu High School, what caused the breach?

Finally, have there been further amendments to these guidelines to fully seal all the loopholes, so that we do not lose any other Kenyan child in school because of the kind of situation that happened in Mukumu High School?

I thank you.

**The Speaker** (Hon. Kingi): Proceed, hon. Cabinet Secretary.

**The Cabinet Secretary for Education** (Hon. Machogu): Thank you, Mr. Speaker, Sir. Enforcement is one of the areas that we must admit that we have had a problem. The hon. Member also said about a director somewhere.

Yes, you can have a very good manual, but have an issue with enforcement. This is why I have said I am giving my officers all the necessary support. This is because they have been using the excuse that they are unable to move around schools. They are now getting the support.

One of the other things that we have done in the performance contracting of our officers among others is now this. We will not follow the routine issues that we have been following. This is top on the agenda.

Mr. Speaker, Sir, we are following on enforcement. This is one area where there might have been a little bit of our weakness. Directives, guidelines and policy are issued, but who monitors to make sure that they are followed? That is where we had a weakness. However, this time round, we are really following and making sure that our officers on the ground are able to follow, not only with the school, but to make sure that whatever we have issued inform of a manual is enforced.

**The Speaker** (Hon. Kingi): Hon. Senators, we have spent over one hour on this particular Question. We have another Question to tackle. Therefore, we will leave it at that and move to Question No. 8.

Hon. Cabinet Secretary, thank you so much for taking time to come to respond to this Question. Certainly, you have seen the kind of interest it has generated. I know with the kind of interest, departments and Ministries are generating in the Senate, you will be a regular visitor to this Senate.

Nonetheless, thank you so much for taking time to come to respond to these questions.

Clerk, kindly usher in the Cabinet Secretary in charge of Mining, Blue Economy and Maritime Affairs.

*(The Cabinet Secretary for Mining, Blue Economy and Maritime Affairs (Hon. Mvurya) was ushered into the Chamber)*

**The Speaker** (Hon. Kingi): Thank you, Cabinet Secretary. I take this opportunity to welcome you back to the Senate.

The Nominated Senator, Sen. Veronica Maina, is supposed to ask this Question. However, I am informed that she is not around, having travelled on Senate business. Therefore, she has delegated that work to Sen. Wakili Sigei.

Sen. Wakili Sigei, kindly proceed to ask the question.

*Question No.008*

IMPACT OF THE DETACHMENT OF  
BANDARI COLLEGE FROM THE KPA

**Sen. Wakili Sigei:** Thank you, Mr. Speaker, Sir. I rise to ask Question No.008 on behalf of Sen. Veronica Maina. The questions to the Cabinet Secretary are as follows:

(a) What was the rationale for and the impact of the detachment of Bandari College from the Kenya Ports Authority (KPA)?

(b) Could the Cabinet Secretary provide the number of seafarers trained by Bandari College and deployed to the local and international markets?

(c) Could the Cabinet Secretary provide information as to the suitability and capacity of Bandari College to undertake the Government's commitment to train 250 seafarers annually?

Thank you.

**The Speaker** (Hon. Kingi): The Cabinet Secretary, please respond.

**The Cabinet Secretary for Mining, Blue Economy and Maritime Affairs** (Hon. Mvurya): Thank you very much, Mr. Speaker, Sir, and Hon. Members of the Senate.

Bandari Maritime Academy (BMA) is a maritime training institution, which is designed to train and develop skills to provide labour needed for the development of the blue economy seafarers and other value chain skills in the industry.

This college was established in the 1980's by KPA. The purpose then was to deliver in-house port operations and cargo handling training to staff of both KPA and the defunct Kenya Cargo Handling Service Ltd. It is notable that the college operated as a department of KPA. Therefore, its operations were restricted as it lacked autonomy to plan and manage its affairs.

In subsequent years and due to rapid changes in the maritime sector, the college was expected to expand the scope of training to address the global maritime sector skills and provide skills that would enable employability of the youths in seafaring and other value chain careers in the shipping sector beyond KPA operations.

Over the years, BMA has realised growth in the course portfolio and has expanded facilities and the training capacity to address the training needs of both port operations and other maritime courses in order to spur growth in the maritime sector and create employment opportunities. Therefore, KPA staff undertake courses to build their capacity at BMA.

In July 2017, the blue economy sector was adapted as the eighth sector of the economic pillar in the Third Medium Plan III (MTP III) of the Kenya Vision 2030. Critical to this development was the identification and transformation of Bandari College into a regional maritime sector of excellence for skills development for the blue economy.

To address the challenges there in and to meet the growing skill demands for the maritime sector and the blue economy, the Government through Legal Notice No.233 of 28<sup>th</sup> November, 2018, therefore, decided to transform Bandari College into Bandari Maritime Academy (BMA) as a semi-autonomous government agency.

The transformation of the college was envisaged to facilitate the countries quest to explore the benefits accruing from the blue economy sector. The initiative to reform the college is anchored within the framework provided for in Legal Notice No. 233 of 28<sup>th</sup> November,2018, the State Cooperation's Act Chapter 446, Laws of Kenya, and the Constitution of Kenya 2010.

This transformation of the college to an autonomous status granted it a state cooperation status that was required to drive innovation, diversification of training, enhance performance, creation of partnerships, resource mobilization and sustainability. This has enabled a drastic increase in the numbers trained raising the trainers to over 5,000 in the current financial year. The Academy has completed the recruitment of the first batch of technical officers, which will further enhance its training capacity.

The academy is currently the only international maritime organisation certified maritime training institution in Kenya and was last assessed in February 2023 and confirmed to be compliant thereby, enabling Kenya's retention in the white list under the International Maritime Operations (IMO) regulations.

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

*[The Temporary Speaker (Sen. Abdul haji) in the Chair]*

Mr. Temporary Speaker, Sir, for part (b) of that question, BMA trains in both modular and short courses. Modular courses generate skills for trainees who work as officers while there are hundreds of other Kenyans who pursue other seafaring courses careers under the IMO regulations to allow for employability at sea. The statistics below indicate the numbers trained at BMA since inception in 2019.

Mr. Temporary Speaker, Sir, I have provided a table with clear numbers of the trainees since 2019 for the different courses on pages 3 and 4 of my presentation. However, just to give an example, the number of seafarers that were engaged in local and international markets last year, was 1,450 seafarers. Currently, we have 320 who have been engaged giving a total of 1,770. When you get the entire total of seafarers trained, it will number to slightly above 5,000.

For part (c) of the Question, the BMA has developed various courses and programmes that are on demand and required by seafarers. The BMA has enhanced its capacity to train at least 5,000 seafarers per year in both the short term and long term courses as shown in the achievements and statistics above.

The BMA has been approved by the following agencies to train in various courses which are ongoing. They are registered by Technical and Vocational Education Training and Authority (TVETA) and the courses are approved in the TVETA institutions.

It has been approved by the Kenya Maritime Authority (KMA) to train seafarer courses, specifically 16 courses. Approved by National Transport and Safety Authority (NTSA) to train for port operations and cargo lifting. Has been approved by the National Industrial Training Authority (NITA) to train in low level skills also required by seafarers such as plumbing.

Courses in the BMA are approved by the Kenya National Qualification Authority for international comparativeness. Examinations in BMA are conducted by various agencies such as the BMA, Kenya National Examinations Council (KNEC), NTSA and NITA.

With regard to training equipment and resources, the BMA has workshops and classrooms for various trainings like in seamanship workshop, maritime engineering workshop, mechanical engineering workshop and 22 classrooms.

The other equipment available is simulations and training boats. We also have port operation equipment, forklifts, terminal tractors, country crane driving school equipment.

Where equipment and resources are inadequate, the BMA has engagements with Kenya Shipyard, Kenya Coastguard Service, and Kenya Ports Authority (KPA) to use existing facilities for training. The BMA has also engaged various shipping lines through signing of Memorandums of Understanding (MOUs) notably by CMS Logistics, Compagnie Générale Maritime (CGM), Mediterranean Shipping Company (MSC) and Foresee time training, which is critical for employability.

The facilities available are able to train over 5,000 for the short courses annually and over 250 in the modular courses annually. The BMA, therefore, has capacity to train more than the 250 seafarers per year as mentioned in the inquiry.

Thank you very much, Mr. Temporary Speaker and Hon. Members of the Senate.

**The Temporary Speaker** (Sen. Abdul Haji): Sen. Wakili Sigei you are allowed to raise a maximum of two supplementary questions that relate to the original Questions, if you have any, and we will allow other Senators to ask supplementary questions thereafter.

**Sen. Wakili Sigei:** Mr. Temporary Speaker, Sir, I would rather allow my colleagues to ask then I close by asking any supplementary question once you have allowed any Member, if any, to ask a question.

**The Temporary Speaker** (Sen. Abdul Haji): Very well. Sen. (Dr.) Khalwale. You may proceed.

**Sen. (Dr.) Khalwale:** Thank you, Mr. Temporary Speaker, Sir. The Cabinet Secretary is aware that the top busiest seaports in the world without going through the order, namely Singapore, Russia, Brussels and a number of other seaports that are at the top of this are in countries that are facing a crisis of youth. These are countries that do not have many youth.

Now that we are churning out 5,000 qualified students from this, who are likely to be employed in this world top seas, what are you doing to help our children to secure jobs in Brussels, Singapore, Germany, United States of America (USA) and Dubai, where there are not many children?

**The Temporary Speaker** (Sen. Abdul Haji): Cabinet Secretary, you can respond to that question.

**The Cabinet Secretary for Mining, Blue Economy and Maritime Affairs** (Hon. Mvurya): Thank you very much, Mr. Temporary Speaker and Hon. Khalwale.

On this matter, I want to put the record straight for the nation. First of all, what we are doing in the state department of maritime and shipping, we have entered into MOUs with the international shipping lines. This is so that when the seafarers are trained, we attach them to the international shipping lines.

As I speak, last month, we were able to flag 500 seafarers who are employed by shipping lines, plying the routes in Dubai, USA, Miami, South Africa, Durban and other countries. So, through the MOUs with the shipping lines, we are able to secure jobs for Kenyans in the various shipping lines internationally.

That is why it is important that we continue to build the capacity of BMA, so that we can have more youth trained. Right now, what we have initiated in the state department is an awareness creation programme, which will run in all regions, so that the youth can know what kind of qualifications are required. As we build the capacity of BMA, then we are able to comply with international regulations and international policies.

I want to confirm that the opportunities in Singapore and in many other countries, we are able to harness this through the MoUs that we have entered with the Mediterranean shipping line and other shipping lines that are very active internationally.

Thank you very much, Mr. Temporary Speaker.

**The Temporary Speaker** (Sen. Abdul Haji): Thank you so much Cabinet Secretary.

Sen. Murgor, the Floor is yours.

**Sen. Murgor:** Thank you Mr. Temporary Speaker for giving me the opportunity to ask a question and a half.

May I know from the Cabinet Secretary what the Ministry is doing to make counties and local areas aware of what minerals they have in their areas. Some of them, because of illiteracy and lack of many situations that would make them aware or give them capacity to be aware of what they have, cannot know what exactly they have. Therefore, giving an opportunity to advantage people who come and exploit the locals because of the fact that they are not aware.

Sometimes an investor come to invest in this country, but he is approached by greedy interested persons, especially local politicians, or other people who do not really want others to invest in one way or the other; what assurance can you give an investor who is interested in employing people on the ground, but there is a greedy politician who wants to bulldoze such an investor out of the scene.

**The Temporary Speaker** (Sen. Abdul Haji): We will take a second question, *Waziri*, and then you can answer the two questions.

The Senate Majority Leader, proceed.

**The Senate Majority Leader** (Sen. Cheruiyot): Thank you, Mr. Temporary Speaker, Sir. I want to thank the Cabinet Secretary for his appearance and the response he has brought to the House. This is a very important topic that we are discussing. While the conversation centred majorly on BMA, any prudent Cabinet Secretary will also plan for eventually what happens to these students after they are done with the college.

Mr. Temporary Speaker, Sir, the question I want to ask the good Cabinet Secretary is if his Ministry has set any conditions precedent before any shipping line is allowed access into our waters to give them, perhaps, a target. I know he has said there is a policy and they make requests to them.

Part of the conversation that we need to have in an increasingly growing, competitive, global market is that you need to have an agreement before. If they give the licenses annually or bi-annually, depending on the frequency, an agreement with the international shipping lines on the number of seafarers they can take.

Mr. Temporary Speaker, Sir, his response is adequate on the number of people that they are training. However, we do appreciate that this is a highly specialised skill where they can only secure jobs where there are waters and ports as has been observed.

Second is in line with what Sen. (Dr.) Khalwale had previously asked; whether they, as a State Department, have got any proposals that they are giving to foreign governments, especially those that have a trade imbalance with Kenya on availability of these specialised skills for people to work in their ports. Is it part of what we signed?

There are countries that we trade with that have a significant trade imbalance with Kenya, yet they are known to operate some of the world's best and busiest ports. As part of trying to even out the trade imbalances that exist between our country and those specific countries, do the graduates of this BMA feature in that conversation as part of those that they sign on and secure jobs for?

**The Temporary Speaker** (Sen. Abdul Haji): *Waziri*, you can answer the questions from Sen. Murgor and the Senate Majority Leader.

**The Cabinet Secretary for Mining, Blue Economy and Maritime Affairs** (Hon. Mvurya): Thank you, Mr. Temporary Speaker, Sir and Hon. Members. There is this question which revolves around awareness. As I read in my statement, the State Department of shipping and maritime has now begun a comprehensive campaign to create awareness.

Part of this awareness has been targeted to county governments because we have identified them as a critical partner in this issue of seafarers training. Some of them have already committed resources to support their youths in these courses.

We have also reached out to Members of Parliament (MPs). In fact, some of them have also made commitments and have been part of the schedule. Previously, the recruitment and training of seafarers was not very clear to Kenyans. That is why we are running this programme.

I am sure in the next financial year; it will be a very robust programme to create awareness, so that then people can be aware about how they can be seafarers. Most of the seafarer's requirements are very basic. For example, some of them are plumbers; some pool attendants. However, before they become seafarers, there are a number of courses that they have to undergo. That is where the issue of awareness and local investments comes in.

I believe this is a programme that is already ongoing. As we progress in the new financial year, it will be enhanced to cover the entire country and to use any available space to make sure that we create awareness and also enhance the institutions during the recruitment to make sure that it is transparent and above board.

The other issue about investments; even though the question was not very clear, investments targeting shipping and maritime are also regulated by our various regulations, including the IMO.

Right now, we are profiling the key opportunities that exist in the maritime sector. We are inviting investments in that particular sector. For example, what we are doing in Liwatoni.

Even though it is a blue economy activity, there will be a lot of maritime regulations that will be enhanced to make sure that those investments are protected by the law.

We are also looking at the possibility of having investments in the shipyard so that Kenya can also have an opportunity to provide space for dry docking and maintenance of vessels. Those are some of the efforts that we are making to ensure that we inspire investments.

We also work with other agencies of Government. For example, in the area of tourism, we are looking into how we can inspire investors in cruise ships so that we can explore our opportunities and potential in that sector.

If I am not wrong, I heard something about investments in mining. In mining, to enhance and protect investments, first of all, the country has just concluded the geo-survey data, which has identified 970 mineral occurrences across the country. Occurrences are indications.

Right now, we have embarked on a ground-rooting exercise where we have gone back to various counties to confirm the occurrence of minerals and their economic value.

That is one way of protecting investments from a situation where they did not have data. Now they can have reliable data that they can use for investment.

We are also working on the online cadastre, which basically will provide a platform for applications of mining licenses. Licensing process will be transparent and encouraging investors to go to the portal and apply. Currently, we want to link this online cadastre with key Government services, such as in Kenya Revenue Authority (KRA). You will be able to apply and make the necessary payments through e-citizen at one stop.

Mr. Temporary Speaker, Sir, right now, we have been working on the stamp duty. Once we conclude that, then we can have a platform that can make the applications for license much easier.

I hope that was just a side issue because today, I came here to speak on issues of shipping and maritime. However, I thought it was important to update Members and the nation on what we are doing.

We are also running a robust artisanal mining programme where we are transforming artisanal miners' groups into cooperatives. We want to have an opportunity to organise them so that they benefit from other services in Government and private sector. We are doing this to create an enabling environment for mining investments in the country.

On the other question by Sen. Cheruiyot on these issues of seafarers and conditions for shipping lines, in the MoUs, we are very specific with the shipping lines on the recruitment.

For example, the MoU with Mediterranean shipping line, we have made provision for recruitment of seafarers annually and have put a figure of 1,500 for that particular shipping line. This then becomes one of the areas of partnership, so that they are also able to employ our youths in the country.

The other thing we are doing, especially with Qatar and South Korea is that, apart from negotiation protocols bilaterally in the areas of shipping and maritime, we are also negotiating with them on the number of the youth who can get opportunities in those countries. That is just an example. Once we have the numbers, we will utilize the capacity in BMA to prepare them to qualify for these particular jobs we are negotiating.

Other than that, we are also working with the Ministry of Labour and Social Protection because seafarers are challenged in some conditions. We already have a Joint Cabinet Memo with this Ministry to streamline the issue of working in the diaspora in terms of the welfare and other issues that have been affecting them.

Thank you, Mr. Temporary Speaker, Sir, and hon. Members.

**The Temporary Speaker** (Sen. Abdul Haji): Thank you, *Waziri*. Go ahead, Sen. Shakila.

**Sen. Shakila:** Mr. Temporary Speaker, Sir, my question goes to the Cabinet Secretary regarding the fishing sector. When the President made his Address during the opening of this House, he mentioned that he will improve the fishing sector.

The Cabinet Secretary should tell us what his Ministry is doing to improve the fishing sector. As I speak, where we can tap all the opportunities considering our

resources are being taken by foreign trawlers? That can be done within our country so that we improve our economy in terms of fishing.

**The Temporary Speaker** (Sen. Abdul Haji): Hon. Senators, it is important to remember that we should limit our supplementary questions to maritime affairs. However, I will allow that question to pass.

Sen. Cherarkey, you have the Floor.

**Sen. Cherarkey:** Mr. Temporary Speaker, Sir, my question to the Cabinet Secretary concerns the role of counties in training and the work of seafarers, especially in counties along our coastal region. I believe it is not the exclusive mandate of the national Government to do so.

Secondly, what is the sister Port of Mombasa where they pick best practices in shipping and maritime services? As Sen. (Dr.) Khalwale has mentioned, there is, for example, Port of Miami in the United States of America (USA) and Port of Singapore.

What partnerships are there to ensure best practices in maritime and shipping services as well as improving the efficiency of our Port of Mombasa, among others in the country?

**The Temporary Speaker** (Sen. Abdul Haji): Thank you, Senator. *Waziri*, you can respond.

**The Cabinet Secretary for Mining, Blue Economy and Maritime Affairs** (Hon. Mvurya): Mr. Temporary Speaker, Sir, there is a question that has been posed by Sen. Shakila. You rightly observed that today we came to address maritime issues.

There is a day I came here to talk about issues in the Blue Economy and Fisheries. I gave a comprehensive report on what we are doing in that State Department. However, I am sure she has asked the question on behalf of the residents in Lamu County and I will respond. It is also good for the nation to be aware of what we are doing in fisheries.

Firstly, we have said that the blue economy and fisheries sectors are critical areas that we need to spur investment. Therefore, we have divided the investments in terms of medium-level and high-level. The medium-level focuses on artisanal fishermen. For these fishermen, we have zoned the country and the blue space in the Indian Ocean, Lake Victoria and other lakes into critical areas for investment.

For example, in the Coast Region, we have looked at the entire area from Lamu to Kwale. In Lamu, in that entire Indian Ocean, we will work with county governments, so that we develop landing sites that are the first point for value addition.

We have zoned from Mokowe for Lamu County and Kipini in Tana River. In Kilifi, we have Ngomeni and Kichwa Cha Kati. We have Kidongo in Mombasa. We also have other areas in Kwale County like Mwaepe, Gazi and Vanga.

In all these areas, we have identified critical areas for landing sites. Some of them are at the level of connecting water and power, whilst some are at the level of advertising for construction. The only challenge has been the issue of land, but the Governors are sorting that, then we will do those investments.

The other thing we have done with our development partners is that we recently concluded a process where we are providing new boats to the Beach Management Units (BMUs). We have currently provided 26 new boats in the five counties of the Coast region.

We are also working to ensure that we transform the BMUs into co-operative societies in order to link them to financial institutions. Therefore, we have mapped out the entire country and identified 445 BMUs that need to be transformed into co-operative societies.

For example, in the Lake region, in Migori, we are working around Suri, where we have a landing site. We have developed another landing site in Nyandhiwa in Homa Bay. We also have Mulukoba in Busia, Ogal and Asat in Kisumu and Wichlum and Lwanda KÓtieno in Siaya. We have identified these areas for basic value addition and we are working with the counties on those projects.

In Lake Turkana, we are working with the Government of Netherlands because we also want to develop cooling systems for fishermen in Marsabit and Turkana. That project has a budget of around Kshs1.5 billion. We will work around it so that we give fishermen an opportunity for investment.

We also have another programme. We are working with the counties on aquaculture. We have 15 counties in the lake, western and Mt. Kenya regions. Our aim is to develop our capacity in aquaculture. Soon we will be launching the Kabonyo/Kanyagwal Programme which will cost about Kshs1 billion. Once we launch it, we will enhance our capacity in aquaculture.

We are also working with other partners on enhancing our presence in the Exclusive Economic Zone (EEZ) in the Indian Ocean, so that we inspire our capacity in Tuna fishing. That is why we have the Liwatoni Project in Mombasa, so that it becomes a landing site for vessels that ply the trade in the deep sea.

Alongside that, we have identified areas like Mokowe and Shimoni, where we are working with other agencies to develop fish processing. In Shimoni already, we have a Kshs2.6 billion fish port spearheaded by the KPA.

We feel that will inspire investments. We are also sending our officers to Taita-Taveta County to look at their potential in Lake Chala and Lake Jipe.

Mr. Temporary Speaker, Sir, even though the supplementary question came as a surprise, it was important to give it an overall presentation, so that Members and the country can benefit from this information.

The other question by the Senator for Nandi County was on the role of counties. The reason we have brought counties in the maritime, shipping and entire area of seafarers discussion, is because we do not want the Ministry or State department to take everything. We wish to also encourage other actors, especially in the training area, so that we can have as many Kenyan youths as possible qualifying for seafaring internationally.

The other part of the question was what the KPA is doing to enhance partnerships, for example, with the ports in Miami. Overall, I know KPA has many international networks. However, I think the Senate will benefit more if we get my colleague in the Ministry of Transport to give you the specifics on the partnerships that exists between KPA and other ports of the world.

**The Temporary Speaker** (Sen. Abdul Haji): Thank you, Waziri. Sen. Wakili Sigei, would you like to ask your supplementary questions?

**Sen. Wakili Sigei:** Thank you, Mr. Temporary Speaker, Sir. I appreciate the Cabinet Secretary for the responses he has shared with us in regards to the questions that hon. Members have raised. More importantly, on the question of the deliberate move by the Ministry in creation of awareness on the courses and the facilities available at the BMA.

I wish to ask my supplementary question, particularly from the response on the statistics. Under Table 22 on the number of students who have been trained on both modular and short term courses. I would like the Cabinet Secretary to give us, if any, statistics on the numbers. Are the beneficiaries of these trainings local? I am aware we have our counterparts in the neighbouring countries, especially the East African Community. Are the statistics provided here for the locals?

Secondly, on the creation of awareness; is there an extended effort to attract interest from students who are not necessarily residents of the coastal area? I come from a county which is far off from the coast; Bomet County. I am sure a good number of my residents might not be in a position to understand beyond reading about the seafaring course and the benefits they would come by.

**The Temporary Speaker** (Sen. Abdul Haji): *Waziri*, kindly respond.

**The Cabinet Secretary, Ministry of Mining, Blue Economy and Maritime Affairs** (Hon. Mvurya): Thank you, Mr. Temporary Speaker, Sir and hon. Members. Sen. Wakili Sigei, I confirm that the numbers that table; the trainees in BMA are all Kenyans. When you see those figures know they are Kenyans who have been trained.

The awareness programme is targeting the entire country. In fact, you will be surprised that the last recruitment; I think there are quite a number of other agencies that picked it up. In the eastern region, for example, there have been quite a lot of awareness. It is not just a coastal affair, but it is covering the entire country.

In the coming financial year, the State Department of Shipping and Maritime will do a programme for each county. When it is done, we shall share with leaders for them to also participate. We have seen initiatives from leaders who have been excited by this process. We are willing to work with more leaders in this endeavor.

Alongside that, we have recruitment agencies across the country. We shall work with them, so that this programme does not become opaque. What we had inherited was not very clear to youth and Kenyans on how one can be a seafarer. We want to open it up. We want all Kenyan youths and leaders to be aware of the qualifications and requirements of this programme, so that many Kenyans can benefit.

The last point on this seafarer issue, we need to be aware going forward that as we tap the opportunities, we also need to invest in BMA, so that it can have the requisite capacity to undertake this kind of training and not to rely on sea time from international partners.

Going forward, we are working towards making it more able to undertake this particular training. The most critical is the sea time and for that you need a ship, so that students can enjoy and gain experience.

These are some of the areas that we invite the Senate and other arms of Government to work together with us, so that we can enhance the capacity BMA. I also

want to observe that going forward, there are other related institutions coming up to support and enhance the capacity of BMA.

In our sister Ministry of Education, they are also doing a maritime and logistics institution that shall be linked to BMA and they will offer courses to Kenyans.

**The Temporary Speaker** (Sen. Abdul Haji): Thank you, Cabinet Secretary. Hon. Senators, there being no further Questions, I wish to take this opportunity to thank the Cabinet Secretary for his time, detailed answers and understanding on some of the questions that were outside the topic.

*Bw. Waziri* at this point, we shall allow you to leave and wish you all the best in your task ahead.

**The Cabinet Secretary, Ministry of Mining, Blue Economy and Maritime Affairs** (Hon. Mvurya): Thank you, Mr. Temporary Speaker, Sir.

**The Temporary Speaker** (Sen. Abdul Haji): Next Order.

## MOTION

### STATE OF MENTAL HEALTH OF POLICE OFFICERS

AWARE THAT, police officers are usually first responders and are often exposed to traumatic scenes and chronic stressors such as, dangerous situations, injuries and violence coupled with the need to report and testify about psychologically stressful scenes;

COGNIZANT OF, a survey done by the National Police Service Commission in 2022 which indicated that at least 12 to 13 percent of the 110,000 police officers have mental health challenges stemming from work related issues;

CONCERNED THAT, there has been a recent spike of incidents involving police officers, including murder and suicide which have been linked to the state of mental wellbeing;

NOW THEREFORE, the Senate urges the National Government and the National Police Service through the Ministry of Interior and National Administration to –

1. declare the current mental health situation within the police service a national emergency;
2. urgently establish a specialized facility to cater for police officers with mental illness;
3. develop and implement policies to reduce the stigma surrounding mental health issues within law enforcement agencies and encourage officers to seek help when needed; and
4. prioritise mental health as a priority health and socio-economic agenda within the Police Service and that in cases of deployment and transfers the service considers the health of the affected officers.

*(Sen. Kibwana on 4.5.2023)*

*(Resumption of debate interrupted on 4.5.2023)*

**The Temporary Speaker** (Sen. Abdul Haji): Sen. (Dr.) Khalwale, you were seconding the Motion. You have a balance of 14 minutes.

**Sen. (Dr.) Khalwale:** Thank you, Mr. Temporary Speaker, Sir. This is a Motion that quickly rises to the challenge we are having within the police. It is almost every day, week or several times in a month that we hear police officers tuning against themselves, family members or their own colleagues.

In my own county, just a few weeks ago, we had such an incidence in Lugari Constituency. One of the youths, a Mr. Elijah, who had just joined the police, was gunned down by his colleague. Many people take this as a criminal activity, but personally, I think there is a deeper problem captured by this Motion and the Mover. It is difficult for somebody to turn against a friend or a member of the family unprovoked.

Police officers are serving under difficult circumstances. They do not have houses. Their pay slips amount to nothing worth talking about. Police officers do not have access to health facilities or insurance to meet hospital bills for members of their families. Police officers are ordinarily expected to dress impeccably, but they do not have sufficient funds to take their uniforms to the laundry.

The welfare of the police is a contributor to what many might think they are mentally unwell. It is the pressure that is accompanied by the police code that allows police officers to go home with firearms.

In some occasions, you will meet a police officers in uniform at around 6.00 p.m. drunk and carrying a gun. You wonder what the officer would do with the firearm if provoked in the slightest manner and got angry.

As I support and second this Motion, I insist that we must address the welfare of police officers. Without addressing the welfare of these gallant sons and daughters of this country, we are most unlikely going to sort out the mess we are seeing today in the police force.

Mr. Temporary Speaker, Sir, to many people, mental health means somebody shouting around, removing their clothes and so on. There are other subtle manifestations of mental health within the police force. This requires that we must employ sufficient number of medical officers who can pick out the earlier signs of this illness, which would eventually end up with the disasters that we see.

Granted, we do not have enough doctors in the country. However, it is also annoying that we have doctors who qualified in the years 2021, 2022 from our universities and are still jobless.

This morning, I have heard from such a doctor, a young man from Likuyani Constituency, Sango village; a boy who was a total orphan. He is a class 'A' boy who has meandered his way through the education system until he came out of Kenyatta University (KU) Medical school.

Two years ago, the boy qualified as a doctor, but has no job. When we are recruiting cadet officers, these are the people the police should recruit. As they earn little salary as inspectors, they also offer this special service that they are endowed with.

Finally, but not least, as I second this Motion, I would like to appeal to the Mover of the Motion. This Motion is important. She should go beyond it. Listening to her while moving it, it was clear that she has sufficient material to move it into a Bill, so that we can create legislation that can address the issues that make police officers to breakdown.

With those many remarks, I second the Motion.

*(Question proposed)*

**The Temporary Speaker** (Sen. Abdul Haji): I call upon Senators to make their contribution.

Sen. Cherarkey, proceed.

**Sen. Cherarkey:** Thank you, Mr. Temporary Speaker, Sir. From the onset, I congratulate Sen. Kibwana for this wonderful Motion.

It is rare for people to defend police officers. Some of us have had nasty experience with them, which left us with lifelong trauma. However, it is important to support them.

Kenyans should know that police officers are our friends and custodians of law and order in the country as per the law. As Members of Parliament and any other State officer who is allocated for bodyguards, they protect and ensure that we sleep soundly and walk around feeling protected.

We have close to 78,000 police officers in the country. They control traffic, arrest people, maintain law and order. You were part of us in the last Senate. The former Nominated Senator, Sen. Kasanga, moved the Mental Health Bill. In the debate, we said that mental health issues are a problem, not only to ordinary Kenyans, but also to a number of police officers. We have seen in many cases police officers shoot themselves, the public, their colleagues, as Sen. (Dr.) Khalwale has said.

Most of it is because of depression and mental issues. It behooves the Cabinet Secretary of Interior and National Administration and Inspector General of Police (IG) to sit down and agree. Some of the reasons for mental illness is their pay.

I am happy that the Government has formed a task force that is chaired by Retired Chief Justice (CJ) David Maraga that is going around the country. We were told some of the reasons why police are frustrated is because of their poor working conditions; earnings and salary. I am happy that the President is committed to reviewing their salary. I hope that it will assist.

The reason why most men feel inadequate is because they are unable to provide for their families. The poor working conditions are so pronounced that we have seen poor relationships among the police. The time we visited several police stations, they were in pathetic conditions.

Personally, having been a guest of the State on several occasions in the previous regime, I can confirm that it is not the nicest place to be. You hang around with the cockroaches and not-friendly individuals up to morning. I can confirm to you that even putting a coat of paint will go a long way. The toilets are in pathetic condition. You can imagine if you were working as a MP in such a situation. You know the police are

arresting each and everybody. I also believe they have poor working conditions. Most of the police officers live in tin houses where they share a room separated by a bed sheet.

When it comes to the God-given assignment of the night, you can imagine there is a single police officer on the other side of the bed sheet and the newly married officers on the other side. We have heard cases where when the newly married police officers are on night patrol, the single officers might be on night patrol on the beds of these newly married officers.

This is what is causing people to have mental health issues. We need to create police officers who have pride in protecting the country and maintaining law and order. Honestly, we, as a country, must have these conversations. We have seen police officers who have guns go to drink and because of differences in their relationship they end up---

It boils down to the depression and the mental wellness of the police. I implore that we also improve their housing. I am happy that the President is pushing on the Housing Levy Fund. I sympathized and empathized with my brother Sen. (Dr) Khalwale over the weekend during a funeral function. I thank him for standing with the Government agenda. Some people seem to misunderstand this. We need this Housing Levy Fund.

There is need for every police officer to have a nice house and enjoy their privacy. I hope at the end of this Motion, Sen. Kibwana and the national security team will visit some of these police stations. Let them look at where these police officers live. We need to implement the Housing Levy Fund.

The President has requested for 3 per cent of an individual's basic salary or Kshs2500 at maximum for people who earn more. I do not see why MPs who are in this House are opposing the Housing Levy Fund yet we are entitled to Kshs36 million on house mortgage, Kshs7 million car grant and Kshs7 million car loan. We earn almost Kshs1 million or more, including mileage allowances.

I do not find any reason why we should not even surrender Kshs2500 and allow the Government to build affordable housing for our police officers. The biggest challenge in the police service apart from salaries is the housing issue. They have families and children. Therefore, they need their privacy. How can we achieve that without having affordable housing?

I know Sen. Okiya Omtatah has said that he has drafted a petition that will likely move to court. I am happy he is in the House. I hope he will use the Floor of the House to tell the country why the police should not have affordable housing. I have seen a misnomer where people are saying that they have their own houses. However, they are not telling the country that 6.5 million Kenyans live in slums under pathetic conditions undermining Article 43 of the Constitution on the right to basics like food, shelter and housing.

Finally, many police stations established gender desks. We need to establish a mental health programme. The first responders in any emergency, including fire, shooting, and floods are police officers. When someone dies in an accident, the people who come to the scene to cover them and carry them on the police vehicles are the police officers. They are human beings. They see blood and deaths on the road and they are first-line officers. Therefore, as human beings, they are also traumatized.

This boils down to what they do. Some of them survive, like in the issue of Kapedo. We thank the Government for fighting banditry, cattle rustling in the North Rift and many other areas in this Republic. Some of these police officers either survive with injuries or see their colleagues being killed in the line of duty. It is not fair.

We need to look at the insurance of the police and enhance it. I know that there is nothing that can compensate for the loss of life. Life is sacred. However, when a police officer dies in the line of duty, accord them the highest honour like the Head of State Commendation.

We must also ensure that the widow and the children are taken care of by the State like in the Kenya Defense Forces (KDF). We must ensure that we have a biodata of all surviving kin, including their spouses who are killed in the line of duty for Government compensation. Their children should be able to receive school fees.

I was shocked that when a police officer dies, the spouses chase their compensation from National Security and Social Fund (NSSF) and others for years despite being killed in the line of duty protecting the country. We subject the spouses to chasing for their dues. What is this surely? This country must be serious. I thought that their families should be compensated promptly. What else does the Government need? This was their officer, killed in the line of duty and spouse has the death certificate. Why do they subject spouses and children to an unending search for payments? It is very sad.

The police officers are the first responders in any situation, including arresting, seeing blood scenes, and retrieval of dead bodies, including those in Shakahola. I am happy that there is an *ad hoc* Committee that has been formed to look into that. This is the reason why most police officers resort to being drunk. I heard a colleague say that police officers get drunk to drown their sorrows and escape from reality and trauma. They do not indulge in alcohol because they like it. They do it to escape from the realities of what they are going through.

I, therefore, support Sen. Kibwana. I hope from this Motion we shall transmit to the relevant actors and ensure policy and legislative gaps have interventions. We, as a House, will amend and ensure that our police officers live in a good environment. I do not have a problem with police officers. Whenever needed, I have always been available. However, they have never given me time to go there. They arrest me at breakneck speed and I am not a terrorist. Nonetheless, I have no problem with them. I have moved on.

In conclusion, I have a divergent opinion. I saw them arrest *Yesu wa* Tongaren. I wonder why they do not do proper investigation before arresting people. That is why most cases are collapsing in court. They need to do due diligence and build a case before arresting an individual. I have also seen that they want to arrest another prophet somewhere in Bungoma. We should not arrest people for the sake of national emotions.

We must be careful. The police should exercise that power of arrest in a proper legal framework.

Mr. Temporary Speaker, Sir, with those very many remarks, I congratulate Sen. Kibwana and allow my other colleagues to contribute. I look forward to the outcome of this Motion.

I thank you for this opportunity.

**The Temporary Speaker** (Sen. Abdul Haji): Thank you, Sen. Cherarkey. Proceed, Sen. Tabitha Mutinda.

**Sen. Tabitha Mutinda:** Thank you, Mr. Temporary Speaker, Sir. I rise to support my colleague, the great Sen. Kibwana, for bringing up this very good Motion that touches on a very important sector in this country.

As MP, the Government has given us a team from the police force, whose role and mandate is to offer protection. It is their mandate as per the Constitution. I personally do appreciate the services of the police. I am a good friend of the police. I have earlier on participated in different corporate social responsibility activities with the police. I take pride in the activity where we built a police post in Mihango, Utawala.

The issue that has been tabled by our great sister is with regard to the mental health of the police. Who is a police officer? A police officer is a human being just like you and I. In this year, 2023, we are at a point where we are discussing a great sector of this nation. It is a very important team in this nation. We all know the work that the police do. Therefore, when it comes to mental health matters, they are very critical.

We have seen domestic violence occurring in different homes; a wife shooting a husband and *vice-versa*. We have also seen people being shot by police officers due to depression.

The issue of mental health is very key because we are surrounded by the police throughout. Even here in Parliament, we always have police around 24 hours a day. It is important to note that their mental health is very key. These are people who also have families like us. Like any other person, the welfare of any individual is key.

Mr. Temporary Speaker, Sir, some of these issues that bring about mental health issues are mostly attributed on how the police sector is handled. Let me speak on the issues of promotions. The due process for promoting officers is at times not adhered to. Many of them works diligently and goes out of their way to do their jobs very well, but at times, they do not get the promotion they deserve. Why should this person not get depressed or demotivated, since the same organization that he or she works for does not recognize his effort? It is a high time that the issue of promotions for the police was keenly adhered to as it is required.

I support my senior colleague, Sen. (Dr.) Khalwale, when he urges my sister, Sen. Kibwana, to take this Motion to the next level of a Bill, so that some of these issues can be dealt with on a long-term basis.

The other issue that brings about mental health issues is the issue of police transfers. How on earth do you wake up as the OCS or OCPD of that station and move your juniors left, right and centre or from point 'A' to 'B' yet they have their families? I have an example of a case where a police officer was transferred and yet his children were doing the final exams. The officer explained himself, but the officer in charge did not care at all.

The issue of transfers of police officers needs to be fair. At times, it is done out of emotions. Since you are the boss, then you just wake up and decide that next week, they will be in a different destination of this country. Unplanned transfer of police officers brings about issues of mental health. It is very saddening.

At the same time, on matters welfare, I agree with my brother Sen. Cherarkey, when he mentioned about their housing. In Nairobi, for example, we have areas like Lang'ata and Jogoo Road, where we have houses for the police. Looking at those houses, it is an indication that initially the policy was for the police to have good housing structures. However, today as I speak, those houses are not enough for them. So, where do they end up? That person has his equipment in his custody and the equipment is none other than a gun. Where does he rest? Then he is exposed. The houses that they live in are not sufficient.

Further, as the Kenya Kwanza Government supports the Bill on housing, we need to understand that it is also going to benefit sectors such as the police, so that our police can have better environment at work and at home with their families. How do you really hustle to that extent and then, at the end of the day, when you look at what you bring back home, it is not happy; it is saddening?

The housing issue is very key to the police force. It is a sector that I know will be handled through the Finance Bill.

As I finish, I am a Member of the Shakahola *ad hoc* Committee. Two or three weeks ago, I had the privilege to go to the ground. We met with a very competent team of police that were handling the Shakahola issue. I was happy to see a team of counselors that were taking them through counselling because of what their work entails, like carrying dead bodies. It is not only in Shakahola, but anywhere today where there is a dead body, the first line responders are the police. This is what they continuously do because that is their mandate.

Mr. Temporary Speaker, Sir, allow me to say that they came in handy during the Westgate incident and protected this country. In their experience, they put their lives in danger and protected families. I sincerely thank them for their sacrifices for this country.

Police posts and police stations are not fully equipped. With regard to Shakahola issue, for example, Langombaya Police Station is not well equipped. Probably that was one of the reasons why investigations took some time because police officers in that police station are not well equipped in terms of mobility. The distance and the surface area is quite vast. The commander in charge of the station is not able to move on time from point 'A' to point 'B'. As the Ministry of Interior and Coordination of National Government continues gazetting these stations, they should also ensure that there is adequate equipment.

The police station that I participated in building as a Corporate Social Responsibility (CSR), we ensured that they had the basic necessities such as chairs and tables. Nonetheless, that is their office. If you visit the Ministry of Interior and Coordination and other Ministries's offices, you will see the Principal Secretaries (PSs) and the Cabinet Secretaries are well equipped with modern facilities and equipment. However, they have neglected their officers on the ground. How do you feel as a Cabinet Secretary or a Principal Secretary working in very conducive environment with all comfort while your officers on ground have no offices? How do you expect them to deliver services to *wananchi*?

Mr. Temporary Speaker, Sir, yesterday, we passed a Motion to hold Senate Mashinani in Turkana County. We said we do not want comfortable places. We want to

go down there and have a feel of our nation. It is a high time that even the senior bosses in Ministry's headquarters visited the ground and interact with their juniors. Sen. Kibwana, I urge you and other Senators to visit Langata police station and other stations in the country. Let us as Senate visit those stations. Let the Cabinet Secretary tell us why those stations are in deplorable state. We can then improve in the long-term.

Mr. Temporary Speaker, Sir, I do not believe in short term solutions to issues affecting police officers. I believe in long-term solution. Therefore, I look forward to see Sen. Kibwana tabling a Bill in this House for the betterment of our security officers in this country.

I thank you.

**The Temporary Speaker** (Sen. Abdul Haji): Thank you, Senator. Proceed, Sen. Mumma.

**Sen. Mumma:** Thank you, Mr. Temporary Speaker, Sir, for granting me this opportunity to contribute to Sen. Kibwana's Motion on the need to pay attention and do something about the mental health of police officers in Kenya.

There is need for the Government to take the matter of mental health in this country seriously. We have very few such facilities. In fact, possibly only one facility in this country that deals with mental health and yet, mental health is a serious issue, not just among the police officers. It is an emerging serious issue among young people. Death by suicide is a going concern among our youth and children. However, we do not have programmes that can mitigate mental health in this country.

Mental health has been a stigmatized programme globally. However, in the recent years, most countries are taking on mental health as a serious issue. The issue is becoming de-stigmatized. Many countries are investing more resources in mental health.

We must invest in mental health as a beginning point, not just for the police officers, but also as a national programme that is of importance to this country. We will only be able to deliver on mental health if we invest in the necessary professions to enable us take care of those who have mental health concerns. We need to invest and give scholarships to those in medical schools. For instance, scholarships should be given to those who train in clinical psychology and psychiatry.

We need to start utilizing our psychologists and psychosocial support counsellors who we have in this country, but are underutilized. The only department that I know of that has absorbed very few of these may be the children's department and we have a drop within our hospitals.

Mr. Temporary Speaker, Sir, psychosocial, mental and psychological support is a valid medical care as any other. Sen. Kibwana, even as you move this, let that Committee begin by auditing how much as a country are we investing in this important aspect of care for our people.

When we come to the police officers, as representatives of the people and counties, they have no voice. In case you did not know, Article 24 of our Constitution actually limits the rights of police officers and our defence officers from participating in certain rights. These rights include the right to privacy, freedom of association, assembly, demonstration, picketing, petitioning, labour relations and even the economic and social cultural rights.

Mr. Temporary Speaker, Sir, that means that police officers and defence personnel cannot converge and come together to form a union to ask Government to take care of their issues. I thank Sen. Kibwana for choosing to be a voice for the police officers because the Constitution limits their rights to be able to do some of these things. It limits their rights because the police force and the Army is our security force that signs onto giving up personal rights in order to protect the country.

The question we should be asking ourselves is what we, as a country, doing for people who have given up their rights in order to provide security to us. It is a pity that we treat them as though they are slaves and in servitude. They are the list paid and many of them live in iron sheet houses.

We have stigmatized this profession to the extent that even children of police officers are not comfort saying their parents are police officers. This is because the society has stigmatized that profession.

Police officers are one of the categories of our society that live in very poor conditions. It is no wonder there is rampant bribery. What some of those police officers get is money to buy their food. It is only a few of them who are engaged in grand corruption that makes their ends meet. Some of them are actually collecting money to survive because the conditions of their work make it difficult for them to be able to engage properly.

Police officers are human beings. They have feelings and senses like any one of us, but they are the ones we sent to the goriest scenes to do their work. It is sad because we expect them to work like robots.

If there is a fire outbreak somewhere and people get burnt, it is the police officers who are expected to go there. It is as though they have no feelings. We expect them secure the place and collect dead bodies. When there is an accident, we expect them to go there and do their work.

After collecting the bodies that are in deplorable state and taking them to the mortuaries, we expect them to walk home, wash their hands, clean themselves, cook meals, eat and laugh with us as if nothing happened. I wonder whether anyone of us Senators can have the courage to go to an accident scene and lift bodies, some of which may be in bad states, and walk away as if nothing happened. These officers need to be provided with the mental support they need in order to do their work.

It is not a wonder that we have seen a rising number of cases of violence in this country. We see a police officer shooting a girlfriend, the wife or colleagues. What do you think is going on in their mind? In my view, we should not blame them. Instead, we should blame our own system because we have not put anything aside to support them.

In the Finance Bill, an extra Kshs15 billion will be channeled to the health sector. That is beyond what was there in the previous financial year. Health is a devolved function. That money should be used for essential things like providing mental health services for police officers. We do not have to come up with another scheme riddled with corruption.

Mr. Temporary Speaker, Sir, we have not resolved the scandal on the Managed Equipment Services (MES) that were procured during the first term of devolution. We are

now factoring another scheme to buy things that are not required. Some of the things that were bought at that time are still in boxes because we do not look at what we need.

If we increased this budget in order to take care of key services such as taking care of police officers, I would cheer them on. The Executive should consider key issues because they are supposed to be a people-centered Government that should take care of the needs of the people. Among the people, I dare say, we have police officers and their families. They are human beings with rights like the rest of us.

As I have said, because of that limitation that they cannot speak for themselves, I urge that the Committee that will deal with this issue and the Cabinet Secretary for Interior and National Administration, Hon. (Prof.) Kindiki, who I know is a human rights lawyer, to look into this issue and get this moving. He should not work alone. He needs to work with the Ministry of Health to ensure that the mental health policy and regulations are taken seriously.

We do not just want to see policies in the books. We want to see programmes, plans and budgets beyond Mathari Teaching and Referral Hospital, which is completely run down. It is not a hospital that you would want take a person with mental health issues.

We make jokes about madness. When we want to demean somebody, we say that they belong to that hospital. We need to know that each and every human being can only function with human dignity and properly if their mental health is good. If you are not in the right state of mental health, it does not matter who you are. You are actually sick and a danger not just to yourself, but also to the society.

Mr. Temporary Speaker, Sir, we need to embrace the need to invest in mental health. As we prioritise, we need to remember that the police officers have no voice. Therefore, those of us in the legislatures should be the voice of the police force.

Sen. Kibwana, I request that we should be scrutinizing the national Government budget every year, both for the health and internal security sectors, to see whether whatever we say is taken seriously, or whether the Senate is just a talk shop where we speak, but nothing happens. I hope that this will be taken seriously.

I support.

**The Temporary Speaker** (Sen. Abdul Haji): Sen. Okiya Omtatah, you have the Floor.

**Sen. Okiya Omtatah:** Mr. Temporary Speaker, Sir, thank you for the honour to address this august House on this important Motion, which I rise to support.

We have the issue concerning the welfare of our security forces. I am using the word “security” deliberately and not “police”. Our security forces as a whole are totally neglected in this country, yet they are the symbol of the State.

Mr. Temporary Speaker, Sir, above you is the Coat-of-Arms. It is not placed on your body. If you go to our courtrooms, the Coat-of-Arms is not placed on the body of the judge, it is placed above the judge. If you go to the State House, the Coat-of Arms is not placed on the body of the President, it is placed above the President, for none of them qualifies to wear the Coat-of-Arms. The only people who qualify to wear the Coat-of-Arms are security officers.

(Applause)

Look at all our police such as the Kenya Wildlife Service (KWS) and military officers, they wear the Coat-of-Arms. The people who ensure that the territory of Kenya is safe for everybody else to operate are security officers. They are a symbol of the state. That is why it is only them who wear the Coat-of-Arms.

Can we ask ourselves what kind of a person do we choose to pin the Coat-of-Arms? When an officer has the Coat-of-Arms on their head, but the shoes are worn out, they are walking on an empty stomach, their children are not going to school and they live in a shack, what are we doing to this country? Can we honour the Coat-of-Arms by ensuring that people who wear it are a true representation of the Republic of Kenya?

A police officer occupies a more important place than a President of the Republic of Kenya because they protect this country. It applies to all security officers. They occupy a more important place in terms of status and necessity.

If you look at Article 238 of the Constitution, it defines what national security is. A police officer performs an important role more than a Senator because we come after they have secured the country. All of us can come here, make noise, fight and do whatever we want to do, but we stand at their backs; be it the KWS, Kenya Forest Service (KFS), or military officers. However, all these officers are neglected.

Mr. Temporary Speaker, Sir, we have come to a point whereby their welfare needs to be looked into. This country does not have the resources to do that. We cannot talk of housing. They live in condemned structures most of the times. Recently, there was an attempt to throw them out of police stations and demand that they look for and rent houses. They are then given Kshs9,000 for rent in Nairobi City County. Where will you get a house for Kshs9000 in Nairobi City County?

Time has come for us to look at the welfare of our security officers and support them. This Motion is very important.

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

**The Temporary Speaker** (Sen. Abdul Haji): What is your point of order, Senate Majority Whip?

**Sen. (Dr.) Khalwale:** Sorry, Mr. Temporary Speaker, Sir. My apologies to the Senator for Busia County. I am not trying to interrupt your flow of thought. It is under Standing Order No.105.

You have to be accurate and specific that the decision to move officers from places of their residence, was not done recently. That was a decision by the “Handshake Government”. If he does not know, let him be informed. If he knows and is misleading the House, let him withdraw and apologise. The Government of President William Ruto has not pushed police officers out of their houses.

**Sen. Okiya Omtatah:** Thank you for the information. I was not referring to the Government in terms of a regime. I was referring to the Government in terms of the continuity of Government. I have not referred to any regime. I am referring the Government of Kenya since Independence. It is one and it has never been interrupted. It has continued.

Sen. (Dr.) Khalwale, thanks for the information, but I was not referring to President Ruto or his administration. I was simply referring to the Government of Kenya having removed police officers from police stations.

I am litigating that matter in court. I got orders staying the eviction of the police officers. I am more informed about the issue than Sen. (Dr.) Khalwale is because I am litigating it in court. I know the dates when it happened and I am in no way attributing this to any particular administration. I am talking about the Government and the people of Kenya.

Mr. Temporary Speaker, Sir, when it comes to housing, there is the Housing Act and we do not need another law. The Housing Act requires the employer to provide adequate accommodation for its employees in Section 31 of the Employment Act. I do not understand why the Government does not apply that as regards to police officers and other security personnel.

I would have stopped there, except for the challenge I was given by Sen. Cherarkey, that I comment on the Finance Bill, which is not before us and will not come to this House. I am comfortable addressing the Finance Bill where I can be effective. In this House, when I address the Finance Bill – it will never come to this House to be discussed – I am fighting in the wrong arena. I am like the American wrestlers where you throw an opponent out of the ring and begin clobbering him out there. The referee does not see that. Therefore, commenting about the Finance Bill here is like an American wrestler, wrestling outside the ring. For as long as it will not come here, the only arena I can engage the Finance Bill is outside and not in this House.

I would have used some more graphic image, but we are on national television (TV). It is prime time and not past midnight and I am sober.

*(Laughter)*

By the way, the one thing I share with President Ruto is that we are always sober. I do not take any intoxicant and I know the President does not take any too. So, for your information, Sen. (Dr.) Khalwale who may occasionally take intoxicants, I am closer to President Ruto than you are.

*(Laughter)*

Mr. Temporary Speaker, Sir, I will not take up the invitation to the fight that Sen. Cherarkey made, but for the avoidance of doubt, I am heading to court, which is an arena outside this House. If the Bill was coming to this House, I would have waited to comment on it and try to fight it in this House. By the way, I am in court trying to fight that it should come to this House, but that is another story.

As matters stand, it is not coming to this House, so I am going to engage with the Bill in court. Watch this space, have your Madaraka Day. After that, it is a new ball game. We will be engaging frontally with that Bill on the issues that threaten to destroy the industrial base of this country; and return us to the caves the way the war on Iraq has returned Iraq to the caves.

**An Hon. Senator:** Say it!

**Sen. Okiya Omtatah:** Mr. Temporary Speaker, Sir, this is a war on the Republic of Kenya. It is a fight for the soul of this country and we will not shy away from it. We do not have another country. We only have this country. For those who are inviting me for a fight, let us meet outside this House where you enjoy no privileges. It will be a bare-knuckled fight, without kid gloves and I do not blink.

*(Applause)*

**The Temporary Speaker** (Sen. Abdul Haji): Thank you, Senator.

Sen Beth Syengo, you may have the Floor.

**Sen. Beth Syengo:** Asante, Bw. Spika wa Muda kwa kunipa nafasi hii nichangie Hoja iliyoletwa na rafiki yangu, Sen. Kibwana.

Hii ni Hoja ya maana sana. Ni kwa sababu kwanza tulipokula kiapo tukiwa tumeinua Biblia kama viongozi katika nchi hii, kila mmoja wetu alipata haki ya kulindwa. Kwa hakika, wanaotulinda ni askari. Tunazungumzia maisha ya askari walio na umuhimu mkubwa sana nchini.

Afia ya akili ya askari inachangiwa sana na kazi wanayofanya. Kazi waifanyayo iko na matatizo chungu nzima. Wengi waliyonitangulia wamezungumza na kusema kwamba askari hao katika kitengo chochote kile, wanaishi katika mazingira duni.

Nyumba zao hazipendezi kamwe. Wanaishi kama wanafunzi shuleni. Hawana faragha. Hawaishi maisha yao kama binadamu mwingine yeyote. Wanaishi kwa vyumba ambavyo kila mtu anaweza kuchungulia, kuingia na kuketi. Hawajisikii kama wana faragha ama maisha yao ya kibinafsi. Mambo haya yote huchangia kwa sababu tumeamua kuweka askari wetu katika mazingira duni.

Jambo lingine ni kuhusiana na kazi wanayofanya. Tunapolala, huwa tumetosheka na hali ya usalama manyumbani kwetu. Hao ndio hutulinda na kuhakikisha tuko salama. Kuanzia kwa Rais, Mawaziri, Wabunge na wengine wote. Tunapofurahia na kulala vyema bila wasiwasi wowote, wao wako msituni, mashimoni, kwa mahandaki na kwa miti. Wengine wanalala huku wanalinda malango yetu.

Wakati Kiranja wa Walio Wengi, Sen. (Dr.) Khalwale, analala vizuri, askari ako pale langoni kuhakikisha magari, mali, wanyama, watoto na wake wake wengi wako sawa.

*(Laughter)*

Ni kwa nini tusishughulikie masilahi ya askari wetu?

Jambo lingine, ninashukuru kwa hii nafasi maana imenipa fursa kuzungumzia jambo ambalo ni la muhimu sana. Jambo lenyewe ni mshahara. Askari anapata mshahara wa shilingi 15,000. Akichukua mkopo, anakatwa yote. Mwisho wa mwezi, anapokea shilingi 1,500 na ako na watoto shuleni, majukumu ya boma, bibi wa kupeleka *salon*, watoto wa kupeleka shule na anahitaji kukula *bacon* kama mimi. Tunatarajia aje aishi maisha mazuri ya kufurahia akiwa amewekwa kwa mazingira ya aina hii kwa sababu tumeamua tusiwalipe vizuri? Kwa nini Serikali ya Kenya isiamue askari wapate mshahara mkubwa?

Bw. Spika wa Muda, jambo lingine ni wananchi tunachangia askari kuwa na matatizo ya kiakili. Hi ni kwa sababu atuwakubali. Ni kama wao sio wananchi. Tunawaona ni kama maadui. Hawajiskii kama wao ni Wakenya wenzetu. Hawakubaliki kwa jamii. Ukiona askari, unakata kona.

Mara nyingi, nikitembea barabarani, ninaona *hustlers* wanaouza vitu vyao, wakinong'onzewa huyo ni askari, wanakata kona na kukimbia mbio kana kwamba ameona mnyama. Kwa nini tusiishi na askari kama marafiki? Ni ndugu, baba na watu wetu kwa jamii.

Kwa hivyo, tuwe na mazoea ya kuishi na askari kama binadamu wenzetu. Tuwakubali, tuwe marafiki wao na tuwe karibu nao bila kuwalaumu kwa jambo lolote. Ukiona askari, unafikiri ataitisha hongo, atakukamata au ni adui. Kwa nini tusikubali askari wakuwe kama sisi wanasiasa ambao kila mtu anataka kutangamana nasi, kutukaribia na kutuomba hiki na kile.

Askari akikubalika kwa jamii, hatakuwa na tatizo la kiakili. Lakini, matatizo ya kiakili yanachangiwa na kutokubalika na kujiona kwamba wao sio binadamu au kazi walioichagua si nzuri ama haihitajiki nchini Kenya?

Bw. Spika wa Muda, ningeomba Waziri wa Mambo ya Usalama wa Ndani na wote wanaohusika waangalie maslahi ya askari nchini Kenya. Kwa hakika, kama vile dada yetu amependekeza kwa Hoja hii, ingewezekana hata kama ni hospitali ijengwe. Askari yeyote akionekana ako na tatizo, akimbizwe na ahudumiwe vilivyo kuliko kuachiliwa na kuanza kuchekelewa, kulaumiwa na kuonekana kama hafai au nimakosa yake kuwa vile alivyo.

Tunajua kwamba askari pia wako na cheo na wengine wanafanya kazi kwa changamoto nyingi sana. Wale askari wa kiwango cha chini, huwa wanakanyagiwa chini. Wengine wamefanya kazi miaka nenda, miaka rudi, na hawapandishwi cheo.

Hii ni kwa sababu kama hawajui 'nani ni nani,' basi wataendelea kupitwa. Hawapandishwi cheo na hakuna mtu anatambua kazi wanayofanya. Wengi wao watapatwa na matatizo ya kiakili. Maana anashindwa atafanya kazi kwa kiwango moja tu bila kupandishwa cheo. Kama alianza kama *private member*, anaendelea tu mpaka mwisho.

Baba yangu, ndugu zangu, *brothers-in-law* na jirani yangu wote ni askari lakini nikiwatazama, ninawahurumia. Ni kazi lakini hawajivunii kuwa kwamba wanafanya kazi. Ni muhimu tushughulikie jambo hili kwa ufasaha kuhakikisha kwamba watoto wetu, ndugu zetu, mabwana zetu na majirani zetu ambao ni askari wamewekwa kwa kiwango ambachoo hakitawaruhuru kupatwa na matatizo ya kiakili.

Kwa mambo ya mapenzi, hakika tumeshuhudia nchini Kenya shida nyingi sana kuhusu mapenzi kwa askari. Unaskia askari ameuwa mwenzake kwa kumpiga risasi. Ni kwa sababu kama amepata rafiki kama binadamu yeyote yule, anataka kumweka kiwango kile cha kufurahisha pia naye askie kwamba anasonga na maisha vizuri. Lakini, matatizo ya kimfuko na kuonekana ni mtu wa kiwango cha chini inamfanya afanye mambo yasiyostahili.

Wengine wanayang'anywa wapenzi wao na wakubwa wao na hawawezi fanya chochote. Kwa mazingira na wakati kama huo, askari atakuwa na matatizo ya kiakili.

Ni muhimu Hoja hii ishughulikiwe. Mazungumzo ya siku ya leo yasiishie hapa. Hatua ichukuliwe tuonekane kwamba tunajali maaskari na usalama wetu. Maana, tukiwaweka kwa mazingira duni na kwa mambo ambayo hayafurahishi maishani, wanahangaika saa zote. Watalinda usalama wetu aje?

Ndiposa wengine wanaanguka kwa majaribu ya kuchukua kitu kidogo. Si mapenzi yao. Huenda ikawa hata imani na dini yake haimruhusu afanye hivyo. Lakini, kwa sababu ni binadamu na ako na mahitaji, anaagukia kufanya mambo yasiyostahili na sio vizuri.

Bw. Spika wa Muda, ninaunga mkono Hoja hii. Hatua madhubuti ichukuliwe kuhakikisha kwamba askari wetu hawana matatizo ya kiakili. Wale kwa bahati mbaya wanapata matatizo ya kiakili, wanashughulikiwa ipasavyo.

**The Temporary Speaker** (Sen. Abdul Haji): Sen. Shakila Abdalla, please proceed.

**Sen. Shakila Abdalla:** Thank you, Mr. Temporary Speaker, Sir, for giving me this opportunity to support this Motion by Sen. Kibwana.

Police are important human beings in this country. They are supposed to serve under good shape. It is dangerous for police officers to serve under the wrong state of mind. This is something very serious. If we have 12 to 13 per cent of our police officers who are mentally affected, then we are playing on dangerous zones.

First, the police training barracks and the environment need to be improved so that when they get out of those trainings, they can perform their duty in a good manner and have a good attitude towards the citizens.

However, when they get out of their training zones, they come out as bulldogs. They are so charged such that when they get you with a slight problem, they will pass with you. This attitude goes with their training.

Their training should be changed. They should be trained in a friendly environment and on how to be friendly to citizens so that they are accepted and not isolated. This is because when we went to Shakahola, we were told that people who were being rescued would run in the bush when they saw police. Their thought that the police officers had come to arrest and not to rescue them.

The attitude between police officers and citizens is causing a big problem. It even affects their mental health whereby they feel isolated and not accepted by the society.

Sometimes, the police officers are forced to act and work illegally against the law. These instructions sometimes come from their bosses against their will.

Those are things which disturb most of these police officers because they are working against the law and their level of accountability is very low considering they operate in impunity. Sometimes, it is not their choice. They are forced to do such things. It starts from the top to bottom. As a father or a parent, you cannot be a bad example in your family and expect the child to behave in a better manner. If a police officer is told to go look for money out there and bring a certain amount of it to their boss at the end of the day, how do you expect that officer to work with or within the law?

These mental problems contribute to a lot of things. If we need to improve, this should be looked at different angles. When these police officers come out from barracks, their mental status is supposed to be checked and there should be a way for them to be

checked every year and this should become a routine. This will establish the state at which they are working in.

Mr. Temporary Speaker, Sir, police brutality has become the order of the day. Sometimes, it is not their wish to act in the manner they act in. However, because they are not checked and nobody knows what status they are in, that is why police brutality is a big cause in this country. It has become kind of a normal thing and somehow, they get away with it.

This is an important Motion and I support it. I applaud Sen. Kibwana for bringing it up. I hope this Senate will pass this Motion and make it a law in order to improve the status of our police. We should also come up with regulations or amend the existing laws, which will help them on training, mental status and the period of time for those check-ups. This will make sure that the police officers in operation are in good shape.

Thank you.

**The Temporary Speaker** (Sen. Abdul Haji): Thank you, Senator.

Sen. Tobiko, you may proceed.

**Sen. Tobiko:** Thank you, Mr. Temporary Speaker, Sir. I rise to support the Motion by Sen. Kibwana. I also congratulate my sister for coming up with this timely Motion. I doubt that any Member of this House can oppose this Motion because we all know the environment that our police officers live and work in. We also know the situations that confront them on a daily basis

We have seen at work. I can almost equate them with doctors. The patients that are taken to doctors may be same patients or worse because the police are expected to be the first people at an accident scene; where lives have been lost and or bodies are in pieces and they have to collect those pieces, carry them for post-mortem services and get the injured to hospitals. The police are supposed to be there in situations of crime, whether domestic or in ugly incidences.

Based on that, on a daily basis, our police face psychologically traumatizing situation. That is why this Motion is timely. The mental health of the police officers, their living conditions and their working environment needs to be addressed. We may not save them from the job because someone must do that job, but we can help make it bearable. We can help by ensuring that the Government provides counsellors at every police station. There should be a resident counsellor who talks to the police officers. They should ask them how their day was in order to understand their situation.

Mr. Temporary Speaker, Sir, even in their personal lives, there are living conditions of their families and what they are going through. If we were to have a resident counsellor at every police station, a lot of consequences or these psychological traumas we see from the police officers like suicides, murders and shootouts can be reduced to manageable or minimal levels.

We have been to countries where the police officers are well taken care of. In South Africa, for example, I have even seen their police officers going to 5-star hotels to take their meals. I think their government caters for that. I was awed. If this was to happen in Kenya where they have meal vouchers and can go to the best of hotels in this country, eat and walk out, ride in comfortable vehicles, have their families live in good

conditions and have their children attend the best of schools, I am sure they would also provide good services to us in reciprocation.

Mr. Temporary Speaker, Sir, police officers do all this for us. None of us wants to see a Kenya for a day or half a day, without the police officers. Our towns, rural areas, roads and institutions would not be liveable. Right now, Parliament has police officers all over, right from the gate to the others waiting for us in our vehicles. As leaders, we should think about the environment we try to make better for ourselves every day and make it equally better for the police officers.

The salaries of the police officers must be addressed. They are the lowest paid civil servants, yet, they handle the most taxing and difficult jobs that we have in this country. I support Sen. Kibwana that the mental health of the police officers needs to be addressed and their living and working conditions need to be addressed.

Mr. Temporary Speaker, Sir, the rest of us need to be law abiding. If we become law abiding citizens, we will make the jobs of police officers easier. Their life would be bearable. If we all become good citizens---

**The Temporary Speaker** (Sen. Abdul Haji): Sen. Tobiko, I will interrupt you. You will have a chance to continue with your contribution when the Motion comes up again. You have a balance of eight minutes.

### ADJOURNMENT

Hon. Senators, it is now 1.00 p.m., time to adjourn the Senate. The Senate, therefore, stands adjourned until today, Wednesday 31<sup>st</sup> May, 2023, at 2.30 p.m.

The Senate rose at 1.00 p.m.