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THIRTEENTH PARLIAMENT

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Wednesday, 17th April 2024

The House met at 9:30 a.m.

[The Temporary Speaker (Hon. Martha Wangari) in the Chair]

PRAYERS

QUORUM

The Temporary Speaker (Hon. Martha Wangari): Serjeant-at-Arms, ring the Quorum Bell for 10 minutes.

(The Quorum Bell was rung)

The Temporary Speaker (Hon. Martha Wangari): Order, Hon. Members. We have the numbers to start the day.

(Several Hon. Members stood on the gangway)

Hon. Abu, take your seat. The Speaker is not on her feet.

PETITION

The Temporary Speaker (Hon. Martha Wangari): Member for Nairobi, Hon. Passaris, do you have a Petition?

AMENDMENT OF THE PENAL CODE TO PROVIDE FOR THE
OFFENCE OF SEXTORTION

Hon. Esther Passaris (Nairobi City County, ODM): Thank you, Hon. Temporary Speaker.

I, the undersigned, on behalf of the concerned citizens of Kenya, draw the attention of the House to the following:

THAT, Article 119 of the Constitution affirms the right of every individual to petition Parliament to consider any matter within its authority including to enact, amend or repeal any legislation;

THAT, sextortion, the abuse of power to coerce individuals into providing sexual favours, has become a pressing issue in the country, causing immense harm to victims and eroding trust in public and private institutions;

THAT, demands for sex in exchange for essential resources, services and opportunities is both an infringement of human rights and a significant obstacle to achieving development goals predicated on gender equality, transparent and accountable governance;

THAT, our laws do not specifically, recognise or define sextortion as a form of sexual exploitation, harassment and corruption, thus hindering effective prosecution and victim protection;

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THAT, although Section 37 of the Computer Misuse and Cybercrime Act, 2018 addresses certain aspects related to sextortion, there remains a critical need to comprehensively, address these issues within the broader legal context;

THAT, sextortion disproportionately affects vulnerable women and girls due to poverty, lack of education, political disenfranchisement and various forms of disability, although men and boys are also susceptible;

THAT, the unchecked prevalence of sextortion not only inflicts immediate harm upon individuals but also undermines efforts to empower women and ensure their full and equal participation in society, thus impeding sustainable development;

THAT, the issues in respect of which this Petition is made, are not pending before any court of law or other constitutional or legal body.

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

1. Propose amendments to the Penal Code, Sexual Offences Act, and other relevant criminal laws to explicitly define sextortion as an offence, make clear provisions on penalties, support for victims and for connected purposes; and
2. Take any other measures necessary and appropriate in the circumstances of this Petition to address the menace of sextortion to protect the rights and dignity of all citizens.

And your Petitioners will ever pray.

The Temporary Speaker (Hon. Martha Wangari): Thank you, Hon. Passaris. Before I allow any comments on the Petition, if you are willing to speak on this, kindly put on the intervention.

Allow me to recognise, in the Speakers Gallery, Africa Youth Leadership Forum from Starehe Constituency, Nairobi County. On my own behalf and that of the House, I welcome you to observe the Proceedings of the House.

I will give the first chance to Hon. Makali Mulu.

Hon. (Dr) Makali Mulu (Kitui Central, WDM): Thank you, Hon. Temporary Speaker.

I thank Hon. Passaris for this important Petition. The matter she is raising is of national interest and crosscuts in almost all spheres of life and institutions. As the Public Petitions Committee looks at the matter, I plead that they look at it from both sides. Let us not look at it as if it is only the female side which is suffering. Let us see fairness in this matter.

The Temporary Speaker (Hon. Martha Wangari): Hon. Makali, are you confirming that you have some sextortion going on in your phone?

(Laughter)

Hon. Beatrice Elachi, are you intending to speak to this? You have the Floor.

Hon. Beatrice Elachi (Dagoretti North, ODM): Thank you, Hon. Temporary Speaker. I appreciate the young people and leaders of universities who are in the Speaker's Gallery. They are young people who pray for our country every morning. They have more importantly visited us to see what we are doing. You are the leaders of today, leading our universities with all the challenges. I pray to God that he will guide you as you continue leading the other students to understand the challenges we are facing, and how we can deal with them.

One of them is what our leader of Nairobi has brought in, sextortion? In a simple way, it is the favours that men ask when they are employing our girls, for example, in tea farms in Kericho, flower farms in Naivasha or in Nairobi. This happens in tea farms in Kericho, flower farms in Naivasha or in Nairobi where they wake up very early in the morning.

Now I want to speak about Nairobi Water and Sewerage Company. This is a matter that was brought by a lady in Kibra who wakes up at around 2.00 a.m. to fetch water since that is the time the company decides tap water is available. It is not just in Kibra, I remember when I used to live in Kangemi, one would wake up in the wee hours to look for water. I want to tell them that this has to be turned around. What will the caretakers who take care of these estates do? They will now start enticing and telling women that they do not need to wait on a long line to fetch water. They will ensure that they have water, but in return, they have to give sex.

Even in sports, we are told by the Deputy Speaker that the ladies in sports face the worst. Since they depend on their coaches for career progression, they give in to their demands.

So, Hon. Temporary Speaker, as we speak about this Petition, we want to see an amendment of the Penal Code. The best is to do omnibus amendments in all the Acts we have: The Employment Act, The Sports Act and laws touching on water and sanitation where women have to use their womanhood to obtain what they need. You can imagine water of all the things. Water! It can be very sad when a woman wakes up and knows very well that she has to go and give her body so as to get the only life thing that God gave in this earth. Water is life and that is where we are.

So, as I finalise, this is not just a Petition. It is for us to bring in the amendments. First in the Penal Code and all the Acts, so that we stop this thing where women must give sex favours to a man to be listened to, to get nominations, for example, or to become who they want to be. We say no to that, Hon. Temporary Speaker.

The Temporary Speaker (Hon. Martha Wangari): Thank you. A maximum of three minutes. Member for Naivasha.

Hon. Jayne Kihara (Naivasha, UDA): Thank you very much, Hon. Temporary Speaker. I rise to support this Petition.

This issue was discussed in the case of Kericho tea farms where women and the vulnerable get all sorts of challenges. It did not just start today. Even in the offices we have worked in, for a woman to get a promotion, she has to give in to sex. This is common knowledge. Even in colleges, for you to get good grades, if you do not give your body to the teacher or the lecturers, you remain there. Women who have firm characters rise very slowly, or sometimes they never rise.

This is an omission that came in the Sexual Offences Bill. I think it should have been there. It was a serious omission. We have seen it even with our lady athletes. We have seen them even being killed by people who come in as their coaches, and then their friends, and then eventually their husbands because of their money. That is why they get into this problem.

This cuts across. As much as Dr. Makali says it happens to boys, it is more challenging to women to make it to any end. You have to give yourself to men for sex. This Petition has come on time because we have to keep on amending the laws as the country evolves, and as the country moves on because these are new things that are coming up.

Maybe some of these things were never discussed. You would never say why you never got a promotion. You would never say why you did not get your grades. You would never say why we were not even selected into a certain team.

So, Hon. Temporary Speaker, I support the Petition. Thank you.

The Temporary Speaker (Hon. Martha Wangari): Hon. Atandi.

Hon. Samuel Atandi (Alego Usonga, WDM): Hon. Temporary Speaker, thank you very much for giving me the opportunity to support the Petition which has been presented by Hon. Passaris.

I have met many women whose careers have been messed up because their bosses wanted to have sex with them and they declined. I have also met many other women who actually went through interviews successfully but before they could be given employment letters, their bosses wanted to have sex with them. So, this issue is very serious and I wish this

Parliament would take this matter seriously and ensure that a sexology law is enacted here so that we can protect women who are being exploited by sex pervers. This thing happens every day and in our midst.

Hon. Temporary Speaker, sex is very good and all of us are consumers of sex. The best sex is consensual. But I wanted to define sexology and say that this is a case where you are being forced...

Hon. Dorice Donya (Kisii County, WDM): On a point of order, Hon. Temporary Speaker.

The Temporary Speaker (Hon. Martha Wangari): Hon. Donya, what is out of order? Hold on Hon. Atandi.

Hon. Dorice Donya (Kisii County, WDM): Is the Hon. Member in order to say that all of us are consumers of sex when we know well that there is the act of celibacy in the Catholic Church? Do not generalise, Hon. Atandi. You will make the nuns, bishops from the Catholic Church... As a Catholic, I am not a nun because I chose the family way. I am a consumer of that sex that you have talked about.

The Temporary Speaker (Hon. Martha Wangari): Hon. Donya, you will have your chance to debate. I think Hon. Atandi refers to this House. I do not see any nun nor a father in this House.

Hon. Atandi, you have two minutes to conclude.

Hon. Samuel Atandi (Alego Usonga, ODM): Thank you, Hon. Temporary Speaker. I was saying that all the Members in this House are consumers of sex. And my point is that sex should not be...

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

The Temporary Speaker (Hon. Martha Wangari): Hon. Millie, you are on record in this House having confirmed you love sex. So, Hon. Atandi cannot be out of order.

Hon. Atandi, let us hear Hon. Millie for a minute. What is out of order?

Hon. Millie Odhiambo-Mabona (Suba North, ODM): Hon. Temporary Speaker, Hon. Atandi is out of order. Even though I am on record as having said that I love sex, that was when I was younger. You heard Hon. Ichung'wah saying yesterday that I am *dany* of the House, meaning I am older. I am menopausal. *Hakuna kazi hapa*. We are suffering. *Masufferation*.

(Laughter)

The Temporary Speaker (Hon. Martha Wangari): Hon. Millie, you must not defy science. Even menopausal women still have sex. Go on, Hon. Atandi.

Hon. Samuel Atandi (Alego Usonga, ODM): Hon. Temporary Speaker, let me conclude by saying that refusing to give somebody sex should not be the reason professionals lose their careers. So, let us create this law so that we can protect Kenyans.

I also wanted to add that it has become normal for a lot of women to try to display or avail themselves so that they are used for sex to benefit from certain services. Again, this is something that should not be right. I want to urge women across the world that they should never ask somebody to pay them for sex.

Hon. Temporary Speaker, we even need a law against people asking for money to provide sex. I have heard of homes where wives are refusing to give sex because their husbands do not give them materials. Sex should be given free of charge. If there can be a law like that, I would support it.

Thank you.

Hon. Irene Mayaka (Nominated, ODM): Hon. Temporary Speaker, why are you gagging me in advance? Thank you very much, for giving me an opportunity. First of all, I

want to join Hon. Elachi in welcoming leaders from the university and acknowledging their presence. I also want to thank Hon. Passaris for bringing this very important Petition to the House.

You know, out there when engaging in sextortion, men use the word ‘cookie’. They ask women and girls for their ‘cookie’. That, give us your ‘cookie’ so you can get water or other things. We need to speak to our women and girls even as we seek to bring sufficient laws to ensure this issue is dealt with.

One of the challenges that women face is lack of water. As we discuss this issue, we need to know the nitty gritty of the problem. We have been given a declaration by the World Health Organization (WHO) and World Bank that we ought to have water within a 500m radius of every homestead. In this country, this has not been done. So, women and young girls become victims of sextortion. They are unable to report but some girls tell their mothers what they are experiencing. Due to the shame and stigma associated with sextortion, they hide this situation.

I also want to agree with what Hon. Elachi said that we need an omnibus law in all our Acts like the Employment Act, Labour laws, the Penal Code and all vital Acts. So, that this issue is dealt with from the root. We have heard of situations happening in Kibra where women exchange sex for water. This needs to be taken into serious consideration. It might take us a long time to make laws because of the procedures in Parliament but we need to identify the key problems and seek solutions.

Having said that, I want to support the Petition and encourage the Public Petitions Committee to deal with this grave matter urgently.

Thank you, Hon. Temporary Speaker.

The Temporary Speaker (Hon. Martha Wangari): Thank you. Hon. (Dr) Pukose.

Hon. (Dr) Robert Pukose (Endebess, UDA): Thank you, Temporary Speaker, for allowing me to comment on this. I support the Petition on the amendment of the Penal Code to provide for the offence of sextortion.

As you can remember, there was an incident that happened in Kericho, where women were forced to provide sex in order to get employment. We also see this in our own learning institutions where we have sexually transmitted results. Students have sex with their tutors or lecturers so as to pass examinations. This should be criminalised. It is an offence for somebody to ask for sex in exchange for a certain service or favour because it is demeaning to our women.

There is a sexual offence I saw the other day. The Speaker of the Nairobi County Assembly was forcing a Muslim lady to greet and hug him. This is a very serious sexual offence and that character should be dealt with using the law as an example to others.

Thank you, Hon. Temporary Speaker. With those few remarks, I support.

The Temporary Speaker (Hon. Martha Wangari): Hon. (Dr) Nyamai.

Hon (Dr) Rachael Nyamai (Kitui South, JP): Thank you very much, Hon. Temporary Speaker, for giving me a chance to also comment on this important Petition.

I want to congratulate Hon. Passaris for being bold and bringing this Petition on sextortion. This matter is being talked about world over and Non-Governmental Organisations (NGOs) have allocated a lot of money to protect women, young girls and people living with disabilities. So, bringing this Petition to the House is very important.

Sextortion is happening to powerful, less powerful, rich and poor women. It is also happening face to face and online. As the Public Petitions Committee looks into this matter, they need as much information as possible. They should not focus only on what is happening face to face but also online.

Ignoring this matter will make perpetrators bolder, especially when they know there is a lacuna in law. So, it is important for this amendment to be done as soon as possible. As I finish, I want to ask the Chairperson of the Public Petitions Committee, Hon. Mbai to invite

experts on this matter because if they advertise, they may not get people who understand sextortion.

Thank you, Hon. Temporary Speaker.

The Temporary Speaker (Martha Wangari): Finally, on this, Major Bashir.

Hon. Major (Rtd) Abdullahi Sheikh (Mandera North, UDM): Thank you, Hon. Temporary Speaker, for giving me this opportunity. First and foremost, I want to thank the Hon. Member for bringing this Petition. This issue is widespread and it is happening every day everywhere. Sometimes, even in places where someone does not think it can happen. It is unfortunate and dehumanises women. Remember, women are our mothers, wives and daughters. Sometimes, they do not report because of the stigma associated with it.

As has been mentioned earlier, two days ago, we witnessed in public glare a senior public official, by the name of the Speaker of the Nairobi County Assembly, getting involved in the same act. This was against a Member of the County Assembly of Nairobi. If that can be done in the glare of cameras and the public, what will happen in the dark? This is unfortunate. I want to use this opportunity to call out the Speaker of the Nairobi County Assembly to resign or the Members of the County Assembly should impeach him, as a lesson to other members holding public offices.

Thank you, Hon. Temporary Speaker.

The Temporary Speaker (Martha Wangari): Finally, Hon. Caroli.

Hon. Caroli Omondi (Suba South, ODM): Thank you very much, Hon. Temporary Speaker, for giving me this opportunity.

Hon. David Gikaria (Nakuru Town East, UDA): On a point of order, Hon. Temporary Speaker.

The Temporary Speaker (Martha Wangari): Wait, Hon. Caroli. Hon. Gikaria, what is out of order?

Hon. David Gikaria (Nakuru Town East, UDA): Thank you, Hon. Temporary Speaker. I think there is a technical problem with the gadgets. When I came in, I inserted my card and pressed the intervention button as directed.

The Temporary Speaker (Martha Wangari): Hon. Gikaria, I can confirm that I do not have your name on my screen.

Hon. David Gikaria (Nakuru Town East, UDA): The gadget is blinking and I do not know what the problem is. Maybe someone can fix it.

The Temporary Speaker (Martha Wangari): I do not see your name on either the contribution or intervention button.

Hon. David Gikaria (Nakuru Town East, UDA): Hon. Major Bashir can confirm that when he came in, I had already pressed the intervention button.

The Temporary Speaker (Martha Wangari): Let the Information and Communication Technology (ICT) officer check it out. Hon. Caroli, kindly go on.

Hon. Caroli Omondi (Suba South, ODM): Thank you very much, Hon. Temporary Speaker for giving me an opportunity to add my voice on this Petition. It is important that we appreciate that sextortion affects both genders but more particularly, women. There are also instances where men are victims. We need to distinguish or understand how sextortion is different from other sexual offences such as rape and sexual harassment.

Of importance, is to understand what consent and acquiescence is. In the other cases, there is absolutely no consent but in sextortion there appears to be consent but actually, there is no consent. This is because the victim, whether male or female, is given what in mafia terminology is called 'an offer they cannot refuse'. You are presented with a set of facts or circumstances in exchange for services to pay by way of sex.

In this country, sex experiences are used for grades, rides, water, fish, relief food, school fees, holy blessings in churches, jobs, promotions and political favours. I think since there is

no national policy on this issue, it is so widespread and it is affecting a large number of people. So, we need to make an urgent intervention, insert a clause on this and criminalise sextortion in the Penal Code. It is also important...

Hon. Millie Odhiambo-Mabona (Suba North, ODM): On a point of information, Hon. Temporary Speaker.

The Temporary Speaker (Martha Wangari): Hon. Caroli, do you want to be informed by Hon. Millie?

Hon. Caroli Omondi (Suba South, ODM): Yes, I do.

Hon. Millie Odhiambo-Mabona (Suba North, ODM): Thank you, Hon. Temporary Speaker. I just wanted to inform the Hon. Member that if you look at Sections 23 and 24 of the Sexual Offences Act, there are incidents of that kind that are covered except that it does not cover all incidents of sextortion. The terminology may be different. I also want to congratulate Hon. Esther. In terms of where it should be homed, probably, they would want to think of the Sexual Offences Act because it is an offence that relates to sex.

Hon. Caroli Omondi (Suba South, ODM): Thank you for that information, Hon. Millie.

The Temporary Speaker (Hon. Martha Wangari): Hon. Caroli, conclude.

Hon. Caroli Omondi (Suba South, ODM): I think we need to criminalise sextortion and also make it a tort so that the victims can also get civil compensation when they have been sexually assaulted by the predators that we have in society.

Hon. Temporary Speaker, thank you very much for the opportunity.

The Temporary Speaker (Hon. Martha Wangari): The time for that Petition is up. The Petition stands committed to the Committee on Public Petitions.

Next Order.

PAPERS

The Temporary Speaker (Hon. Martha Wangari): Deputy Whip of the Majority Party.

Hon. Naomi Waqo (Masarbit County, UDA): Hon. Temporary Speaker, I beg to lay the following papers on the Table of the House:

1. Reports of the Auditor-General and Financial Statements of Kenya Institute of Curriculum Development Mortgage and Car Loan Scheme for the years ended 30th June 2021, 30th June 2022 and 30th June 2023 and the certificates therein;
2. Reports of the Auditor-General and Financial Statements of the National Cereals and Produce Board Car Loan Fund for the years ended 30th June 2022 and 30th June 2023 and the certificates therein;
3. Report of the Auditor-General and Financial Statements of the Consolidated Bank of Kenya for the year ended 31st December, 2023;
4. Reports of the Auditor-General and Financial Statements for the year ended 30th June, 2023 in respect of:
 - (a) Water Services Regulatory Board;
 - (b) National Environment Tribunal;
 - (c) Development Bank of Kenya Limited;
 - (d) Kenya National Commission for UNESCO;
 - (e) Kenya National Innovation Agency;
 - (f) Tourism Research Institute;
 - (g) Kenya Veterinary Vaccines Production Institute;
 - (h) Kipchabo Tea Factory;
 - (i) Moi Teaching and Referral Hospital (MTRH);
 - (j) Mosoriot Teachers Training College;

- (k) Laikipia University;
- (l) National Employment Authority;
- (m) Golf Hotel Limited;
- (n) Kenya Agricultural and Livestock Research Organization;
- (o) Tea Board of Kenya;
- (p) Kenya Roads Board Fund;
- (q) Moi University; and
- (r) Institute of Human Resource Management.

Thank you, Hon. Temporary Speaker.

The Temporary Speaker (Hon. Martha Wangari): Thank you, Hon. Waqo. Next Order.

NOTICE OF MOTION FOR ADJOURNMENT ON A MATTER OF URGENT NATIONAL IMPORTANCE

SURGE IN ROAD ACCIDENTS IN THE COUNTRY

Hon. Peter Nabolindo (Matungu, ODM): Hon. Temporary Speaker, I beg to give notice of the following Motion:

THAT, pursuant to Standing Order 33 (1), I rise to seek leave for adjournment of the House to discuss a definite matter of urgent national importance regarding the surge in road accidents in the country.

The National Transport and Safety Authority (NTSA) recently released a Report providing statistical data on the current road safety situation in the country. According to the Report, 7,198 Kenyans have been involved in road accidents within the last three months of 2024, making a significant rise of accidents compared to the same period last year. It is disheartening that at least 1,108 lives were tragically lost in the accidents. These statistics highlight the troubling state of road safety in the country, which require urgent intervention. While acknowledging efforts by the Ministry of Transport in the last few days, much more needs to be done, including full implementation of traffic laws and policies to ensure road safety.

Hon. Temporary Speaker, it is against this background that I seek leave for the adjournment of the House to discuss this matter of great national concern with a view of exploring possible and lasting solutions.

Thank you.

The Temporary Speaker (Hon. Martha Wangari): Thank you. Hon. Nabolindo, do you have the support for the Adjournment Motion? How many?

(Several Hon. Members stood in their places)

Thank you, Hon. Members. Take your seats. Hon. Nabolindo, your Motion will be slotted for noon or at the completion of Order No.9, whichever comes first. We will deal with Order No.9. If it is not over by noon, the House will rise for your Adjournment Motion. If Order No.12 is disposed of earlier than that, you will have more time for your Adjournment Motion. Is that clear?

Next Order.

QUESTIONS AND STATEMENTS

ORDINARY QUESTION

*Question 123/2024*CRITERIA FOR AUTHENTICATION OF ACADEMIC CERTIFICATES
IN KISII COUNTY GOVERNMENT BY EACC

Hon. Dorice Donya (Kisii County, WDM): Hon. Temporary Speaker, could the Ethics and Anti-Corruption Commission (EACC):

- (a) state the criteria they have used to undertake the ongoing interviewing of staff of Kisii County Government to authenticate their academic certificates?
- (b) explain why only junior officers' certificates are being scrutinized, leaving behind the senior officers such as County Executive Committee Members and Chief Officers?
- (c) consider restarting the entire exercise by commencing with the topmost positions in the County Executive, including elected leaders in the County?

Thank you.

The Temporary Speaker (Hon. Martha Wangari): This Question is directed to an Independent Commission to be replied to before the Departmental Committee on Justice and Legal Affairs.

Hon. Dorice, you have a request for Statement.

REQUEST FOR STATEMENT

RAMPANT KILLINGS IN KISII COUNTY

Hon. Dorice Donya (Kisii County, WDM): Hon. Temporary Speaker, pursuant to the provisions of Standing Order 44(2)(c), I request for a statement from the Chairperson of the Departmental Committee on Administration and Internal Security regarding random killings and rising insecurity cases in Kisii County.

Article 26 of the Constitution guarantees every person the right to life. Additionally, Article 27 of the Constitution provides that every person has the right to freedom and security. These rights are inalienable to every citizen regardless of age, status or locality. Sadly, there have been cases of insecurity and killings in Kisii County over the last few months. For instance, on 2nd March 2024, Mr. Lucas Nyang'au Miruka Ombui of ID No.7302757 was found dead at Nyabiore Market, Magenche Ward, Bomachoge Borabu Constituency in Kisii County. Within the same locality, Mr. Obure Makabe was also found dead under unclear circumstances around the same time. The body of Mr. Duke Nyabaro was found around Bonchari area. Sadly, the police response has been slow and unreliable owing to among other things, the lack of a police vehicle at Nyabiore Police Station. Additionally, the number of police officers deployed to these areas has been inadequate to decisively deal with the ever-rising insecurity cases.

Hon. Temporary Speaker, it is against this background that I request for a Statement from the Chairperson of the Departmental Committee on Administration and Internal Security on the following:

1. Could the Chairperson enumerate any peace operation measures taken by the Government in Bomachoge Borabu Constituency, particularly in Magenche Ward?
2. What measures is the Government taking to provide a police vehicle to Nyabiore Police Station to ensure improved response to insecurity cases?

3. Could the Chairperson provide a report on the number of people arrested and arraigned in court over the recent attacks in Nyabiore Market?

Thank you.

The Temporary Speaker (Hon. Martha Wangari): Thank you, Hon. Dorice. That Statement request is committed to the Departmental Committee on Administration and Internal Security.

Next Order.

MOTION

PROVISION OF SAFETY NET FOR CAREGIVERS OF PERSONS WITH SEVERE DISABILITIES

THAT, aware that, Article 21(3) of the Constitution provides that all State Organs have the duty to address the needs of vulnerable groups within the society; further aware that the persons with severe disabilities cash transfer programme (PWSD-CT) is one of the four cash transfer programmes implemented by the government as part of the overall social protection interventions; noting that caregivers undertaking the immense responsibility of providing daily care and assistance to persons with severe disabilities (PWSD) are oftentimes the immediate family members of the PWSD; concerned that, this causes a disproportionate burden on these families as persons who would otherwise be engaged in gainful employment or other activities to provide for the families are limited by these immense responsibilities; further concerned that, this loss of income opportunities and resources exacerbates the challenges faced by these families; cognizant that, the government ought to take action to recognize the invaluable contributions of caregivers and support them in caring for individuals with severe disabilities; now therefore, this House resolves that the Government, through the Ministry of Labour & Social Protection, recognizes primary caregivers of persons with severe disabilities (PWSD) as a distinct category requiring social protection and support, and further, develops and implements a cash transfer programme for these primary caregivers.

(Moved by Hon. Dorothy Muthoni on 13.3.2024 – Morning Sitting)

(Resumption of debate interrupted on 20.3.2024 – Morning Sitting)

The Temporary Speaker (Hon. Martha Wangari): This Motion has a balance of 31 minutes. Hon. Catherine Omanyo was on the Floor and has a balance of eight minutes if she is in the House. If not, we will continue with the debate. Hon. Abdul Haro, do you intend to speak to this Motion?

Hon. Abdul Haro (Mandera South, UDM): Thank you, Hon. Temporary Speaker for granting me this opportunity to contribute to this important Motion by Hon. Dorothy Ikiara.

At the onset, I draw the attention of House to the prayers of this Motion, which are ‘THAT, this House resolves that the government, through the Ministry of Labour and Social Protection, recognizes primary caregivers of persons with severe disabilities (PWSD) as a distinct category requiring social protection and support, and further, develops and implements a cash transfer programme for these primary caregivers.’

This Motion is important because PWDs make up a significant population globally. According to statistics, 10 per cent of the world or slightly over 1 billion people live with

disabilities. In Kenya, 2.2 per cent of Kenyans or more than 1 million people live with disabilities. This is a significant number of people who require great care and support from their friends, families, and any available support.

Disability is a very sensitive issue because it can affect anyone at any stage in their life. A child can be born disabled or a person may become disabled due to an accident. For example, a military officer may be injured in the line of duty and require amputation. Some people suffer from strokes and while others suffer from disabilities. Critical illnesses like cancer can lead to severe disability. Therefore, disability is not an issue that only belongs to a certain category of people. Due to the significant number of PWDs and the associated risks, they require a network of support or caregivers at all times.

Caring for a child with disability is a full-time job for the parents, guardians or caregivers. These caregivers go through several challenges, including physical, emotional and financial hardships. They even sacrifice their personal lives because they cannot fully socialise with others while taking care of PWDs.

I fully support this Motion as it aims to recognise the caregivers of PWSDs as a distinct category requiring special protection and support. The Government should consider developing and implementing a cash transfer programme for primary caregivers.

Thank you, Hon. Temporary Speaker.

The Temporary Speaker (Hon. Martha Wangari): Hon. Members, kindly indicate on the intervention button if you intend to speak to this Motion. Hon. Ruku, have you contributed to this Motion?

Hon. Ruku GK (Mbeere North, DP): Thank you, Hon. Temporary Speaker. I thank Hon. Ikiara for this well-thought-out Motion. Providing safety nets for caregivers of PWSD is paramount. However, I wish Hon. Ikiara had also included the elderly in this list. Many people in our communities have severe disabilities and require daily support but quite often, their families and communities are unable to provide the necessary assistance due to poverty and the associated costs.

This category of persons requires adult diapers and nurses on a daily basis. This comes with a huge cost to the families. The Government, through the Ministry of Labour and Social Protection, should establish a body that will take care of PWSDs and the elderly. These individuals often suffer from bed sores that are challenging to treat, and dispensaries do not provide this service. In my constituency, I have several cases that require urgent attention. This Motion is well-thought-out.

I support it.

The Temporary Speaker (Hon. Martha Wangari): Hon. Mizighi, do you want to speak to this Motion?

Hon. Haika Mizighi (Taita Taveta County, UDA): Hon. Temporary Speaker, I contributed to it last time.

The Temporary Speaker (Hon. Martha Wangari): That is okay. Member for Isiolo South, is it your intention to speak on this Motion?

Hon. Bidu Mohamed (Isiolo South, JP): Thank you, Hon. Temporary Speaker, for giving me the opportunity to add my voice to this Motion.

People suffering from mental problems are everywhere. There are many problems all over nowadays. We have issues like cancer, which is a big menace in most parts of our country. In the northern part of Kenya, there are many patients in our communities suffering from cancer. They are bedridden and cannot move anywhere. We need to be very mindful about the facilities in place for persons with severe disabilities.

With those few remarks, I support the Motion.

The Temporary Speaker (Hon. Martha Wangari): The Member for Bureti.

Hon. Kibet Komingoi (Bureti, UDA): Thank you, Hon. Temporary Speaker. I would like to add my voice to this Motion on provision of safety net for caregivers of PWSDs, which I support.

One of the biggest concerns that we have within a section of our population is how to take care of persons with severe disabilities. Families with such persons are unable to work, thus making provisions even more difficult for them. Their engagement in economic activities become very difficult during the times they need to take care of persons with severe disabilities. They need help to take care of such persons clinically and physically. If such persons come from poor families, it becomes a double tragedy for them. This is because they cannot work. Secondly, they have to take care of these people so that they may give dignity to them.

The other issue is that these individuals are known. We can enumerate them through the Ministry of Labour and Social Protection. After that, we, as communities, can see what we can do to make these households have a better living. I envisage a situation where we can include them in the Inua Jamii Cash Transfer Programme. That way, they can receive stipend and perhaps hygienic things like diapers. They can also receive assistive devices like wheelchairs and others that can help them in mobility and make sure that they are protected.

Another issue is to provide them with medical cover. The envisaged Social Health Insurance Fund (SHIF) that the country is rolling out on 1st July should enumerate such individuals and households to ensure that they receive relevant services from the Government and health institutions in their localities. Together with the county governments, we can enlist them and make provisions for them. We can also provide insurance cover to them so that in times of need, they can access services and be provided with a safety net.

The issues should also be expanded to include the elderly or those who find themselves in such conditions due to accidents or incidences that happened in their lives, causing disabilities to them, although they were not born with them. With this, that section of our community and households will live with dignity. When we provide such safety net, their lives will also improve.

With those remarks, I support the Motion.

The Temporary Speaker (Hon. Martha Wangari): Thank you. Hon. Tim Wanyonyi.

Hon. Tim Wanyonyi (Westlands, ODM): Thank you, Hon. Temporary Speaker, for giving me a chance to speak to this Motion, which I support.

The most critical thing with people with severe disabilities are the caregivers. These are the people who sometimes spend most of their time looking after people with severe disabilities. They need serious support so that the other activities they are involved in, like family affairs, are not stalled. What baffles me is that sometimes the way they channel support to these people is very skewed. I believe it can be moved from the Ministry of Labour and Social Protection to the National Council for Persons with Disabilities (NCPWD). This is an agency that is established under law to take care of people with disabilities. I am sure they can do a proper survey, identify people with severe disabilities and disburse these funds to them in a proper way.

The other thing I want to speak about is that the way through which people are identified to receive funds is not clear. I have tried, even in my own constituency, to ask how many people receive the cash transfer. However, the statistics are not given out properly. I asked for them from the former Principal Secretary, Mr Nelson Marwa, when he was still in the Ministry of Labour and Social Protection. He named some people. However, when I went to my constituency, I did not identify any of them. Sometimes, the money is not channelled properly. It is a good programme which needs to be structured properly, so that the benefit goes directly to these people.

I also hope that they can increase the amount from what they are being given, so that it caters for more needs. This is something that is very critical and essential. The Ministry should

identify all people with severe disabilities who should benefit from the cash transfer programme. They should not just pick a few. The numbers are very negligible, and the Government can afford to give support to all the persons living with severe disabilities and their caregivers.

I support the Motion and urge that the programme be properly structured. It can benefit more people, especially in the rural areas and in the informal settlements, where most of the people experience hardship. They do not have access to devices that support them. Some of them need things like diapers and specialised wheelchairs, which are sometimes out of reach. If we support the NCPWD with more funding, they can provide better support to these people.

Hon. Temporary Speaker, I thank you for giving me the chance to speak on this Motion. I support.

The Temporary Speaker (Hon. Martha Wangari): Thank you. Member for Kericho County.

Hon. Beatrice Kemei (Kericho County, UDA): Thank you, Hon. Temporary Speaker, for giving me an opportunity to support the Motion by my sister, Hon. Dorothy Muthoni. She has done extremely well to remember caregivers of persons with severe disabilities.

The Constitution of Kenya, 2010 is very clear that everybody has a right to life. Persons with disabilities also have their right in this country. However, they may not do much on their own, especially those with severe disabilities. They need support from families and relatives. The caregivers spend a lot of time with them. Therefore, they may not have their time. I remember children with disabilities. Some parents keep these children in secluded places because of stigma. They do not come out of their homes because they are looked down upon. This mainly affects low-income earners. Therefore, caregivers need to be supported by the Government through the Ministry of Labour and Social Protection and be given a stipend so that they can support themselves and persons with severe disabilities.

Persons living with severe disabilities also need devices. The demand for these devices is very high in Kericho County. As the County Member of Parliament, the allocation from the National Government Affirmative Action Fund (NGAAF) is not enough to provide devices for all persons with severe disabilities. Therefore, if this stipend is given to caregivers, it will, at least, lighten their burden.

Some persons living with disabilities need diapers, a clean environment, and medication. Therefore, they need support. Another thing that should also be clear is that some persons living with disabilities are not registered. They need to be registered with the Social Services Department so that they are all assisted and supported.

Most caregivers are women, especially those who have children living with disabilities. They need to be given a stipend. Some persons living with disabilities were not born with the disabilities. Some became disabled due to accidents. Therefore, it was not planned. The Government should assist them through the Ministry of Labour and Social Protection. They should also get an insurance cover.

I support this Motion.

The Temporary Speaker (Hon. Martha Wangari): It is time for the Mover to reply. Hon. Dorothy, you have 10 minutes. You can choose to donate some of your time and notify the Speaker.

Hon. Dorothy Muthoni (Nominated, UDA): Thank you, Hon. Temporary Speaker. Before I reply, I wish to donate two minutes. I will donate one minute to Hon. Caroline Ng'elechei.

The Temporary Speaker (Hon. Martha Wangari): Two minutes or one minute?

Hon. Dorothy Muthoni (Nominated, UDA): One minute. I will also donate one minute each to Hon. Esther Passaris, Hon. Janet and Hon. Irene.

The Temporary Speaker (Hon. Martha Wangari): Are you confirming that you have donated one minute to each Member? Those are four minutes out of your 10 minutes.

Hon. Dorothy Muthoni (Nominated, UDA): I also donate one minute to the Chairperson of the Departmental Committee on Health, Hon. (Dr) Pukose.

The Temporary Speaker (Hon. Martha Wangari): Those are five minutes. Hon. Ng'elechei, you have one minute.

Hon. Caroline Ng'elechei (Elgeyo Marakwet County, Independent): Thank you, Hon. Temporary Speaker. I wish to join my colleagues in supporting this very important Motion.

I will add to what my colleagues have said. Caregivers face many challenges. When a family member has special needs, taking care of them requires the efforts of the most productive member of the family. For instance, if a child in a family has a disability, he or she will not be taken care of by other siblings because they are equally young. The mother or the father, who is also the breadwinner for the rest of the family, takes care of him or her.

Persons with disabilities receive an allocation of Ksh2,000. That amount is not enough if that person needs food, shelter, clothing, diapers and medication. The caregiver will need to contribute more to care for such a person. Caring for persons with disabilities has led to strained family relations and even separation.

The Temporary Speaker (Hon. Martha Wangari): Hon. Passaris.

Hon. Esther Passaris (Nairobi City County, ODM): Thank you, Hon. Temporary Speaker. I rise to support the Motion by Hon. Dorothy Ikiara. We need a holistic approach when dealing with persons living with disabilities and their caregivers. We need to provide resources for the necessary care and protection of caregivers. Protection means mental health and emotional well-being because being a caregiver is not easy.

I commend the Member for moving this Motion. I hope the Government will allocate resources to this endeavour.

The Temporary Speaker (Hon. Martha Wangari): Hon. Sitienei.

Hon. Janet Sitienei (Turbo, UDA): Thank you, Hon. Temporary Speaker, for giving me this opportunity. I wish to add my voice to this Motion. I thank Hon. Dorothy for tabling this very critical Motion.

We should give a stipend to caregivers because they are part of the community of people living with disabilities since they support them and add to the productivity of families of people living with disabilities. I also wish to ask the Ministry of Labour and Social Protection to come up with a complete database of all people living with disabilities and their caregivers so that they can remunerate them and support the social fabric.

I support the Motion.

The Temporary Speaker (Hon. Martha Wangari): Hon. (Dr) Pukose.

Hon. (Dr) Robert Pukose (Endebess, UDA): Thank you, Hon. Temporary Speaker. I want...

The Temporary Speaker (Hon. Martha Wangari): Hon. Mayaka will go first.

Hon. (Dr) Robert Pukose (Endebess, UDA): Okay.

Hon. Irene Mayaka (Nominated, ODM): Thank you, Hon. Temporary Speaker. I also rise to support my sister, Hon. Dorothy, for moving this Motion. Hon. Sitienei just spoke my mind because I also want to encourage the idea of coming up with a database of persons living with extreme disabilities and their caregivers.

I support this Motion because most caregivers usually leave gainful employment to dedicate their lives and time to the people that they support. In addition to the support they will get from the Ministry of Labour and Social Protection, they should also be trained on first aid because it is also very important when dealing with persons with disabilities since anything can happen.

I support this Motion and thank Hon. Dorothy for bringing it.

The Temporary Speaker (Hon. Martha Wangari): Hon. (Dr) Pukose

Hon. (Dr) Robert Pukose (Endebess, UDA): Ninakushukuru, Mheshimiwa Spika wa Muda. Ninaiunga mkono Hoja hii ambayo imeletwa na Mhe. Dorothy Ikiara kuwa Serikali iwape marupurupu wale wanaowahudumia walemavu ili wanapowachunga, wawe na kitu kinachowasaidia kuwahudumia katika hali nzuri. Hili ni jambo zuri.

Ningependa kumuomba Mhe. Dorothy abadilishe Hoja hii ili iwe sheria na ahakikishe kuwa *the Ministry of Labour and Social Protection* iunde *Regulations* ili tusipitishie tu Hoja hii ilhali wale wanaotoa huduma hawapati marupurupu yao. Tutakuunga mkono wakati huo ili tuhakikishe kuwa Hoja hii iwe sheria ili wanaohudumia walemavu wapate marupurupu kutoka kwa Serikali.

The Temporary Speaker (Hon. Martha Wangari): Hon. Dorothy.

Hon. Dorothy Muthoni (Nominated, UDA): Thank you, Hon. Temporary Speaker. I beg to reply.

First and foremost, I thank Hon. Injendi, who seconded this Motion, and all the Members who have immensely contributed to it. This Motion seeks to implore the House to resolve that the Government, through the Ministry of Labour and Social Protection, recognises primary caregivers or persons with severe disabilities as a distinct category requiring social protection and support; and to further develop and implement a cash transfer programme for these primary caregivers.

Article 21(3) of the Constitution of Kenya provides that all State organs have a duty to address the needs of vulnerable groups within the society. Article 43 asserts that every person has a right to social security and requires the State to provide appropriate social security to persons who are unable to support themselves and their dependents.

It is on this note that I am seeking that the 0.9 million Kenyans who live with a form of disability and their caregivers are supported. A critical challenge that limits the advancement of societies, particularly for the global countries like Kenya, supporting caregivers of those with severe disabilities goes beyond individual benefits. It is important to note that this support fosters social inclusion, promotes equality, strengthens communities and contributes to economic growth. Investing in caregiver support is not just about kindness. It is a smart decision with far reaching positive impacts for everyone.

Hon. Temporary Speaker, in a country like ours where economic activities are limited, and money is very scarce, it is always good to think about those who are less fortunate than us. By supporting caregivers, we can build a stronger community with a richer social fabric and reduce the strain on public resources by preventing unnecessary institutionalisation. Politically, it will foster increased civic engagement. Public participation enshrined in Article 10 as caregivers, will have a more bandwidth to contribute to nation building.

I have taken the sentiments of Hon. (Dr) Pukose and Hon. Kiarie, the Member for Dagoretti South, who implored that we take this Motion to the next level and have a Bill. When that time comes, I will seek reference to experts so that we realise the dream of giving the caregivers a comfortable life.

Thank you, Hon. Temporary Speaker. I reply and thank all the Members.

The Temporary Speaker (Hon. Martha Wangari): Thank you, Hon. Dorothy. We shall defer the putting of the Question on this Motion.

(Putting of the Question deferred)

Hon. Peter Kaluma (Homa Bay County, ODM): On a point of order.

The Temporary Speaker (Hon. Martha Wangari): Hon. Kaluma, what is out of order?

Hon. Peter Kaluma (Homa Bay County, ODM): Hon. Temporary Speaker, I am standing before you and the House under Standing Order 131. For clarity purposes, permit me to read what it says:

“Where after a Bill has been Read a Second Time and before commencement of Committee of the whole, amendments have been proposed to it, which in the opinion of the Speaker require harmonisation, the Speaker may direct any Member proposing an amendment to the Bill to appear before the relevant departmental committee dealing with the subject matter of the Bill to present his or her proposed amendments and the Committee shall submit a report to the House on the result of the exercise before the Committee of the whole House is taken”

I am invoking the provisions of that Standing Order in relation to the next Order, which is to follow. This is with regard to the Assisted Reproductive Technology Bill (National Assembly Bill, No.61 of 2022), which should be proceeding to the Committee of the whole House. Those Standing Order provisions require that if there were to be invocation of the provisions, it be done just before we move. Since that is the next Order, I am so moving.

Hon. Temporary Speaker, this is a Bill brought by my senior sister, Hon. Millie Grace Aoko Odhiambo Mabona. It is a Bill which has been brought before the House on a number of occasions before. If you can look at the Order Paper, there are several amendments proposed to the Bill. There are very many amendments proposed by the relevant departmental committee, which is the House Committee in charge of health under the able leadership of Hon. (Dr) Pukose. Those amendments, you will note, begin from the definition of provision, that is Clause 2, dealing with provisions. From the Order Paper, you will also notice from page 393 that there are very many amendments. If you look at these amendments, they also begin from Clause 2 of the Bill and they touch on several provisions. In fact, I can say over 90 per cent of the provisions of this Bill are being proposed to be amended by myself.

I know it is not the stage to go into the details of those proposed amendments, but that is the reason I am moving, so that as we go for winnowing, the matters we can agree on, we do so. After that we can come back with an agreed position. This will save Parliament's time. For instance, I am proposing an amendment to the word ‘couple’. I am just giving this as an example. My concern is that a word like couple is already defined in the Marriage Act and in the Constitution, but the manner in which it is being defined here, any association of people can meet the definition of a couple. This will open a pandoras box. If you look at something like that, ‘any association of people...’ and by the way, it is not specific.

The Temporary Speaker (Hon. Martha Wangari): Hon. Kaluma, do not go to the details of the amendments.

Hon. Peter Kaluma (Homa Bay County, ODM): Hon. Temporary Speaker, you will note all that I am simply saying that a couple is a male and female. This makes it constitutional.

There are several amendments by other Members. The highlight of those amendments is that while they are keeping to the substance of the Bill, they want to preserve the substance of the Bill. They do not seek to kill the Bill. They seek to ensure that ultimately, what this House passes is not only properly aligned to the Constitution and the other existing laws like the ones I have mentioned, but also, we do not over-elevate positions which otherwise we should be providing solutions to.

Hon. Temporary Speaker, for that purpose, I am moving the House through you and very humbly, that because of the number of amendments and the depth with which they need to be considered, including those constitutional considerations, that the House directs under Standing Order 131, that all Members proposing amendments, including myself, approach the Departmental Committee on Health.

That can be timed even if it is within the week or by next week that the Temporary Speaker decides that the winnowing process would have taken place. Then we come back with a report which would have harmonised so that those provisions we virtually agree upon can be passed. I do not believe the Mover will disagree with me on some of the amendments, including that one on couple, which I believe will be opening the institution of marriage to these things we call homosexual associations or other forms of associations. I pray, very humbly, that you direct everybody with amendments, including those Members whose amendments are still under process, to appear before the Departmental Committee, together with the proponent of the Bill, experienced Member, Hon. Grace Odhiambo, so that we return to the House with harmonised amendments. It will save the House time. It will also bring all the thoughts that are critical to this important matter to bear before we pass the law.

Thank you, Hon. Temporary Speaker.

The Temporary Speaker (Hon. Martha Wangari): We have heard you, Hon. Kaluma. I will indulge the Chair of the Department Committee. I will also indulge the Mover of the Bill. I will start with you, Hon. Millie and then go to Hon. (Dr) Pukose.

Hon. Millie Odhiambo-Mabona (Suba North, ODM): Thank you, Hon. Temporary Speaker. I have heard Hon. Kaluma. In response, I just wanted to clarify certain things. When you make a statement and leave some things hanging, people might think that there is a problem with the Bill. The Bill has previously been before this House, twice. This is the third time. When I first brought it on the Floor of this House, there was not even a single opposing voice. It was passed overwhelmingly because even some Members of this House are affected by assisted reproduction. There many Members who do not have children, including myself. Having been declared *Dani*, I am not going to have one.

There are Members here who still want to have children through assisted reproduction. One of them, Hon. Shakeel Shabbir, who has brought amendments, has had a child through assisted reproduction. That is why it passed overwhelmingly. For Members who remember when Hon. Joyce Lay was here, she burst out crying when she was seconding this Bill. However, when it went to the Senate, there was a Member who had a Bill that had nothing to do with assisted reproduction, but something with surrogacy, they saw the Bill as competition and they killed it. Unfortunately, theirs did not even reach here. So, the Bill did not die because it was unpopular. It was very popular that the Senate wanted theirs to be the one that reached here first. When it came here for the second time in the last Parliament, again, it had overwhelming support.

However, somebody misguided the church by telling them that there were wrong things in the Bill. We even met with the members of the church. Hon. Jennifer Shamalla, on behalf of the church, brought amendments to the Bill, but it lapsed. The Bill that is brought here is one with amendments from the church. That aside, I am normally very willing and able to accommodate Members. The Departmental Committee on Health has brought several amendments, which I think are excellent. I am not just flattering the Committee. They have brought excellent amendments, including deleting the clause that is offensive to Hon. Kaluma. They have proposed a deletion.

I am an experienced Member of this House, especially at this stage. Hon. Temporary Speaker, you know that. You are also one of the Members who is experienced in this stage. Most members usually run because they find this complex. I can tell you that we usually employ winnowing when you have almost 15 to 20 Members bringing amendments. In this instance, it is just the Committee. As the Mover, I agree with almost everything that the Committee is proposing.

The Temporary Speaker (Hon. Martha Wangari): We have heard you.

Hon. Millie Odhiambo-Mabona (Suba North, ODM): The second and third amendments have been proposed by Hon. Shakeel and Hon. Renee. I agree with most of their

amendments. The only person who has issues or still wants to be considered is Hon. Kaluma. I would have encouraged us to start, and should we see that there are hiccups, then we can go for winnowing. We want the best for Kenyans who are struggling to have children.

Thank you, Hon. Temporary Speaker.

The Temporary Speaker (Hon. Martha Wangari): Thank you. I will hear you, Hon. (Dr) Pukose.

Hon. (Dr) Robert Pukose (Endebess, UDA): Thank you, Hon. Temporary Speaker. I have heard Hon. Kaluma in terms of requesting for winnowing. The amendments in the Order Paper are from the Committee, Hon. Shakeel Shabbir, Hon. Mayaka, and Hon. Kaluma. The amendments by Hon. Mayaka and Hon. Shakeel are similar to the Committee's amendments. Therefore, if Hon. Mayaka's or Hon. Shakeel's amendments are carried, then the Committee will drop its amendments. We have no issues with that. Regarding some of the amendments that have been brought by Hon. Kaluma, the Committee agrees with maybe one or two of them.

Regarding moving into winnowing, I want to state that this Assisted Reproductive Bill has undergone thorough public participation. We had the Gynaecology Society of Kenya, Marie Stopes, the Law Reform Commission, and the Kenya Human Rights Commission. We also had the universities. We had practising gynaecologists bring in amendments, as well as the church. We have listened to various proposals and that is why the Committee has brought in a lot of amendments to make sure that this Bill is done.

Assisted reproductive health is being practised in this country. We only need to have a law that can guide the practice. I would like to implore Hon. Kaluma to allow us to dispense with this. He will have to convince us during the Committee of the whole House. There will be amendments that we will agree on, and there are those that the House will decide on. This matter should be prosecuted. Since the Standing Orders provide for the opinion of the Speaker, I implore that you give us a go ahead to prosecute this matter.

We allowed winnowing of the Kenya Drugs Authority Bill. Hon. Kaluma came in and we carried his amendments. We agreed with him on that one. We did not have issues because it even involved the change of the title. Hon. Temporary Speaker, we want to request your office to put the Kenya Drugs Authority Bill on the Order Paper so that we can finish with it. This Committee has done winnowing and we have been waiting for it to be put on the Order Paper. Until now, it has not been put on the Order Paper.

The Temporary Speaker (Hon. Martha Wangari): Thank you, Hon. (Dr) Pukose. Hon. Kaluma, I gave you enough time to prosecute your matter. Please, make it very short so that we make progress. We need to move.

Hon. Peter Kaluma (Homa Bay Town, ODM): Thank you, Hon. Temporary Speaker. You have listened to the Mover of the Bill, Hon. Millie, and Hon. Pukose. In their statements, they are confirming to you the need for that winnowing. They have confirmed to you that they met the other proponents and they are in agreement. However, what Hon. Pukose is not telling you is that if the other proponents agree, the purpose of winnowing is that the other people proposing amendments similar to the Committee should collapse them. In some of these things, a person may appear as a Member, but remember we are a House of representatives. I am being told that the church has spoken. I do not know whether mine, the Catholic Church, has spoken. I can confirm to you that I was speaking with my church as late as before I came to this House, and I want to report that they are with these amendments that we are proposing. It is not that we cannot transact this business, but we are saying it will save Parliament's time if we agree and harmonise all these amendments. That is why this provision is talking about a harmonised provision. The Committee can be a single body bringing in amendments.

Hon. Pukose has confirmed to you that I am very easy to persuade. I never operate in bad faith. When I raised the issue with the Bill he is talking about, he will confirm to you that I told him that we are in agreement and he could proceed. He has never heard me contest it

again. Hon. Millie Grace Odhiambo, what I am saying is that instead of the Committee, Hon. Kaluma, or any other Member moving, give us an opportunity with the reasonable proponent. We should not disagree on things we can agree on before the Committee chaired by Hon. Pukose. That is so that whatever is agreed on is reported to the House as harmonised proposals. That way, all these amendments will fall or be singularly brought with the agreement of all. Hon. Pukose, as the Chairperson of the relevant Departmental Committee, will bring them. It will save Parliament's time. That is what I am requesting.

I implore you, Hon. Temporary Speaker. This calls for the exercise of your discretion. Even if we were to proceed, you could imagine how long it would take Kaluma, Millie, another Member, and the Committee to move. What if we agreed and came up with a harmonised position in the manner Hon. Pukose is confirming when I moved similarly before. I am no longer in that picture because we have an agreed position. That way, the House also will not be subjected to too much contestation when reading these things. We will be told there was winnowing. Then, we will come and pass it.

If you look at my amendments, I am not objecting to assisted reproductive technology or assisted reproduction. I want to do it in a manner that facilitates it better for Kenyans who need it. I still urge that we go for winnowing.

The Temporary Speaker (Hon. Martha Wangari): Hon. Kaluma, we have heard you.

Before ruling on this issue, allow me to recognise students from the University of Nairobi in Starehe Constituency in Nairobi City County. They are seated in the Public Gallery. Join me in welcoming them to observe the proceedings of this House.

(Applause)

With the ping-pong, we can spend all the time here, Hon. Millie. I would like to hear from Hon. Mayaka and Hon. Millie. I will hear from you in a minute. You have agreed. One minute, Hon. Millie.

Hon. Millie Odhiambo-Mabona (Suba North, ODM): Thank you, Hon. Temporary Speaker.

I was very reluctant to move in this direction. If the Chair of the Committee agrees, I would be willing to move next week on condition that we finish the winnowing this week. I am saying this because I know the church is often misled about this Bill. I hope the church is listening. I am requesting it to talk to me directly. I am a lawyer, just like Hon. Kaluma. I may not be a Catholic, but I am a Seventh-Day Adventist. Therefore, our interest is the same. We serve the same Jesus and the same God.

I am okay with moving next week if the Chairperson of the Committee agrees. However, I am requesting Hon. Kaluma. Please give the church a correct view. It is people like me who are without children that are trying to have some. I do not think the church has a problem with me having a child, honestly. You are already asking people to have four wives so that they can have more children because you have children. Have your children in peace. Leave us to have ours through assisted technology.

(Laughter)

The Temporary Speaker (Hon. Martha Wangari): What is out of Order, Hon. Kaluma?

Hon. Peter Kaluma (Homa Bay Town, ODM): Hon. Temporary Speaker, Hon. Millie Odhiambo is my niece. It really pains my heart when she speaks to that thing.

The Temporary Speaker (Hon. Martha Wangari): Are you then the grandfather?

Hon. Peter Kaluma (Homa Bay Town, ODM): No. I am not the grandfather.

Hon. Millie knows those things and says they are very personal to me. I request her to know that I get derailed emotionally when she raises them. Hon. Millie, I can assure you that I will be the last person to stand in the way of a good thing coming from you. This is one of them. I only want to help improve it while saving the time of Parliament.

Thank you.

COMMUNICATION FROM THE CHAIR

POSTPONEMENT OF BILL

The Temporary Speaker (Hon. Martha Wangari): Hon. Members, I have heard you and the Mover. I have consulted with the Chair. We are agreeable to give you a week because this Bill has been in this House for far too long. I remember it from the 11th Parliament when I was in the Senate. I hope we get to its end. Let us agree that it is one week, and then we will get the Bill back to the floor of the House. It is so directed.

Hon. Kaluma.

POINTS OF ORDER

TIMELINE FOR COMMITTEE REPORT

Hon. Peter Kaluma (Homa Bay Town, ODM): The Standing Orders' provisions speak to a Committee reporting to the House within one week. Did I hear you, Hon. Temporary Speaker, say the Report should be before this House within one week? Could you give additional directions to the Committee so that, if possible, it can be clear when we are appearing before the Committee? That is for all Members interested, including me. Per your directions, I imagine the Report should be there by Wednesday. Could you direct the manner in which we shall be appearing before the Committee?

The Temporary Speaker (Hon. Martha Wangari): The Departmental Committee will take the lead and bring the Report within one week. We officially defer this Order to when the House Business Committee will allot it. However, as I had directed, the Report should be done in a week.

Hon. (Dr) Pukose, what is out of Order?

APPEARANCE BEFORE COMMITTEE

Hon. (Dr) Robert Pukose (Endebess, UDA): Thank you, Hon. Temporary Speaker.

Following your directive, direct Hon. Kaluma, Hon. Shakeel, and Hon. Mayaka to appear before the Committee on Tuesday. We have consulted my Clerk. We will be ready for you on Tuesday at 10:00 am.

The Temporary Speaker (Hon. Martha Wangari): I will leave that to the Committee Clerk to communicate when you have the venue and the time for the Members to appear, as we always do. Kindly reach out. Hon. Kaluma, I expect that you appear knowing you have moved this.

Hon. (Dr) Robert Pukose (Endebess, UDA): I was saying that because you gave us a week to table the Report. We have other meetings scheduled for tomorrow. We have meetings with the Senate on the matter of doctors on Friday. We want to schedule him for Tuesday.

The Temporary Speaker (Hon. Martha Wangari): I have heard you, Hon. Pukose. Hon. Kaluma knows the timing. We do not expect a no show or excuses. Hon. Kaluma, the Report should be tabled whether or not you appear.

Hon. Peter Kaluma (Homa Bay Town, ODM): Hon. Temporary Speaker, I think your directive is good. Once it is before the Committee, let it tell me when I should appear, including the time and venue. Those are details not for the Hon. Temporary Speaker.

The Temporary Speaker (Hon. Martha Wangari): I will leave that to be handled by the Clerks and the Committee. We will officially defer that Order and go to the one by Hon. Nabulindo.

(Bill deferred)

As I had directed earlier, since we have exhausted and deferred that Order, we will now go to your Adjournment Motion. You had given its notice earlier. I request that you have ten minutes to move. Every other Member will have five minutes each to speak to the Motion.

NOTICE OF ADJOURNMENT ON A MATTER OF URGENT NATIONAL IMPORTANCE

SURGE OF ROAD ACCIDENTS IN THE COUNTRY

Hon. Peter Nabulindo (Matungu, ODM): Thank you, Hon. Temporary Speaker. I take this opportunity to thank the House for supporting this Motion. I beg to move:

THAT, pursuant to Standing Order 33(1), I rise to seek leave for adjournment of the House to discuss a definite matter of urgent national importance regarding the surge of road accidents in the country.

The National Transport and Safety Authority (NTSA) recently released a report providing statistical data on the current road safety situation in the country. According to the Report, 7,192 Kenyans have been involved in road accidents within the last three months of 2024, marking a significant rise of accidents compared to the same period in 2023. It is disheartening that at least 1,189 lives were tragically lost in the accidents.

These statistics highlight the troubling state of road accidents in the country, which require urgent intervention. While acknowledging efforts by the Ministry of Roads and Transport in the last few days, much more needs to be done, including the full implementation of traffic laws and policies to ensure road safety. It is against this background that I seek leave for the Adjournment of the House to discuss this matter of national concern with a view to exploring possible and lasting solutions.

It is common knowledge in this country that there have been numerous road accidents since the year began. In the last three months, accidents have increased on our roads to the extent that many families have lost their loved ones. The problem is that nobody wants to take responsibility when these accidents happen. We have the Ministry of Transport blaming *wananchi*; motorists are blaming the police; police are blaming motorists, while the motorists are blaming the police and the weather. As a country, we need to think deeply, look at what is happening around, and try to find a long-lasting solution to this recurring problem each day and season. Yesterday, there were two accidents. One is in Kirinyaga, and another is along the Nakuru-Nairobi route. This is something that happens every day. However, what we only do as a country is register statistics.

Hon. Temporary Speaker, the biggest problem that leads to these unfortunate incidents of loss of lives on our roads is the taking of bribes by our traffic police officers. This vice is very rampant and deeply rooted amongst Kenyans to the extent that it has been normalised as a way of life. Many times, police officers demand bribes or create conditions necessary for bribes to be given, but at the same time, motorists or traffic offenders actually prepare and encourage the police to take bribes. In Kenya, this has been normalised to the extent that if you

are planning to go on a journey, you must also set aside some funds that will be used as a bribe when asked to until the completion of your journey.

[The Temporary Speaker (Hon. Martha Wangari left the Chair)]

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

We have seen the Ministry taking certain actions, such as returning the NTSA to the road and banning certain types of vehicles like the Probox and the Noahs from the roads. But these are actually knee-jerk reactions to a situation that needs permanent solutions. Unfortunately, as we are used to in this country, everything will go silent after two weeks, and everybody will forget that there was a problem on our roads, and life will go on as usual. Therefore, we need tangible and long-lasting solutions to the problems on our roads. We must ask ourselves, why do these accidents happen and why often? As I said earlier, nobody wants to take responsibility for their actions or the things happening on our roads.

For example, the police are blaming motorists, who do not want to take any responsibility. However, responsibility lies with everyone. Earlier on, when I was taking public transport to Western via a shuttle, on reaching Nakuru, a passenger told the driver that he was driving slowly, yet he had business to do in the morning and needed to move very fast so that we could reach early. He actually went ahead and encouraged the driver to tamper with the speed governor. To my shock, other passengers supported him by saying that the vehicle was moving slowly and that we would not reach on time. The driver went ahead and tampered with the speed governor, and from Nakuru onward, the vehicle was flying at a terrific speed. When we reached our destination, the passengers congratulated the driver for having driven as fast as they wanted. Therefore, the blame should lie not only on the Police, NTSA, or the Cabinet Secretary for Transport and Roads but on all Kenyans.

Hon. Temporary Speaker, we have situations in this country. The Cabinet Secretary recently acted and said that NTSA should go back to the roads to implement what has not been enforced by the Traffic Police. Unfortunately, what is happening on the roads now is even worse. NTSA has launched a nationwide crackdown arresting motorists, but they are demanding bigger bribes than what the traffic police ask. In some quarters, motorists are saying that it is better to deal with traffic police than the NTSA officers. We need effective ways to enforce the existing laws. We have well-documented traffic laws. The problem is the implementation and enforcement.

Hon. Temporary Speaker, I ask for one more minute to conclude.

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

Hon. Peter Nabulindo (Matungu, ODM): Thank you, Hon. Temporary Speaker.

Hon. Temporary Speaker, as a House and nation, we need to discuss why we are losing lives every single day on our roads, who is to blame, and what we need to do to save ourselves from this situation.

I will not go beyond that, but I will give other Members of Parliament a chance to talk about this issue. As a House and nation at large, let us have a conversation on how to handle this issue, which is now a pandemic in the country.

Thank you, Hon. Temporary Speaker.

The Temporary Speaker (Hon. (Dr) Rachael Nyamai): Thank you.

Every Member is going to have five minutes. I will start with Hon. Abdul Haro. He is not in the House. Hon. Timothy Wanyonyi, the Member for Westlands.

Hon. Tim Wanyonyi (Westlands, ODM): Thank you, Hon. Temporary Speaker, for the chance to speak on this Motion of Adjournment.

The problems we are experiencing on our roads are not just about discipline; it is about how the roads are designed. There is no signage to guide drivers at steep ends or sharp corners or indicate something is happening in a particular area. They drive blindly, and sometimes accidents happen very quickly that they cannot control.

Another issue is the inspection of vehicles, especially public service vehicles. They ought to be inspected and given a certificate of approval every time. Many times, you will find that most of the vehicles have outlived their lifespan. They are kept on the road, yet we have NTSA inspectors who are supposed to supervise this. This country also lacks cameras installed at advantageous points on the roads to help the police monitor reckless drivers so that they can deal with them. They instead hide somewhere in the bush, and when vehicles come, you see them jumping on the roads and waving down the driver to stop. This is very dangerous, and it can easily become a road risk. They should be more professional and inform the drivers of the areas and spots where the traffic controllers are positioned to avoid making it a capture of drivers. If we have proper information, it will inform the drivers of the speed limits and what is ahead of them, especially for drivers unfamiliar with the road.

Lastly, you will find a Public Service Vehicle (PSV) driver driving a car for more than eight hours, for instance, from Mombasa to Western Kenya, sometimes even falling asleep on the steering wheel. I feel that most drivers should also get eye checks during their inspections. Some of them have poor vision, yet they proceed to drive on the roads. This responsibility falls on all Kenyans, particularly the Ministry of Roads and Transport. They must take the lead in curbing road carnage. We pray for all the Kenyans who have lost their lives and send our sincere condolences to the families. The Government must take serious responsibility. I saw the Cabinet Secretary on television, but he did not seem to be leading properly. He needs to pick up from where Michuki left off and control the traffic on our roads.

Thank you, Hon. Temporary Speaker.

The Temporary Speaker (Hon. (Dr) Rachael Nyamai): Thank you. Next is the Member for Alego Usonga, Hon. Samuel Atandi.

Hon. Samuel Atandi (Alego Usonga, ODM): Thank you, Hon. Temporary Speaker, for the opportunity to contribute to this Motion. Road accidents contribute to about 3,000 deaths annually. This is more than the number of Kenyans who die from cancer, malaria, and many other diseases that affect our people. To be honest, one of the main reasons for the increased deaths by accidents is purely human behaviour. Kenyans must change their attitude and behaviour. Kenyans go drinking and drive home under the influence of alcohol or drugs. This is not something that law enforcement can do.

The state of the roads in Kenya also contributes to accidents. As Hon. Tim Wanyonyi has said, our engineers' road design does not resemble that of any other developed country. If you go to Rwanda, you will see how they have designed their roads. I am told that the engineers who designed those roads after the genocide were Kenyans. I do not know how they went to Rwanda to design better roads, yet they designed roads in Kenya that cause accidents.

The state of our PSVs is also a contributor to accidents. PSVs in Kenya are not inspected. An organisation called NTSA is sleeping, and I believe it is sleeping because the Cabinet Secretary for Roads and Transport is sleeping. The Cabinet Secretary is simply a noise maker on X and Facebook, showing us how he lives a good life. The Government must decide whether it wants to protect Kenyans from these accidents. We will talk here every day and every week, but accidents will continue to happen. NTSA is sleeping on its job of inspecting the state of PSVs.

The accidents involving public vehicles are very unfortunate. If you ask for a report on these accidents, you will never get it. Innocent Kenyans are the ones who suffer these accidents. They leave their houses to travel with the intent of reaching their destinations. When they arrive at the bus stations, they board vehicles innocently, yet they are boarding death traps. I call upon

the Cabinet Secretary for Roads and Transport...When Hon. Murkomen was appointed the Cabinet Secretary for Roads, I celebrated by saying he would be one of the most competent Cabinet Secretaries we would have. He was a very active Member of Parliament, but he is sleeping on the job. He is sleeping on the job and laughing that he is making more money than any other Kenyan. He must wake up from sleep and work. He must shake himself or NTSA. It is a shame that we have a Government that cannot address simple things like road accidents. This Government must wake up. I am addressing this Government from the Floor of the House because it is the reason Kenyans are dying on the roads. I urge the Government to wake up and serve the people of Kenya.

I support.

Thank you.

The Temporary Speaker (Hon. (Dr) Rachael Nyamai): Next is the Member for Endebess, Hon. (Dr) Robert Pukose.

Hon. (Dr) Robert Pukose (Endebess, UDA): Thank you, Hon. Temporary Speaker. From the outset, I support this Adjournment Motion. What is happening on our roads is very sad. I disagree with Hon. Atandi. It is not the Government; it is the drivers on the roads. Reckless drivers have no permission from the Government. They are not representing anyone but themselves. We have NTSA officials and policemen on the roads taking bribes. They are not taking them on behalf of the Government. They are placed there to do their job. It is shameful that we have reported accidents on our roads. Recently, we lost students from Kenyatta University who were on their way to Mombasa. We have lost many Kenyans through reckless driving. It is high time we reviewed drivers and put stringent measures in place to prevent drunk driving.

We need to ensure that drivers undergo some form of mental evaluation. It seems that there are people with suicidal tendencies driving on our roads. We must ensure that unroadworthy vehicles are also removed from the roads. It is also good culture for the drivers on our roads to have courtesy and some element of self-control. More often than not, you find a driver does not want to give way to another. Everybody is in a rush and this is not how it should be.

We need to have a discussion on road safety and what needs to be done to ensure that our roads are safe for all of us. We are losing people on the road through reckless driving and this should stop. As we discuss the Wage Bill, we also need to discuss road safety because it is of serious proportion. For how long should a long-distance driver be on the road? You find that some long-distance bus drivers may be driving from Nairobi to Kisumu and back. They should have enough time to rest in between to ensure they are safe on the roads. There is need for our people to change their culture. The Government needs to come up with stringent measures to ensure all our roads are safe. That the drivers on our roads are sane, sober and can ferry passengers safely to their destinations.

Those who park on the roadsides must ensure that they park the vehicles in the right places. The other day we saw a family which was driving to Kisii, and in Nakuru they rammed into a lorry that had been parked by the roadside. This needs to be corrected. When one parks by the roadside, they must ensure that they do not cause obstruction to other road users.

Hon. Temporary Speaker, with those few remarks, I support the Adjournment Motion.

The Temporary Speaker (Hon. (Dr) Rachael Nyamai): Thank you very much, Dr Pukose. Hon. Members, I give this opportunity to the Chairperson of the Departmental Committee on Transport and Infrastructure, Hon. GK.

Hon. George Kariuki (Ndia, UDA): Thank you, Hon. Temporary Speaker. I rise to support the Adjournment Motion. Indeed, we are losing very many lives on our roads because of issues that can be avoided. Drunken driving is something that can be avoided. A boda boda

guy crashing without a helmet and hurting himself to a level where he cannot be saved, can be avoided. There are many accidents on our roads that are happening due to negligence.

We have just come from an event presided over by His Excellency the President at the Kenya International Conference Centre (KICC). He was launching the National Road Safety Action Plan. He is very committed to the reduction of the number of deaths on our roads. In the last few years, we have lost an average of 4,000 Kenyans per year. We cannot allow this to continue. That is why all the Government agencies and stakeholders concerned with road safety, including Members of the Departmental Committee on Transport and Infrastructure, gathered to discuss this matter and see how we can help address this problem.

In countries like Sweden, I am told that they only lost one-person last year and it was a crisis. The Minister had to do all that needs to be done to make sure that never happens again. In our country, I am told that currently we have over 20,000 Kenyans in hospitals having been involved in accidents. In terms of the effects on our economy, this is very grave. We need to come together as leaders and agree that this has to stop.

Our young people eking a living from the boda boda business can get a living by doing things the right way. Riding recklessly on a highway is not something we should encourage. On the issue that my colleague has mentioned on road courtesy, this is something causing a lot of problems on our roads. I use Thika Superhighway every week all the way to Kirinyaga County. You could find a truck driver on this road driving at a very low speed, while his truck is on the right side of the road. This is the case and yet, the road signs are very clear that keep left unless overtaking. You see a matatu driving at a very low speed right in the middle of the road. Then on the left, there is a pickup also driving at a low speed. You are stuck behind trying to overtake them but they do not allow you, and there is nowhere you can pass. We need to emphasise on road courtesy because we cannot continue losing lives the way it is happening. We cannot continue with this trend. It is regrettable.

Thank you, Hon. Temporary Speaker.

The Temporary Speaker (Hon. (Dr) Rachael Nyamai): Thank you, Hon. Chairperson. Hon. Beatrice Kemei, the Member for Kericho County.

Hon. Beatrice Kemei (Kericho County): Thank you, Hon. Temporary Speaker, for this opportunity. From the outset, I support the Adjournment Motion concerned with the issue of road accidents that have become too many in this country. I want to thank the Hon. Member for bringing this Motion at this particular time.

It is very sad that we are losing too many lives because of carelessness on our roads. As the Member for Kericho County, I am sad that a week ago we lost seven people. Today, one of them is being laid to rest among many others. It has not been easy for us, as leaders. We are supposed to contribute in fund raisings, console their families and even look for a way forward. We really need to come out very strongly, as legislators, and find a solution to this.

I appreciate the Member who has brought this Motion. It will let the country know that we are very concerned about the accidents on our roads, and that they are very disturbing. I remember less than a year ago, a lorry rammed into a house and a young child in Grade Four was lost and up to date the mother is bedridden. It has disturbed that family. The accident somehow affected a very humble family. We have been trying to contribute money for them. Interestingly, it is also affecting people who do not have insurance.

Hon. Temporary Speaker, I urge drivers in this country that if they do not care about themselves, let them care about the passengers they carry in those motor vehicles. Some of the drivers do not have Driving Licences (DL), some drive when they are drunk and others are absent minded. I urge them to remember that they are carrying people. We have lost some people in accidents. Some of the drivers need to go for refresher courses because they last drove a motor vehicle very many years or months ago. Therefore, they still need to go for a refresher course.

Hon. Speaker, we should not forget that we have the boda boda riders who are also affected by these accidents. Some of them do not have a DL and have not been trained. They also need to go for training. We have also had cases of accidents between a boda boda and a matatu. Such accidents have claimed many lives. Pedestrians are also affected. Following the rules of the road is very key. Unroadworthy vehicles should be removed from the road. We have drivers who speed and the end result is terrible.

I also ask all the road users to be careful. The state of our vehicles is also a factor that contributes to this. However, vehicles are driven by human beings. So, our human behaviour contributes to this. I would like to ask everybody else to be more careful. When we lost the university students, it was very painful. Our families are affected. Therefore today, as I stand here, I send my message of condolence to the many families that lost their loved ones. I would also like to ask all the people in this country to be careful as the Government also plays its part.

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

The Temporary Speaker (Hon (Dr) Rachael Nyamai): Hon. Fatuma Masito, the Member for Kwale County. In her absence, I give this chance to Hon. Gisairo, the Member for Kitutu Masaba.

Hon. Clive Gisairo (Kitutu Masaba, ODM): Thank you, Hon. Temporary Speaker for giving me a chance to contribute to this Adjournment Motion by Hon. Nabulindo.

Hon. Temporary Speaker, road accidents have become a daily occurrence in this nation, taking away the lives of our loved ones and innocent Kenyans. Those lives could be preserved if the accidents could be avoided. We need to ask ourselves, where did the Michuki rules go? We also need to ask ourselves if we make rule for a season so that once whoever initiates the rules is out of office it becomes business as usual. While the Mchuki rules were in play, we had law and order on the roads and we had sanity on the roads. This is because people saw that the Government was taking its business on ensuring safety on our roads serious.

Our responsibility is to urge the Ministry of Roads and Transport and leaders to ensure that we go back and re-assess what was done right during the Michuki time, and what needs to be brought back and implemented.

The biggest cause of accidents on our roads is either the poor designs or if a road is properly designed, the implementation of the design during construction. In Kenya today, very few roads are properly marked. The other day I was listening to the Cabinet Secretary for Roads on television and he admitted that road marking is not on our major roads. We do not need to go far because right here in the City of Nairobi, most of the roads are not marked. When it rains and it is dark, it is very hard for even an experienced driver to know when he is within his lanes.

I love driving. Every year, I ensure that I drive from Kenya to South Africa. The most dangerous parts I find myself driving in are in Kenya. When you drive in Tanzania, you get the comfort because the roads are properly marked and wide enough. The boda boda riders have their side of the road. In Kenya, we compete for the road with the truck drivers, buses, saloon cars, boda bodas, donkeys and animals grazing by the roadside. Road marking and design needs to be taken seriously. If the Government says it is the driver who is reckless, then let it tell us how come we have very few accidents on the expressway if any. That is because the design of the road and the marking is proper. Thika Road has significantly few accidents because of its designs. The moment we leave those two roads, it is God for you. You are not sure whether you will make it, however careful a driver you are. Someone will take you out.

Lastly, we have some good law enforcers on our roads but a majority when they are on those roads to them, is a speed venture. Those with speed cameras are there to trap you and collect money. Our law enforcers need to be trained that their work is to ensure that traffic rules are followed so that we are able to save lives. If we do not do this, it will continue being a discussion while we bury our loving Kenyans who could be productive to the economy of this nation.

Thank you, Hon. Temporary Speaker. I support this adjournment Motion.

The Temporary Speaker (Hon (Dr) Rachael Nyamai): Thank you. Hon. Bady Bady, Member for Jomvu Constituency.

Hon. Bady Twalib (Jomvu, ODM): Ahsante sana Mhe. Spika wa Muda kwa kunipa nafasi hii pia nichangie huu mjadala muhimu.

Mjadala huu ni muhimu sana kwa sababu ni jana tu tukiwa na Mhe. Bedzimba wa Kisauni, tulizungumza maneno kama haya tukiwa katika kikao kimoja ambacho tulikuwa tumealikwa.

Mhe. Spika wa Muda, mimi ni mwanakamati wa Kamati ya Barabara na Uchukuzi. Kama alivyosema Mwenyekiti wangu, saa moja lililopita, tulikuwa katika KICC ambako Mhe. Rais alizindua mambo ya usalama barabarani. Hivi leo yale ambayo yaljiri huko ni yale ambayo wananaji wezangu wameyasema.

Hatuwezi kumbwagia Waziri Murkomen matatizo makubwa. Alizungumza pale na kusema kuwa katika *survey* iliyoangaliwa vizuri sana, tatizo kubwa sana kuhusu ajali na matatizo ya barabarani yanasababishwa na madereva ambao wanafanya shughuli hizo. Hawa ni madereva wa mabasi, matatu au pikipiki.

Mhe. Spika wa Muda Rais alisema kuwa kando na mikakati yote, idadi ya ajali za barabarani zimepanda. Alimpa jukumu Mhe. Waziri Murkomen kwa kusema kuwa mkutano kama huu utafanyika mwaka ujao na anataka ripoti kuthibitisha kuwa ajali za barabarani zimepungua.

Mhe. Spika wa Muda, ninakubaliana na yale yamezungumzwa. Mhe. Murkomen alisema mtu wa boda boda anaenda kwa uwanja wa mpira na anazunguka raundi mbili ama tatu, anafunzwa bila leseni na kesho anaingia barabarani anakuwa dereva wa pikipiki. The NTSA imeambiwa leo iache mvutano na polisi. Rais ametoa maelekezo leo. Amesema Mkurugenzi Mkuu wa NTSA, Bwana Njao, na Mkuu wa Polisi, Bwana Koome, wasing'ang'anie kusema hii ni mamlaka ya nani. Afisa wa NTSA na polisi wanajukumu la kulinda wananchi wa Kenya katika barabara zetu.

Unaona mtu ametoka na familia yake, na kwa sababu ya uzembe wa dereva, anapata ajali na familia nzima inapoteza maisha. Nikiwa Mwanachama wa Kamati ya Kiidara ya Uchukuzi, Ujenzi wa Miradi ya Umma na Makazi, ninasema ule uzinduzi tumefanya leo na Rais utaonyesha ikiwa ni safety belt tunatakikana tufunge, tutaweka system ambayo usipofunga, inaonekana mpaka ofisi kuu ya NTSA. Ikiwa ni speed governor itaonekana, na kutawekwa cameras ambazo wameonyesha leo. Ikiwa ni uzembe wa dereva, utaonekana ili ujulikane. Kama Kamati, tunashukuru tukiangalia kule kwetu Mombasa, hasa katika Eneo Bunge langu la Jomvu. Zamani ajali zilikuwa nyingi sana, kwa sababu ya barabara mbovu. Lakini, ninashukuru leo kwa sababu tuna barabara kuu ambazo zimetengenezwa.

Kuna barabara ya Madafuni ambayo inatokea katika sehemu ya Rabai. Baada ya wiki mbili kutoka leo, Kamati ya Maombi ya Umma ambapo nilituma ombi langu itanieleza kwa nini Serikali haijamaliza barabara hii. Kwa hivyo, tutakuwa na hiyo Kamati kuona tunafanya bidii barabara ya Jitoni imalizike. Ninamwambia Mhe. Rais leo kuwa alianza barabara hiyo, lakini mpaka saa hii kuna uzembe.

The Temporary Speaker (Hon. (Dr) Rachael Nyamai): Asante. Hon. Caroline Ng'elechei, the Member for Elgeyo Marakwet.

Hon. Caroline Ng'elechei (Elgeyo Marakwet County, Independent): Thank you, Hon. Temporary Speaker, for giving a chance to the representative of the people of Elgeyo Marakwet County. I support the Motion of Adjournment by the Hon. Member.

The rate at which we are losing our people in this country on road carnage or accidents is extremely high. I agree with one Member who said it is almost equivalent to all the causes of death combined lately. As I contribute and support this Motion, I disagree with some

Members of Parliament who want to put it on the shoulder of one individual. It is not about the Ministry, the Cabinet Secretary or an individual, but it is about the road users.

The Government is not in every matatu, school bus, motorcycle or a pedestrian walking along the road. The blame should go to everyone, including the drivers, passengers and the traffic officers. This is an industry that accommodates many stakeholders. For instance, most of the accidents are caused by human error or carelessness. People overtake at places that are not approved for overtaking. Some passenger vehicles are also overloaded. Many a times, some departments sleep on their jobs, and inspection is not done. Many of the vehicles have the documentation for inspection but nothing is done. There were speed governors that were installed in the Public Service Vehicles (PSVs) like the matatus and buses. They are just there but they do not work. Sometimes you find a matatu or bus being driven at a speed of over 150 km/h and you wonder what will happen if something happens and there is need to have an emergency break.

I want to speak candidly about law enforcers on our roads. Many Kenyans are used to being micromanaged to abide by the law. The traffic police officers or Inspector-General (IG) of Police are supposed to be in charge of enforcement. Many police officers have made roads to be toll stations. They go there to collect Ksh50 or Ksh100. Even if the motor vehicles are speeding, they are neither taken to any court of law nor charged. You pay the fee there. People bribe to get their way out. Kenyans prefer to bribe at times because of how they are taken round in circles, I wish there was a way that when you are found speeding, you are given what you are supposed to pay, pay there and then you proceed. This can be better. There are too many players who must be put in place.

There was a video circulating a month or two ago about unscrupulous traders manufacturing lubricants, oil, grease and other products that are used by our motor vehicles in River Road or the industry that they manufacture fake or counterfeit products. Thorough investigation must be done. We might be blaming the drivers wrongly. If wrong products are used in our motor vehicles, a driver is blamed for losing control or failed brakes. You may find out that a wrong lubricant was used. Somebody should think beyond what we see with a naked eye and investigate motor vehicles involved in these road accidents. He should check whether their products and mechanical parts are the right ones. We might find that we are importing substandard spare parts. Most of these motor vehicles are from Toyota Motor Corporation. You may find that there are local manufacturers or fake importers of Toyota spare parts.

The Temporary Speaker (Hon. (Dr) Rachael Nyamai): Thank you, Hon. Caroline. Hon. Members, I have noticed that you are unable to identify the Mover of the Motion of Adjournment. It was moved by Hon. Oscar Nabalindo. Most of you have said that it was moved by an Hon. Member. I have realised that it is very difficult to pronounce his name. The next one is Hon. John Kiarie, the Member for Dagoretti South.

Hon. John Kiarie (Dagoretti South, UDA): I thank you, Hon. Temporary Speaker. I also thank Hon. Oscar Nabalindo for stopping the business of this House, so that we discuss a matter of great national interest.

We ought to start by realising the responsibilities each person and entity holds. This House has a responsibility which goes beyond becoming a lamenting one. We cannot stand here on such an important Motion to talk about the usual things we hear out there. We should be part of offering the solution. In assigning responsibility, there is no way a government will run away from the responsibility of securing the lives of its people anywhere, up to and including the roads. This is because the Constitution gives provisions for the Government to protect life and property of its citizens.

Hon. Temporary Speaker, the Government develops policies, trains drivers, and conducts safety checks on drivers, roads, equipment and transport vehicles. The Government polices roads through the Ministry of Interior and National Administration. The Government

develops the infrastructure that fails at very critical times. Responsibilities ought to be assigned so that each person plays their rightful role in correcting the menace on our roads.

Some problems are historical. Some have been caused by the lethargy of decision-makers who fear that the problem is too big and they are unable to surmount it. However, we recently saw a Minister who stood up against all odds and corrected the menace on our roads, albeit for a very short period. That should be the gold standard for what the Government ought to do at such a time.

If the Government will not step up to its responsibilities, we will be speaking in vain during this Motion of Adjournment. The Government needs to start giving solutions to the many problems we are dealing with. An example is that of infrastructural development. The former President Emeritus, Hon. Mwai Kibaki, is credited with building an amazing piece of infrastructure in the name of Thika Road. That piece of infrastructure was sufficient at that time. However, if you go to Thika Road today, you will find a lot of traffic. Even more tragically, you will find all manner of traffic on that superhighway, namely, motorised traffic, 10-wheelers, *matatus*, *boda bodas*, and anything else that you can imagine, all fighting for the same lane.

On the same infrastructural installation, you will see beautiful road signs that assign lanes to different types of traffic. On your extreme right, there is very clear signage that indicates that trucks and lorries cannot be on the fast lane. However, you will see Kenyans blindly speeding a 10-wheeler truck on the fast lane which is reserved for overtaking and fast traffic. The Government has the responsibility of checking how we are policing our roads, developing infrastructure, conducting safety checks, and training drivers.

This House also has a responsibility to play. We may need to review some laws to allow for a number of things which will even include behavioural change campaigns to change the national psyche.

Hon. Temporary Speaker, because of time, I need to add that our laws will also need to bring on board technology so that it can assist where we have failed to police and bring safety to our roads. I wish this Motion of Adjournment could come to the House as a substantive amendment...

(Hon. John Kiarie spoke off the record)

The Temporary Speaker (Hon. (Dr) Rachael Nyamai): Thank you, Hon. KJ. Hon. Millie Odhiambo, the Member for Suba North.

Hon. Millie Odhiambo-Mabona (Suba North, ODM): Thank you, Hon. Temporary Speaker. I thank the Member for bringing this Motion of Adjournment. I will be very brief on this issue.

As most Members have mentioned, we have passed laws as a House. The issue bedevilling this country is corruption. The reason we have unroadworthy vehicles is corruption. The reason there is speeding is corruption. The reason people who have caused accidents are not in jail is corruption. We can talk about this issue until God knows when, however, we need to deal with corruption, as a country. The only way to deal with corruption is to have political goodwill at the top. We hope the President will wake up, notice that Kenyans are dying and deal decisively with corruption. Countries that have moved ahead have dealt with corruption.

I thank the Member.

The Temporary Speaker (Hon. (Dr) Rachael Nyamai): Thank you, Hon. Millie. Hon. Naisula Lesuuda, the Member for Samburu West.

Hon. Naisula Lesuuda (Samburu West, KANU): Thank you very much, Hon. Temporary Speaker, for this opportunity to contribute to this very important Motion of

Adjournment on the increased numbers of accidents on our roads. I thank Hon. Oscar for bringing this Motion.

I want to add to what my colleagues have said. It is very devastating and painful to lose many people every single day on our roads. Even one life lost is too much. Seven people were buried in Makueni yesterday. I can only imagine the pain that family is undergoing as it buried the seven members in one day.

As Hon. KJ has said, we have to look at ourselves as Kenyans. We have very bad manners when it comes to the way we drive and cross roads. We do not follow traffic laws if there is no police officer. It is a matter of training and changing our mindset as Kenyans in terms of valuing our lives and the lives of others.

It has been said that the Government's role in enforcement of traffic laws is very important to ensure that we reduce the number of accidents. If you go to the developed world, it is not so much about what people would like to do, but it is about enforcement. You automatically know that you will lose your driving license for a year or two if you make many mistakes. Because of the cameras on the roads, you will get your fine waiting for you at your doorstep. People will then tend to follow the laws of the country. We are not short of laws and policies. We cannot run away from enforcing them so that people can correct their bad manners and ensure that we follow the law.

Go to a country like Rwanda, which is our neighbour. We have said it many times. We should not compare ourselves to other countries. Other countries should be learning from us. There is discipline in Rwanda, right from boda bodas. Traffic laws are enforced by ensuring that they wear helmets and even passengers have helmets. They stick to their lanes. We should ensure that traffic laws are enforced and corruption is eradicated. Once corruption is entangled with law enforcement, it becomes impossible for proper enforcement to be done.

I do not want to belabour the point. It is just unfortunate that we only talk about these issues when many accidents have occurred. That is when we see officials from the responsible ministry, and even we ourselves in *Bunge* talking about road accidents. This should be done every day, even when we do not have accidents. We should follow the law and enforce traffic laws every day and not wait until there are many accidents across the country to start trying to bandage a wound.

Thank you for this opportunity. I hope we will change our mannerism and enforce traffic laws in our day-to-day lives.

The Temporary Speaker (Hon. (Dr) Rachael Nyamai): Hon. Moses Injendi, the Member for Malava.

Hon. Malulu Injendi (Malava, ANC): Thank you, Hon. Temporary Speaker. I also rise to appreciate Hon. Oscar Nabulindo, the Member for Matungu, for this Motion of Adjournment.

Those of us who have travelled to foreign countries, particularly Europe, America and even Rwanda know that we do not see police officers on the roads, and accidents are minimal. I am just wondering why the Cabinet Secretary for Roads, Transport and Public Works has decided to recall the NTSA. We recall that time it was being removed from the roads, it was because of how it was acting thus leading to many accidents in the country. If the deployment of NTSA officers plus police officers back to the roads is an issue of corruption, then it is very obvious that corruption will now be on the increase. It will be at its highest because both of them are public servants; they are employees of the Government. So, if police officers are taking bribes, then NTSA personnel will continue taking bribes too. In any case, even previously, NTSA personnel were the most corrupt in the country. So, the issue should not be increasing inspection on the roads, but rather improving police oversight.

The other issue that I feel causes accidents on our roads is poor road designs. I want to cite the case of the road from Kakamega to Kaburengu in Kakamega County, specifically the

junction at Kaburengu. The design of the road is so poor that we always have accidents, particularly at Kaburengu. I do not know why this should be a problem because I believe we have engineers who can draw and design roads and do what is required. Even after design and construction of the roads, they have no sign-posts. So, you find, for example, a place that has a depression, there is no proper indication for drivers to reduce speed of their vehicles. We need to find ways of reducing the number of accidents on our roads.

During the late President Moi's regime, he had banned driving of lorries and trucks at night. I do not know what happened to that decision. As the previous speaker has just put, we have rules and laws. If the current Cabinet Secretary can effect the rules, including the 'Michuki rules', the issue of trucks and lorries moving at night would be checked.

Hon. Temporary Speaker, on school buses, a careful look will reveal that they are not designed properly. They have a weak structure. When they are doing a speed of, say, 100 kph, they are prone to rolling. The bus designers need to recheck and reconsider the body design of school buses and other buses on the roads.

The other victims of road accidents are motorcyclists. In Uganda, motorbike riders respect traffic rules. Here in Kenya, it is very interesting, they respect no rules, not even traffic rules. They move about even on highways as they wish causing a lot of confusion on the roads. When the lights are on for pedestrians to move, the motorbike riders also move thus causing a lot of accidents in the country.

I do not know if we can talk about salaries, but I know of some drivers from the western part of Kenya who drive from western Kenya to Nairobi. It takes between eight and nine hours to get to Nairobi from Kakamega. The driver who started the journey, say, at 7.00 a.m. arrives in Nairobi around 5.00 p.m and he is expected to drive the bus back to western Kenya. I think we will also have to look at this matter. It might be an issue of payment by the employers who may want to have only one driver for purposes of managing their wage bills. Otherwise if this is taken care of, we might control the number of accidents in the country.

I thank Hon. Nabalindo for this Motion.

The Temporary Speaker (Hon. (Dr.) Rachel Nyamai): Hon Cynthia Muge, the Member for Nandi.

Hon. Cynthia Muge (Nandi County, UDA): Thank you, Hon. Temporary Speaker for giving me this opportunity. I appreciate Hon. Nabalindo, the Member for Matungu, for bringing this Adjournment Motion. It is, indeed, important that we have a discussion as a House of representatives of the people of Kenya. There is no one thing that will make traffic fatalities go away. We must work together, and that entails drivers, road users and every other stakeholder in the road sector. Just like Members have said, we do not have a deficit of laws and policies in this country. We have too many of them. The only problem is that the policies and laws that have been drafted and passed, unfortunately, have been used as cash-cows. You go to the roads and you find a very sad situation where the traffic police know that there is a problem with the driver and his vehicle. The driver and the owner of the vehicle also know that there is a problem with the vehicle they are driving. However, the two parties, the traffic officer and the driver or the owner of this vehicle decide to pacify the situation by exchanging some petty notes, Ksh50 or Ksh100, so that they can be left to go about their business. This is a problem and this is the situation that we must speak to and sort out.

I remember when I was a small girl, the 'Michuki rules' were in force. If you look at the Report that came out after three months of the Michuki rules, you will find that road accidents had come down by a whole 74 per cent. There is no magic that Hon. Muchuki, as a Minister for transport then, employed in that situation. He actually ensured that there was implementation of the policies and laws that had been passed by Parliament and that had been put together by experts. That is the only thing that he did. Many people thought that the enforcement of those policies and laws was brutal, but Hon. Temporary Speaker, it does not

matter how bad or how good the enforcement is. What matters is that order is brought to our roads. This is a hard decision and someone must take responsibility. Like Hon. KJ has said, it is the responsibility of Government, as the Constitution states, to protect its people. Therefore, it is the responsibility of this Government to ensure that laws and policies are enforced to the last bit. This is so that we can sort out this mess, have order on our roads and reduce deaths.

You should see how painful it is to put four people from the same family in coffins. I do not think there is anything as hurtful and painful as that. This is something that can be sorted by all of us playing our respective roles. As a driver, you do your part and as an enforcement officer, entity, or body you also do your part. Ensure that you are doing the right thing at the right time so that we can save our people and reduce accidents.

I appreciate Hon. Nabulindo for coming up with this Motion, and I want to support what Hon. KJ said that something must come out of this so that it does not become one of the Motions that is added to our names as having spoken to it. Let it give a tangible resolution to this particular problem that we are speaking to, Hon. Temporary Speaker. I appreciate the opportunity to speak to this matter.

The Temporary Speaker (Hon. (Dr.) Rachel Nyamai): Hon. Francis Sigei, the Member for Sotik.

Hon. Francis Sigei (Sotik, UDA): Thank you, Hon. Temporary Speaker for giving me this opportunity to also ventilate on this very important Motion. At the outset, I would like to thank our colleague, Hon. Oscar Nabulindo, for this very timely Adjournment Motion. The other day I watched the funeral service of a student of Kenyatta University and I can say any human being would be moved. It was terrible to lose that number of students; young people of this country. It was a horrible day for Kenyatta University. We have lost too many lives in this country, and I want to support my colleagues who have spoken before me, that the Government has a responsibility to take care of lives and property of the people of this country.

Hon. Temporary Speaker, I worked with the late Hon. Michuki. He was magical in his approach to solving issues of traffic accidents. We have very comprehensive laws. What we lack in this country is enforcement and implementation of these laws. More importantly is Kenya's population. The Kenyan people have a very bad character and manners that we must discuss in a national conversation. One really wonders what happens on our roads. There is always a policeman taking bribes and a person giving bribes. How do we change the attitude? In the same breath, the giver and the receiver of these bribes are the same.

Another thing to look at is road signage. Some road signage has been vandalised by the same Kenyans in our country. We need our people to change. Our people should know that those signages are meant to save lives. Only a careless person vandalises road signage and takes them for their own use. This behaviour must stop.

I am the Member of Parliament for Sotik Constituency. The road section between Chebole and Soimet is a black spot. People have died there. We have had several accidents, some fatal. Some have maimed our people. We have asked the Ministry of Roads, Transport and Public Works to put measures to stop the killing of people in these areas.

We have defective vehicles on our roads yet the police cannot stop this thing. People are driving defective vehicles yet none is arrested and taken to court. We have careless drivers. We have seen several people driving vehicles carelessly. Speeding is an issue. I watched Hon. Murkomen on television yesterday. He spoke very well. It is high time we put whatever we are saying into practise. He has very good plans. We are going to see *Mheshimiwa* Murkomen implement whatever plans he has.

Hon. Temporary Speaker, I support this adjournment Motion. I ask the Mover to move now and look at the laws we can change and review, or bring new Bills that will change our laws. I thank the Mover and ask this House to take the responsibility of making our roads safe.

The Temporary Speaker (Hon. (Dr) Rachael Nyamai): Hon. (Dr) Gideon Ochanda, the Member for Bondo.

Hon. Gideon Ochanda (Bondo, ODM): Thank you, Hon. Temporary Speaker. When we look at what is before us today deeply, we realise that there is a general problem. It is a big one in terms of where the rain started beating us. This is the first question we need to address as a country. It is either our culture or our blood and the way we have been raised. There is a problem. The problem is that we do not value life. What is happening in this country in the name of road accidents would be a crisis in many countries, yet we look at it as the order of the day. It happens and it is now too much. We are losing too many lives. The problem is that we do not value lives and that includes the people who do infrastructure development, drivers, and whoever is a road user in any sense. They all do not value life. There is a general problem in how we do things. We do things in a careless manner not considering whether it will make us lose lives or not. That is what we need to revisit as a country.

What is it that we need to do to get back to valuing human life? We are not going anywhere if we do not value life. On the road, you will see a matatu recklessly passing by you and the next question you ask is whether people really value life. We ask that question through and through anytime we are on the road. Matatu drivers behave the same. The police behave the same whether in Kibwezi or Busia. The *pikipiki* guys behave the same. All of them have a bad behaviour that is common across the country. What is it that we need to do?

As a country, we need to look back and see exactly how to start some exercise where we value life. I do not think there is anything we will be doing if we do not value life. If you are a driver who values life, definitely, you will observe road signs. You will be very careful with what you do. You will also not be looking out for the police to tell you that you are speeding. You do not drive at a speed of 160 kilometres an hour simply because the police cannot see you. We need to ask ourselves if it is necessary. For whom are you doing it? For whom are we driving? We must ask ourselves these questions. When on the wheels of a car, we must first know we are driving for ourselves. You will not value life of any other person if you do not value your life; you will not value the life of the third person. This is exactly what we are seeing. We are witnessing this thing day in, day out.

We can chronologise accidents. A week or day does not pass without accidents happening involving huge trucks parked along the roadside. A week or hour does not pass without a matatu hitting or killing people. One can track how these accidents happen, like what happened the other week. It happened that in just a week school buses got involved in accidents. The frequency was too much. What was happening? Is it something we want to ask the schools? I am not too sure whom exactly we want to ask. In that week, only buses of learning institutions were getting involved in accidents. Why? Again, it is always the trucks. Why are trucks causing accidents? These things are identifiable. We can isolate them and work on them, including designing and constructing good roads. In my view, we need to start valuing life because if we do not, we will not be safe anywhere in this country.

The Temporary Speaker (Hon. (Dr) Rachael Nyamai): Hon. Yegon, the Member for Bomet East.

Hon. Richard Yegon (Bomet East, UDA): Thank you very much for giving me this opportunity to contribute to this important Adjournment Motion. It is of national importance because even as we are debating it, the President has just unveiled the National Road Safety Action Plan 2024-2028 this morning at the KICC. He was talking about the same issue of mitigating road carnage in this country. Road accidents in this country happen largely because there are too many challenges on our roads, including how we drive on the roads.

First, the police need to up their game. They do not check all vehicles, including motorcycles. Most of the vehicles driven on our roads do not have working parking, break and hazard lights. I do not know what the police officers check on the roads. They should be making

impromptu checks to make sure that all those lights and wipers are working in all the vehicles moving on our roads.

There is a requirement for motorcycles to have their headlights on during the day and at night. However, in Kenya, motorcyclists do not have their headlights on during the day. That contributes to accidents on our roads. When a motorcycle is being rode without the headlights on, it is hard to identify that it. It is like a person walking on the road. This has to be made mandatory.

On the issue of helmets being used by motorcycle riders, it is hard to find a rider putting on a helmet, leave alone passengers who are never given helmets. Riders carry excess passengers. They can carry up to four passengers and if you include the rider, it makes them five passengers on one motorcycle. That is against the law. A motorcycle has to carry one person.

Most of the vehicles that stall on the roads do not have the reflective triangle hazard signs that guide oncoming traffic to deter accidents. This is something that needs to be checked. The NTSA and the traffic police need to make sure that this is checked.

Drunk-driving in Kenya has become very rampant. We need to have strict laws so that people are put behind bars when found drunk-driving. The famous “Michuki rules” need to be brought back. During Michuki’s time people were disciplined. They put on safety belts in their vehicles and observed all the rules that were put in place.

If you drive on the highways and dual carriage ways, you will find heavy vehicles keeping right instead of keeping left when they are not overtaking. They block the roads and that causes accidents at times. I submit and congratulate the Mover, Hon. Oscar Nabalindo, for bringing this important Motion.

The Temporary Speaker (Hon. (Dr) Rachael Nyamai): Hon. John Waluke, the Member for Sirisia.

Hon. John Koyi (Sirisia, JP): Thank you very much, Hon. Temporary Speaker for giving me a chance to contribute on this very important Motion. I want to thank Hon. Oscar Nabalindo for bringing this Motion. As a country, we have lost very many people within a very short time. This year, we have lost 1,300 people within a span of only three months. I suggest that the Minister for Roads and Transport, Hon. Murkomen adopts the “Michuki rules.” Kenyans are notorious. They test the system. The Minister should be firm on the truck rules.

During Michuki’s time, trucks could not move during the night. Trucks and school buses should be stopped from moving from 6:00 p.m. School buses have killed too many students on our roads because of careless driving. Sometimes, visibility at night is not good, yet vehicles are allowed to move. If these rules will not be adopted, we will lose many people as a country.

I hope the police and the NTSA are going to work. Enforcement officers have not been working. Sometimes we just see them talking on phones instead of working. You cannot stop vehicles and talk on the phone at the same time, the way our Kenyan traffic police do.

The Closed-Circuit Television (CCTV) cameras must be put on all roads, especially along tarmacked roads all over the country. We should adopt the traffic system in Europe and the USA where traffic police do not put road blocks on roads. There are no road blocks mounted by traffic police, but they have put CCTV cameras everywhere on their roads. If you make a mistake, say, speeding, the traffic police will follow you. The cameras will also detect if you are drunk and you will just notice the traffic police officers following you with either a motor bike or a police chase car. Their police vehicles are not obvious like ours here. They look more like private cars. They are used to monitor their roads. That is what we need to adopt.

Recently, I lost three boys who live near me. They were crashed by a truck and we could not identify them. When I was giving my condolence, I said that there were two who I did not know and yet they were my neighbours. They were crashed by a truck.

Some roads are small in size and that is why very many people are crashed by big vehicles...

The Temporary Speaker (Hon. (Dr) Rachael Nyamai): Hon. Rashid Bedzimba.

Hon. Rashid Bedzimba (Kisauni, ODM): Asante sana, Mhe. Spika wa Muda kwa kunipa fursa ya kuchangia suala hili la ajali barabarani ambalo limeleta hasara kubwa katika taifa letu. Ni huzuni kubwa jinsi tanavyopoteza maisha katika barabara zetu. Pia, kuna kubadilishwa kwa hali ya kimaumbile ya watu wetu; mtu anatoka nyumbani akiwa mzima na anaporudi baada ya wiki moja ni mlemavu. Hiki ni kitu cha kusikitisha sana katika barabara zetu.

Mhe. Bady ambaye ni mwanakamati wa Kamati ya Uchukuzi, amezungumza wazi wazi juu ya mambo ambayo yanafaa kurekebishwa. Mimi nitazingatia Wizara ya Barabara. Wizara hii inahitajika kuwekeza ili ipunguze ajali. Ukienda nchi za Ulaya na nchi jirani kama vile Rwanda na Tanzania, idadi ya visa vya ajali imerudi chini. Hapa kwetu, shida ni kuwa tuna ajali nyingi. Watu wakitaka kutoka wasafiri asubuhi kama familia, wataomba sana maombi ya kufika salama, kuenda kaburini, na kuamkia huko kwa sababu hawana uhakika wa kufika. Wanapokuwa barabarani, wale waliowaacha nyumbani huwa na wasiwasi na huwapigia simu kuhakikisha kuwa wamefika salama ndio washukuru. Hii ni kwa sababu barabara zetu zina matatizo. Hiii Wizara ihakikishe imesoma sehemu zile zingine. Kuna barabara zimetengenezwa ndogo kwa upana hadi kupishana ni shida. Madereva wa Kenya ni wazuri sana wakienda nchi za Ulaya kwa sababu barabara ni pana na wanaweza kupishana na madereva wengine. Ajali nyingi hapa ni gari kwa gari kwa sababu mmoja anataka kupishwa na mwingine amefika. Ni kwa sababu barabara zimefinyika sana.

Vile vile, Wizara lazima iweke ishara kwenye barabara ya kuonyesha kona mbaya au mahali pana teleza kukinyesha. Hakuna ishara hapa. Ni wewe uende tu. Hata ishara ya kizuizi mwendo hakuna. Utaenda upande ghafla kisha ujipate msituni ama uwagonge wanaouza mboga kando ya barabara.

Lingine ni ushirikiano baina ya washika dau wote wa masuala ya barabara. Ikiwa mabasi yanasababisha ajali, lazima Wizara iwaite washika dau kuzungumza nao kujua mahali shida iko. Ikiwa madereva wanafanyishwa kazi ya ziada, mtawaeleza utaratibu unaofaa. Hapa kwetu hakuna kuita washika dau. Mtu anakaa ofisini na kuamua kuanzia kesho huyu dereva anafaa kushikwa. Hiyo haiwezi saidia taifa. Lazima watu wakae chini wajaadiliane. Kuna polisi wazuri na kuna wale wanapenda pesa. Mkiujua yule ambaye anapenda pesa, mwacheni akalinde benki halafu mlete wengine wakulinda barabara. Anayependa pesa awekwe karibu na benki ahesabu na kunusa harufu ya pesa na maafisa wazuri wawekwe barabarani kusimamisha magari na kushtaki madereva kwa haki, na sio kwa sababu hawajapatiwa Ksh200. Ni sisi wenyewe kama serikali tupange mambo, siyo masuala ya madereva. Ikiwa dereva amefanya ajali mara ya kwanza na kushtakiwa, akifanya mara ya pili basi ako na doa. Leseni yake ichukuliwe. Sio kuamka na kusema madereva watarudi mafunzo. Sio wote ambao wako na matatizo.

Ningependa kuendelea zaidi, lakini Mhe. Zamzam ana maneno mazuri. Akipewa nafasi kwa muda wangu, kutakuwa kuzuri. Asante sana, Mhe. Spika wa Muda.

Spika wa Muda (Mhe. (Dkt.) Rachael Nyamai): Asante sana, Mhe. Bedzimba. Hon. Timothy Toroitich, *Member for Marakwet West*.

Hon. Timothy Kipchumba (Marakwet West, Independent): Thank you, Hon. Temporary Speaker, for giving me an opportunity to contribute to this important Motion. From the outset, I wish to thank Hon. Oscar Nabalindo for such a precedent-setting Motion to discuss the safety of roads in Kenya. It is very unfortunate that we lose too many people in this country through road accidents. This can be attributed to very many factors. One of the issues is road designs. There are roads where culverts are not complete. There are also areas with no proper drainage. The Ministry should ensure that the design of roads meets the needed threshold.

What kills this country is corruption. There are too many pieces of legislation. I have had the advantage of practising in the courts. The Traffic Act (Cap 403) is explicit in terms of the provisions on traffic offences. There are various statutes that regulate traffic in this country. There are too many regulations, rules and guidelines. What lacks in this country is enforcement. It is wrong to blame the Cabinet Secretary for Transport and Infrastructure because there are too many enforcement officers that the laws in this country provides for. There are traffic officers on our roads. It is about corruption. Police officers all over the country have been requesting for transfers. Most of them want to be placed on roads as traffic officers. The reason for that is because they want to corrupt their ways to get quick money but they do not enforce the laws in place.

The other weak link is our courts. There are allegations of massive corruption when it comes to prosecution of traffic offenders in our country. Some people find ways to be given penalties that are not provided for in law. As a House, we need to consider amending existing laws. There is an offence in this country called causing death by careless driving, which provides for certain penal consequences. Some of those penal consequences need to be reviewed. If, for example, someone has caused death by careless driving and you give a fine of Ksh10,000, that is something we have to look at as a House. This House is a law-making body. We must sit down and review traffic laws in this country and ensure that we provide penalties that can set an example to others who want to commit traffic offences.

Finally, accidents in this country could be attributed to individuals. It goes to our morality as a nation. There are certain moral values that we uphold. There are certain decent acts that guide us and that we should abide by on the roads. For example, on the issue of obstruction, why should you overlap? It is an issue of morality. There is no school on morality. Morals are inherent values that individuals must have so that they can behave in a manner that respects other road users. In as much as we wish to blame other authorities, we should have conscience on the roads. Relevant stakeholders should also enforce the laws on our roads.

Thank you, Hon. Temporary Speaker.

The Temporary Speaker (Hon. (Dr) Rachael Nyamai): Thank you very much. Hon. (Dr.) Nyikal, if you speak for two minutes, Hon. Saney will have a chance.

Hon. (Dr) James Nyikal (Seme, ODM): Thank you, Hon. Temporary Speaker, for giving me this opportunity. This is a problem of a big magnitude. The problem is that we approach things with knee-jerk reaction. We do not do analysis of what causes the problems to know whether it is road structures and road signs, vehicle failure, unroadworthy vehicles, human error such as drunk-driving, speeding, or poor eyesight. We should do that and then use it to implement planned enforcement, not suddenly seeing people on the roads when something happens. We need to analyse why accidents happen. Indeed, that is how people learn. If analysis is done regularly according to the law and offenders imprisoned, people will follow the law. But, if we wait until something happens and we do not even know the root causes, nothing will happen.

With that, Hon. Temporary Speaker, I support the Motion. I would ask that we analyse why things happen.

The Temporary Speaker (Hon. (Dr) Rachael Nyamai): Hon. Saney, the Member for Wajir North.

Hon. Ibrahim Saney (Wajir North, UDA): Thank you, Hon. Temporary Speaker. Vehicular accidents are a serious concern nationally. Fatalities arising from road carnage far surpass fatalities from Covid-19, terrorist attacks and other causes of death in this country. It is nearly the number one killer in Kenya. In recognition of this concern, the President today launched the National Road Safety Action Plan to kick-start national campaigns towards road safety.

After the Islamic noon prayers, I will be going to Langata Cemetery to, at least, participate in the burial of a person we lost yesterday in an accident between Nakuru and Langata. That is the extent to which Kenyan households are devastated by road accidents. The current situation we are enmeshed in is a result of very many factors. First, do we have the laws? I believe we have comprehensive laws. We are in a situation where we cannot enforce the laws. It is about enforcement. We have the laws; it would be better if all concerned sectors participate in making sure that our laws are implemented accordingly. It is not a one-man affair. Road safety is a societal issue. Do we observe safety measures on our roads from the drivers, pedestrians and all users? It calls upon all Kenyans to check on their behaviours so that we are sensitive to road safety.

Further, it is about this new and major concern – the use of motorbikes on our roads. Do we have the right engineering to accommodate motorcycles? How are they managed in terms of licensing? Who has a database that can, at least, show that a particular motorbike comes from Wajir North and it is traversing the northern part of the nation and somebody can be answerable for it?

The Temporary Speaker (Hon. (Dr) Rachael Nyamai): Thank you, Hon. Members. I can see lots of interest. Hon. Dawood, Hon. Zamzam, Hon. Ombaka, Hon. Okuome, Hon. Eve Obara and Hon. Patrick Munene, the time is up.

ADJOURNMENT

The Temporary Speaker (Hon. (Dr) Rachael Nyamai): Hon. Members, let us be upstanding. The time being 1.00 p.m., this House stands adjourned until this afternoon, at 2.30 p.m.

The House rose at 1.00 p.m.

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