

PARLIAMENT OF KENYA

THE SENATE

THE HANSARD

Thursday, 27th February, 2025

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

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

PRAYER

DETERMINATION OF QUORUM AT COMMENCEMENT OF SITTING

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

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

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

(The Quorum Bell was rung)

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

The Speaker (Hon. Kingi): Hon. Senators, I am informed that we do have quorum now. So, we will straightaway go to the Order Paper.

Clerk, proceed to call the first Order.

The Senate Majority Leader.

PAPERS LAID

REPORTS OF THE AUDITOR-GENERAL ON FINANCIAL STATEMENTS OF VARIOUS ENTITIES

Sen. (Dr.) Khalwale: Mr. Speaker, Sir, I beg to lay the following Papers on the Table of this Senate; today, the 27th February, 2025.

Report of the Auditor General on Financial Statements of the County Executive of Isiolo for the year ended 30th June, 2024;

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Report of the Auditor General on Financial Statements of the County Assembly of Isiolo for the year ended 30th June, 2024;

Report of the Auditor General on Financial Statements of the County Revenue Fund - County Government of Isiolo for the year ended 30th June, 2024;

Report of the Auditor General on Financial Statements of the Receiver of Revenue - Revenue Statements - County Government of Isiolo for the year ended 30th June, 2024;

Report of the Auditor General on Financial Statements of Isiolo County Assembly Mortgage and Car Loan Scheme Fund for the year ended 30th June, 2024;

Report of the Auditor General on Financial Statements of Isiolo County Education Bursary Fund for the year ended 30th June, 2024;

Report of the Auditor General on Financial Statements of Isiolo County Emergency Fund for the year ended 30th June, 2022;

Report of the Auditor General on Financial Statements of Isiolo County Emergency Fund for the year ended 30th June, 2023;

Report of the Auditor General on Financial Statements of Isiolo County Emergency Fund for the year ended 30th June, 2024;

Report of the Auditor General on Financial Statements of Isiolo Financing Locally Led-Climate Action (FLLOCA) Fund for the year ended 30th June, 2024;

Report of the Auditor General on Financial Statements of Isiolo County Referral Hospital for the year ended 30th June, 2023;

Report of the Auditor General on Financial Statements of Isiolo County Referral Hospital for the year ended 30th June, 2024;

Report of the Auditor General on Financial Statements of Isiolo Water and Sewerage Company Limited for the year ended 30th June, 2024;

Report of the Auditor General on Financial Statements of the County Executive of Tharaka-Nithi for the year ended 30th June, 2024;

Report of the Auditor General on Financial Statements of the County Assembly of Tharaka-Nithi for the year ended 30th June, 2024;

Report of the Auditor General on Financial Statements of the County Revenue Fund - County Government of Tharaka-Nithi for the year ended 30th June, 2024;

Report of the Auditor General on Financial Statements of the Receiver of Revenue - Revenue Statements - County Government of Tharaka-Nithi for the year ended 30th June, 2024;

Report of the Auditor General on Financial Statements of Tharaka-Nithi County Assembly Mortgage and Car Loan Fund for the year ended 30th June, 2024;

Report of the Auditor General on Financial Statements of Tharaka-Nithi County Executive Staff Mortgage and Car Loan Scheme Fund for the year ended 30th June, 2024;

Report of the Auditor General on Financial Statements of Tharaka-Nithi County Youth Empowerment Fund for the year ended 30th June, 2024;

Report of the Auditor General on Financial Statements of Tharaka-Nithi County Emergency Fund for the year ended 30th June, 2024;

Report of the Auditor General on Financial Statements of Tharaka-Nithi County Bursary Development Fund for the year ended 30th June, 2024;

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Report of the Auditor General on Financial Statements of Tharaka-Nithi County Climate Change Fund for the year ended 30th June, 2024;

Report of the Auditor General on Financial Statements of Municipality of Kathwana – County Government of Tharaka-Nithi for the year ended 30th June, 2024;

Report of the Auditor General on Financial Statements of Nithi Water and Sanitation Services Company Limited for the year ended 30th June, 2024;

Report of the Auditor General on Financial Statements of the County Executive of Kirinyaga for the year ended 30th June, 2024;

Report of the Auditor General on Financial Statements of the County Assembly of Kirinyaga for the year ended 30th June, 2024;

Report of the Auditor General on Financial Statements of the County Revenue Fund - County Government of Kirinyaga for the year ended 30th June, 2024;

Report of the Auditor General on Financial Statements of the Receiver of Revenue - County Government of Kirinyaga for the year ended 30th June, 2024;

Report of the Auditor General on Financial Statements of Kirinyaga County Assembly Mortgage Fund for the year ended 30th June, 2024;

Report of the Auditor General on Financial Statements of Kirinyaga County Assembly Car Loan Fund for the year ended 30th June, 2024;

Report of the Auditor General on Financial Statements of Kirinyaga County Emergency Fund for the year ended 30th June, 2024;

Report of the Auditor General on Financial Statements of Kirinyaga County Education Bursary Fund for the year ended 30th June, 2024;

Report of the Auditor General on Financial Statements of Kirinyaga County Executive Staff Mortgage Scheme Fund for the year ended 30th June, 2024;

Report of the Auditor General on Financial Statements of Kirinyaga County Executive Staff Car Loan Scheme Fund for the year ended 30th June, 2024;

Report of the Auditor General on Financial Statements of the County Alcoholic Drinks Control Fund – County Government of Kirinyaga for the year ended 30th June, 2024;

Report of the Auditor General on Financial Statements of Kirinyaga County Investment and Development Authority for the year ended 30th June, 2024;

Report of the Auditor General on Financial Statements of Kirinyaga County Climate Change Fund for the fourteen (14) months' period for the year ended 30th June, 2024;

Report of the Auditor General on Financial Statements of Kerugoya/Kutus Municipality for the year ended 30th June, 2023;

Report of the Auditor General on Financial Statements of Kerugoya/Kutus Municipality for the year ended 30th June, 2024;

Report of the Auditor General on Financial Statements of Kirinyaga County Water and Sanitation PLC for the year ended 30th June, 2024.

Thank you, Mr. Speaker, and I do lay all those papers.

(Sen. (Dr) Khalwale laid the documents on the Table)

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The Speaker (Hon. Kingi): Statements pursuant to Standing Order No. 53(1).
The Senator for Marsabit County, Sen. Mohamed Chute.

QUESTIONS AND STATEMENTS.

STATEMENTS

OUTBREAK OF KALA-AZAR IN MARSABIT COUNTY

Sen. Chute: Thank you very much, Mr. Speaker, Sir. I have a Statement on the outbreak of Kala-azar in Marsabit County.

Mr. Speaker, Sir, I rise pursuant to Standing Order No. 53 (1) to seek a Statement from the Standing Committee on Health regarding the outbreak of Kala-azar, also known as Visceral Leishmaniasis in Marsabit County. The outbreak has sparked serious public health concerns about Kala-azar. If left untreated or not treated properly, causes severe organ damage and is fatal in over 95 per cent of its cases. This is according to the World Health Organisation (WHO).

In the Statement, the Committee should-

(1) Provide details of the outbreak of Kala-azar in Marsabit County, specifying when the first case was reported, the total number of reported cases, and the affected areas.

(2) Outline actions taken to control further spread of disease, including details of the medical equipment, supplies and personnel deployed in response to the outbreak, stating whether the county government of Marsabit has made a request to the national Government for additional resources and if so, whether the request has been fulfilled.

(3) Disclose the budgetary allocation by the national on the county government for initiatives to address the outbreak, indicating whether the allocations are contained in the previously approved budgets or were allocated on an emergency basis.

(4) Provide details on any foreign donor support received in support of the initiatives to counter the outbreak.

(5) State whether there are plans to undertake fumigation in the affected areas, as it is the most effective control measures, and if so, provide a timeline for the same.

Thank you, Mr. Speaker, Sir.

The Speaker (Sen. Kingi): Now, upon request by the Senator for Taita-Taveta, Statements No.2 and 3 are hereby deferred.

STATUS OF STATUTORY DEDUCTIONS FOR EMPLOYEES OF TAITA-TAVETA COUNTY GOVERNMENT

UTILISATION OF NG-CDF BY CONSTITUENCIES IN TAITA-TAVETA COUNTY

(Statements deferred)

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We go to Statement No.4. The hon. Senator for Kisumu County, Sen. (Prof) Tom Ojienda.

Sen. Faki: Mr. Speaker, Sir, I am standing in for Sen. (Prof) Tom Ojienda. He has two Statements.

STATE OF THE JUDICIARY

Mr. Speaker, Sir, I rise pursuant to Standing Order No.53 (1), to seek a Statement from the Standing Committee on Justice, Legal Affairs and Human Rights (JLACHR), regarding the state of the Judiciary in light of the ongoing conflict between the Judiciary and legal professionals.

Mr. Speaker, Sir, recent developments have cast a spotlight on the strained relationship between the Judiciary and legal professionals, with concerns being raised regarding the state of the Judiciary and the efficiency of the Judicial Service Commission (JSC) in promoting and facilitating judicial independence and accountability and in exercising disciplinary control over judicial officers.

In the Statement, the Committee should:-

(1) Explain the underlying causes of the ongoing conflict between the Judiciary and legal professionals, stating whether the conflict stems from judicial overreach, lawyer misconduct, inefficiency or failure in regulatory oversight.

(2) Provide us a report on all previous processes for the removal of Judges from office, specifying the grounds for removal in each case and stating whether the procedural steps followed by the JSC, complied with the provisions of Article 168 of the Constitution.

(3) Evaluate the legality of the timeframe for resolution of complaints against Judges and judicial officers by the JSC.

(4) State whether the Commission has adequate resources, mechanisms and structural frameworks to ensure timely and effective handling of such complaints and, if not, disclose the gaps and the plans in place to address them; and

(5) Outline the role of the Standing Committee on Justice and Legal Affairs and Human Rights in enhancing judicial efficiency, transparency and accountability.

I thank you.

RECENT DATA BREACH AFFECTING BUSINESS REGISTRATION SERVICE PLATFORM

Sen. Faki: Mr. Speaker, Sir, I stand pursuant to Standing Order No.53 (1), to seek a Statement from the Standing Committee on Information, Communication and Technology, regarding the unauthorised access by third parties to personal and company information in the Business Registration Service (BRS) platform, on e-Citizen on or around 31st January, 2025.

In the Statement, the Committee should-

(1) Indicate when the Government first became aware of the unauthorised access by third parties to personal and company information contained on the BRS e-Citizen

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platform on or around 31st January, 2025 in contravention of Section 25 of the Data Protection Act 2019, outlining any immediate containment measures implemented to address the data breach.

(2) Provide a status update on investigations into the matter disclosing-

(a) the nature and extent of data breach, including the number of affected individuals and companies;

(b) vulnerabilities of the information management system that were identified to have been exploited, contrary to Section 26 of the Act; and

(c) individuals or entities responsible for the data breach, including the legal or administrative actions taken against them;

(3) Outline measures put in place to mitigate the risks of identity theft and fraud arising from the data breach, stating whether the affected individuals and companies were notified of the breach.

(4) Explain actions taken by the Government to strengthen the security protocols of its public digital platforms, including e-Citizen, to prevent similar breaches in the future.

(5) State whether the Data Protection Commissioner has initiated enforcement actions in response to the data breach, and if so, outline the recommendations that have been made to improve data security.

I thank you.

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

DISTRIBUTION OF DRUGS BY KEMSA TO COUNTY PUBLIC HEALTH FACILITIES

Sen. Olekina: Thank you, Mr. Speaker, Sir. I rise pursuant to Standing Order No.53 (1), to seek a Statement from the Standing Committee on Health regarding the distribution of drugs by the Kenya Medical Suppliers Authority, (KEMSA), to county public health facilities.

In the Statement, the Committee should-

(1) Table a list of all the drugs manufacturers licenced by the Pharmacy and Poisons Board and drugs procured by KEMSA for resale to county governments.

(2) Explain how KEMSA tracked drugs from manufacturers to KEMSA warehouses and onwards to county public health facilities, outlining measures put in place to ensure last-mile distribution of the drug to all county public health facilities.

(3) Provide details on the enterprise resource planning software currently in use at KEMSA, disclosing its vendors.

(4) Explain how drugs supplied to KEMSA on credit by suppliers are guaranteed and how for instances of failure by county government to pay on time are addressed.

(5) Provide information on how KEMSA plans to address the outstanding pending bills without disrupting drug supplies, stating whether KEMSA can consider maintaining ownership of drug inventories with the suppliers until they are sold to county government to help address pending bills and ensure that the authority is never left with unsold stocks of drugs.

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I thank you.

The Speaker (Hon. Kingi): Hon. Senators, before I allow comments on those Statements, let me allow the Senate Majority Leader to read his Statement.

Sen. Boni, are you representing the Senate Majority Leader?

Sen. (Dr.) Khalwale: Yes.

The Speaker (Hon. Kingi): Proceed to make your Statement pursuant to Standing Order No.57 (1).

BUSINESS FOR THE WEEK COMMENCING
TUESDAY, 4TH MARCH, 2025

Sen. (Dr.) Khalwale: Thank you, Mr. Speaker, Sir. I rise to represent the Leader of the Majority, on the Statement by the Senate Majority Leader on the business of the Senate for the commencing 4th March, 2025, pursuant to Standing Order No.57 (1).

Mr. Speaker, Sir, the legislative business pending before the Senate is as follows – 53 Bills, of which 41 are at the Second Stage Reading, 12 are at the Committee of the Whole, 33 Motions are pending conclusion, 24 Petitions are pending conclusion, out of which 17 are due for the reporting by the respective Standing Committees and 483 Statements pursuant to Standing Order No.53 (1) are pending conclusion.

Mr. Speaker, Sir, on Tuesday, 4th March, 2025, the Senate Business Committee (SBC) will meet to consider the business for the week. The tentative business for that day will include business not concluded from today's Order Paper, as well as the business indicated in the Notice Paper.

Mr. Speaker, Sir, the tentative business for the morning sitting of 5th March, Wednesday, 2025, will include the scheduled questions to Cabinet Secretaries as approved by the SBC, as well as Motions. The Questions include the following –

(a) Question No.003 to the Cabinet Secretary for Interior and National Administration by Hon. Mohammed Chute, M.P.

(b) Question No.006 to the Cabinet Secretary for Interior and National Administration by Sen. Hamida Kibwana, M.P.

(c) Question No.012 to the Cabinet Secretary for Interior and National Administration by Sen. James Murango, M.P.

(d) Question No.020 to the Cabinet Secretary for Interior and National Administration by Sen. Danson Mungatana, M.G.H., M.P.

(e) Question No.021 to the Cabinet Secretary for Interior and National Administration by Sen. Beatrice Ogola, M.P.

(f) Question No.027 to the Cabinet Secretary for Interior and National Administration by Sen. James Lomenen, M.P.

(g) Question No.011 to the Cabinet Secretary for Labour and Social Protection by Sen. Catherine Mumma, M.P.

(h) Question No.019 to the Cabinet Secretary for Labour and Social Protection by Sen. James Murango, M.P.

(i) Question No.015 to the Cabinet Secretary for the National Treasury and Economic Planning by Sen. Kathuri Murungi, M.G.H., M.P.

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(j) Question No.025 to the Cabinet Secretary for the National Treasury and Economic Planning by Sen. (Dr.) Boni Khalwale, C.B.S., M.P.

Mr. Speaker, Sir, the tentative Business for the Afternoon Sitting on Wednesday, 5th, March 25th, will include Business not concluded from the Order Paper on Tuesday, the 4th March, 2025, and the following Businesses.

- (a) Bills at the second stage reading-
 - (1) The County Statistics Bill (Senate Bill No.5 of 2024).
 - (2) The Statutory Instruments Amendment Bill (Senate Bills No. 10 of 2024).
 - (3) The Public Finance Management Amendment Bill (Senate Bills No. 27 of 2024).
 - (4) The County Government's State Officer's Removal from Office Procedure Bill (Senate Bills No.34 of 2024).
 - (5) The Creative Economy Support Bill (Senate Bills No. 30 of 2024).
 - (6) The Livestock Protection and Sustainability Bill (Senate Bills No. 32 of 2024).
 - (7) The County Government's Amendment Bill (Senate Bills No. 39 of 2024).
 - (8) The County Library Services Bill (Senate Bills No. 40 of 2024).
 - (9) The Labour Migration and Management No.2Bill (Senate Bills No. 42 Of 2024).

There is also the Business that is in the Committee of the Whole. This includes-

- (1) The Early Childhood Education Amendment Bill (Senate Bills No. 54 of 2023).
- (2) The County Public Finance Laws Amendment Bill (Senate Bills No. 39 of 2023).
- (3) The County Government's Elections Laws Amendment Bill (Senate Bills No.2 of 2024).
- (4) The County Assembly Services Amendment Bill (Senate Bills No. 34 of 2023).
- (5) The Street Vendors Protection of Livelihood Bill (Senate Bills No. 41 of 2023).
- (6) The Local Content Bill (Senate Bills No.50 of 2023).
- (7) The Land Amendment Bill (National Assembly Bills No.40 of 2022).
- (8) The Cooperative Societies Amendment Bill (Senate Bills No. 53 of 2023).

Mr. Speaker, Sir, we also have the Business on Motions. These include-

- (1) The Report of The County Public Investments and Special Funds Committee on the Consideration of the Audit Reports of the County Hospitals for Financial Year 2021/2022.

- (2) Reports of the County Public Investments and Special Funds Committee on the Consideration of the Audit Reports of The Municipalities for Financial Years 2020/2021, 2021/2022, and 2022/2023.

Mr. Speaker, Sir, the tentative Business for the Morning Sitting on Wednesday, the 5th March, 2025 will include the scheduled Questions to Cabinet Secretaries as

approved by the Senate Business Committee, as well as Motions. The scheduled Questions will include the following-

(1) Question No.3 to Cabinet Secretary for Interior and National Administration by Sen. Mohamad Chute, MP.

(2) Question No.6 to the Cabinet Secretary for Interior and National Administration by Sen. Hamida Kibwana, MP.

(3) Question No.12 to the Cabinet Secretary for Interior and National Administration by Sen. James Murango, MP.

(4) Question No.20 to the Cabinet Secretary for Interior and National Administration by Sen. Johnson Mungatana MGH, MP.

(5) Question No. 21 to the Cabinet Secretary for interior and National Administration by Sen. Beatrice Ogola.

(6) Question No. 27 to the Cabinet Secretary for Interior and National Administration by Sen. James Lomenen MP.

(7) Question No. 11 to the Cabinet Secretary for Labor and Social Protection by Sen. Catherine Mumma, MP.

(8) Question No 19 to the Cabinet Secretary for Labor and Social Protection by Sen. James Murango, MP.

(9) Question 15 to the Cabinet Secretary for The National Treasury and Economic Planning by Sen. Kathuri Murungi MGH, MP.

(10) Question No. 25 to the Cabinet Secretary for National Treasury and Economic Planning by The Sen. (Dr.) Bonnie Khalwale, CBS, MP.

Mr. Speaker, Sir, the tentative Business for the Afternoon Sitting on Wednesday, 5th March, 2025 will include Business not concluded from the Order Paper for Thursday, 4th, March, 2025 and the following-

(a) Bills at the Second Reading stage-

(1) The County Statistics Bill (Senate Bills No. 5 of 2024).

(2) The Statutory Instruments Amendment Bill (Senate Bills No. 10 of 2024)-

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The Speaker (Hon. Kingi): Sen. Boni, you are repeating yourself. You have read that particular part of the Statement, unless you are supposed to read it twice.

Sen. (Dr.) Khalwale): Mr. Speaker, Sir, this is not my document. I am reading it as prepared by the Senate Majority Leader. So, please, it is your pleasure to caution him not to be repeating himself.

The Speaker (Hon. Kingi): Please, approach the clerks.

(Sen. (Dr.) Khalwale consulted the Clerks-at-the-Table)

Sen. (Dr.) Khalwale): Mr. Speaker, Sir, after consultation with the Clerks-at-the-Table, they have offered their apology.

Mr. Speaker, Sir, in conclusion, the projected Business on Thursday, 6th March, 2025 will include Business not concluded in the Order Paper for Wednesday, 5th March, 2025 and any other Business scheduled by the Senate Business Committee.

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Mr. Speaker, Sir, I thank you and hereby lay the said Statement on the Table of the Senate.

Thank you, Mr. Speaker, Sir, with apologies.

The Speaker (Hon. Kingi): I will allow comments for 15 minutes on the Statements that have been sought, starting with Sen. Chute.

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

I rise in support of the Statement by the hon. Senator from Narok County.

Hon. Speaker, Sir, I would like to first of all congratulate the current Chief Executive Officer (CEO) who comes from Marsabit County, Dr. Waqo Ejersa, who since recently is now in charge of the Kenya Medical Supplies Authority (KEMSA).

Hon. Speaker, Sir, recently in Marsabit County we received drugs worth Kshs45 million, thanks to KEMSA. I am really very grateful, but the problem that KEMSA has is tracking of those medicines.

What Sen. Ledama is trying to bring to the House is, from the factory to KEMSA and from KEMSA to the county headquarters, then from the county headquarters to the district hospitals, health centers and dispensaries. That is where we have a big problem. Therefore, we need to have a situation where from the factory up to the user point, the medicines or drugs are being monitored. Currently in our counties, drugs are being sold to chemists around town.

Mr. Speaker, Sir, if you go to hospitals, health centres and dispensaries in most counties, you do not find anything, even Panadol. Monitoring is the biggest problem we are facing in the distribution of drugs to our countries.

I suggest the Committee should look at the formation of committees from KEMSA up to the level of dispensaries so that the drugs can be monitored. If the drugs are delivered to a specific institution, the committees should know.

They should verify the type of drug and when it is prescribed, prescription is for the whole week and how much is left in the store. If you do not have this kind of monitoring, then the supply of medicine will continue to be a problem.

There are pending bills in terms of billions of shillings, payable to KEMSA. I would want the Standing Committee on Health to ascertain what counties have what pending bills and why they have them.

If you look at the Level 4 hospitals, the patients pay for the drugs that are prescribed. So, why should we have hospitals or counties not paying their dues to KEMSA?

Finally, the Committee should look at the pending bills to determine how long they have been there. Some are for three or four years. Why should it be there? They should have been paid and drugs collected. If they do not pay, how is KEMSA going to manage the outstanding pending bills, which are supposed to be paid by the counties?

What Sen. Olekina is trying to do is monitor what is happening from the factory up to the end user. He has also said something very important- KEMSA normally delivers drugs to the destination, to the last mile.

If they are delivering to the last mile, somebody at the last mile should know that what has left the factory through the KEMSA office has reached the last mile. That is the monitoring he is asking for. That way, value for money will be achieved.

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The Speaker (Hon. Kingi): Sen. Faki, you may proceed.

Sen. Faki: Asante Bw. Spika kwa kunipa fursa hii. Ningependa kuchangia Taarifa kuhusiana na mambo ya mahakama ambayo imeletwa na Sen. (Prof.) Ojienda.

Kumeingia mtafaruko katika Tume ya Mahakama kutokana na kesi ambazo zimepelekwa mahakamani na Majaji wa Mahakama ya Upeo (Supreme Court) ambayo inahusiana na masuala ya hatua za nidhamu ambazo zilikuwa zichukuliwe na Tume Uajiri wa Majaji.

Ni masikitiko kuwa Jaji Mkuu pia ameenda mahakamani kuzuia Tume ambayo anaiongoza kuchukua hatua za kinidhamu kuhusiana na madai ambayo yameletwa kwa Tume hiyo na baadhi ya mawakili wakuu katika nchi hii yetu ya Kenya.

Sio jambo la sawa kwamba kiongozi wa Tume anapeleka kesi mbele ya majaji ambao wanaajiriwa na Tume hiyo. Ijapokuwa majaji wanao kinga ya kikazi, inakuwa sio sawa kwa sababu majaji wale wanamuangalia Jaji Mkuu kama mtu ambaye ni kiongozi wao. Na labda hawawezi kutoa amri ambayo ni kinyume na maombi ya Jaji Mkuu.

Masuala haya ni mazito na ninafikiria itataka kamati husika ya Sheria na Haki za Binadamu kulivalia njuga suala hili kwa haraka kwa sababu, ni jambo ambalo litaweza kupunguza imani ya wananchi katika mahakama zetu.

Ikiwa mtu ana tuhuma ya kwamba jaji fulani ameamua ama amepokea hongo ama amefanya mambo kinyume na maadili ya kikazi, ni muhimu masuala hayo yachunguzwe kwa haraka ili uamuzi uweze kupatikana.

Itakuwa sio sawa jaji yule aendeleo kuhudumu wakati tume inavuruta miguu kusikiliza madai yale na kuamuru kwamba hakuna mashtaka ama pengine mashtaka yapo na watoe mapendekezo kwa Rais aweze kuweka tume ambayo itaweza kuchunguza jaji yule kwa haraka iwezekanavyo.

Haya masuala ambayo yako sasa, yanapunguza imani ya wananchi katika mahakama zetu. Kwa hivyo yanafaa yachunguzwe kwa haraka na Kamati yetu ya Sheria na Haki za Binadamu ili iweze kujulikana usawa uko pahali gani.

Asante sana Bw. Spika.

The Speaker (Hon. Kingi): Sen. Veronica Maina, you may proceed.

Sen. Veronica Maina: Mr. Speaker, Sir, I rise in support of the Statement that has been brought to this House by Sen. Ledama Olekina seeking some answers to the question of how KEMSA is rolling out its programme and the provision of drugs that are being used in the counties.

The time has now come. I encourage the Standing Committee on Health when they are working on this Statement to ensure that the system that is being run by KEMSA is open and accountable. The procurement process is something that can be explained to Kenya starting from the whole supply chain of drugs. From when KEMSA procures these drugs up to the time when they are taken to the counties and distributed to the health centres.

It is unfortunate that when you go to the county, you will find many health centres do not have drugs. It becomes very embarrassing when you go down to those health centres in the villages and find that even simple medicine that could assist the citizens is not available.

What is the inventory management system that is being used by KEMSA? This is something that must be investigated.

Mr. Speaker, Sir, you were not here yesterday. The Cabinet Secretary for Health was before this House and did not respond satisfactorily to many of the queries she answered in respect to the Social Health Authority (SHA), starting from the genesis of how contributions are being made, and the repayment of the debt that is outstanding. Now, we have the KEMSA debt which remains unpaid even by counties and then, we have the debt that was accrued by the National Hospital Insurance Fund (NHIF).

If you listened to the deep questions that are coming within the healthcare system, it seems that work is cut out for the Standing Committee on Health as they look at the statement and the question of SHA. If the healthcare system fails a nation, then which other system would we say is working properly within our republic?

So, I would urge the Standing Committee on Health to ensure that when they bring a report on this Statement, we can see a whole audit of all the counties. Let us name and shame counties that are not willing to give basic services to wananchi down there.

We need to stop answering the same question of why hospitals do not have even Panadol; why hospitals do not have basic emergency care for people who could even be rescued and saved. We are risking the lives of Kenyans.

I would like to ask the Standing Committee on Health when they sit on this, to check the Order Management System within KEMSA. Ensure they are presenting a system that is foolproof and one that closes out any form of corruption. This is so that if we require medication going down to the health centres, we stop having people at the top level diverting funds that are intended to fund healthcare system within our nation.

So, I support that Statement coming from Sen. Ledama Olekina. This is a question that we must be very serious about.

Mr. Speaker, Sir, by the time we are done with our five-year tenure, we should be able to account what we have done as a Senate to improve the health care, water system and ensure that basic provisions that are supposed to go to Kenyans are delivered without further delay, excuses and explanations. Let officers seated in Government offices ensure that they take accountability for their office. Let them get the right thing done and deliver Article 43 of the Constitution to Kenyans. That is what we are looking for. The President is also looking for that. He is not looking for workers who are explaining things everyday.

Mr. Speaker, Sir, we need those issues fixed under the Social Health Authority (SHA) and the three funds that are supposed to come under the new health care system. If there is a debt that needs to be restructured in National Health Insurance Fund (NHIF), let it be restructured. Kenyans do not care what you do with the systems, processes and how you review the workforce and human resource capital. All they care for is an adequate service delivery that renders service to *mwananchi*.

Many of us were raised in situations where we only went to Government hospitals. We never saw private hospitals until we were this age, where we have now seen the Aga Khan and Nairobi Hospital. All of us have gone through the Level 1 and 2 hospitals and public institutions and they must be made to work. It is our work as an oversight organ to ensure that they work.

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I thank you.

The Speaker (Hon. Kingi): Sen. Eddie, proceed.

Sen. Oketch Gicheru: Mr. Speaker, Sir, we always seen serious innovation going on in the private sector to the extent that when you see it in legislative houses like where we are, you get very proud, especially when you come from a technology background like me. I get happy when I see a legislature like what Sen. Ledama Olekina has proposed here. This is a brilliant idea that will deal with a serious crisis we have in this nation; the management and the delivery of drugs to our people.

How KEMSA currently works is very simple, but inefficient and ineffective. Currently, KEMSA has a contract with manufacturers of drugs and pharmaceutical companies, where it buys drugs from them on credit. The terms of the credit it gets from these pharmaceutical companies ranges between 90 to 120 days. Once KEMSA has bought the drugs from these companies on credit, it then sells them on credit to county governments as well as national institutions, such as the referral hospitals we have in the country. That credit for KEMSA is dependent on the Exchequer releases.

Mr. Speaker, Sir, you know very well that Exchequer problems in this country sometimes span beyond the gap of 90 to 120 days. We have sometimes seen the days of funds going to even six months without paying people. Some county governments receive their monies when they are just in time to close a financial year, to the extent that absorption becomes a problem.

This problem means two things. Number one, once KEMSA has bought the drugs from the manufacturers, it takes the ownership. If a drug is going to expire, and sometimes even some medical equipment like what we saw with masks during the COVID-19 pandemic period, they expire under the ownership of KEMSA and not the manufacturers or pharmaceutical companies. What will KEMSA do in a marketplace? KEMSA will then take those nearly expiring drugs and equipment and donate them to different county governments because they are risking their portfolio.

What is Sen. Ledama proposing here? He is proposing that through this enterprise resource planning software, we create a marketplace with a warehouse to store and list the drugs that manufacturers have. I do not believe that KEMSA has one currently and Sen. Ledama should sit in that Committee and propose this strongly.

Once you list them, manufacturers take the ownership of the drugs and KEMSA only facilitates the transactions on that platform. This will help with taking the ownership of drugs from KEMSA so that it lies with the manufacturer so that any kind of risk and liabilities, both for credit as well as expiration of drugs and medical equipment do not sit on KEMSA. Most importantly, it gives an avenue of such an innovative fund as SHA to facilitate counties to acquire those drugs on that platform.

The SHA, which is an authority that establishes a fund, can now fund counties directly so that hospitals can simply go to this marketplace that Sen. Ledama is creating for us as a country and choose the medicine that you need and then the payment is facilitated on that platform, just as you do with M-Pesa in other businesses that we have seen in this country. This is a very brilliant idea. Above the idea of facilitating a proper transaction that avoids risks, it also ensures there is an audit trail, where you can be able to audit and track drugs from the manufacturer all the way to the hospitals.

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This is one of the most brilliant ideas that has come from this House. I encourage the Committee to take it seriously. As a House, let us follow it through and see it come to fruition, so that one day we can have a country where access to drugs is no longer a problem because it was solved on the basis of innovation that came from this House.

I thank you, Mr. Speaker, Sir.

The Speaker (Hon. Kingi): Sen. Abass.

Sen. Abass: Thank you, Mr. Speaker, Sir. I want to contribute on the Statement by Sen. Chute, my neighbour, on the Kala-azar disease. Kala-azar is a disease whose other name is black fever. It has very high fevers like malaria and is one of the deadliest diseases found. Kala-azar occurred in Kenya not more than 15 years ago and has not been controlled up to now. It is caused by biting flies, especially during dry times. When the areas are dry and there is a lot of deforestation, the flies breed very fast. It mostly affects the young children and is a very stubborn disease. The malnourished children and people affected by HIV/AIDS cannot tolerate it.

The problem is that the controlling system in Kenya is very poor, but we need to control it. It is a recent development. It came all the way from our border areas like Somalia and Ethiopia. It has not been there for a long time in Kenya. The best thing is to control this disease so that it does not spread to the other parts of the country. It is now in the northern part and there is a need to control it. Let us use all measures to have this disease controlled. Otherwise, it is very dangerous like malaria and worse than malaria at times.

I also want to contribute to Sen. Olekina's Statement. KEMSA is doing a very wonderful job. It is able to supply this country with medicine in far-fetched areas. It delivers up to the last mile. However, it lacks a proper tracking system.

Drugs are being loaded from Nairobi all the way to the dispensaries and health centres in far-fetched areas, but are not inspected. Counties give orders, but do not have control over it. Since they deliver to the last mile areas, sometimes they deliver the wrong drugs to those places. Therefore, it is high time that KEMSA is oversighted in order to get the rightful drugs. Counties should also take responsibility for these drugs. Most of the times, the drugs are not branded and sometimes end up in the private hospitals and pharmacies.

Therefore, the counties are losing a lot of drugs as a result of theft. We need to follow up on these issues as Senators and ensure that these drugs are delivered appropriately. KEMSA should engage some drug inspectors so that they know how much of the drug reaches the people.

Thank you, Mr. Speaker, Sir.

The Speaker (Hon. Kingi): Sen. Ogola, proceed.

Sen. Ogola: Mr. Speaker, Sir, I rise to support two Statements; the one by Sen. Chute and the one by the Minority Whip, Sen. Olekina. If there is an outbreak, as Sen. Chute indicates, it should be addressed as quickly as possible.

In the past, we have seen how such diseases ravage our populations. According to Sen. Chute's description, it is a disease that causes extensive damage to internal organs. I support the urgent action needed to address that, not only in Marsabit but also in the public health directorate, which must safeguard other counties surrounding Marsabit.

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I support Sen. Olekina's Statement. Health is crucial to our population. According to the Sustainable Development Goals, every person in the world, if not in this country, is entitled to good health and well-being. Any actions or activities by KEMSA as a distributor of drugs to our health facilities must be something that we, as a House and everybody else, must pay attention to.

All we are asking for is that KEMSA needs to increase its efficiencies so that our people get drugs in time and on need. I am more concerned about this because health and women are related; issues to do with health touch on children and women more because of the kind of attention that women give to their children and the general households.

It is a common occurrence that there is a shortage of drugs in our health centres. As a House, we are concerned that our people go to hospitals, and because of inefficiencies or a lack of clear administration of drug distribution, they run to chemists or commercial outfits to buy drugs.

I support the need for KEMSA and the county governments to work efficiently and effectively to ensure the availability of drugs in our hospitals.

The Speaker (Hon. Kingi): Sen. (Dr.) Khalwale, proceed.

Sen. (Dr.) Khalwale: Thank you, Mr. Speaker, Sir. I want to laud Sen. Chute. This is a sad occurrence. As a medical expert, I can confirm to the nation that the breakout of Kala-azar is a symptom of a failed state. Kala-azar, otherwise known as Black Fever or Leishmaniasis, is a tropical illness that occurs when the health system has collapsed.

In Africa, you find it in South Sudan and Sudan. How did Kenya find itself where it is now being compared to South Sudan? This disease is so lethal that out of 20 people infected, if not rapidly attacked, 19 of them die. That is what we are leaving the people of Marsabit to undergo.

I, therefore, want to inform the Ministry that we know these things. In fact, in 2020, a vaccine against Kala-azar was developed and approved by the World Health Organisation (WHO). However, the licencing of this vaccine has not taken place in Kenya because of busybodies who want to be bribed before they can licence it, or what have you.

Let this vaccine be licenced and applied in this country. The Kenya Kwanza Government has also been successful in addressing primary health care through the stipend paid to Community Health Promoters (CHPs). That level of intervention can actually clear this disease.

What do I mean? All that the CHPs are supposed to tell the patients is to cover themselves with a piece of cloth, including a long one because the vectors that transmit these parasites are sandflies. The CHPs, with the support of the ministry - and this is why I am talking about a failed state - just spray. You spray the sand flies, and they go away.

You can use minimal cost to ensure that people sleep in protected bedrooms and where you do not have high-tech bedrooms like nets---

The Speaker (Hon. Kingi) What is your point of order, Sen. Mandago?

Sen. Mandago: Mr. Speaker, Sir, I did not wish to disrupt Sen. (Dr.) Khalwale, who is a medical expert. However, under Standing Order No.105 on Responsibility for a Statement of Fact, is the spread of Kala-azar in Marsabit a symbol of a failed state or a

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failed county? Considering that the function of health is largely devolved. Maybe some clarification.

Thank you, Mr. Speaker, Sir.

Sen. (Dr.) Khalwale: Mr. Speaker, Sir, indeed, the Chairperson of the Committee on Health is right. I should swallow my words on failed states and say a failed county compared to failed states like South Sudan and Sudan. I am professional on this matter and authoritative because these sand flies bite the patient, and the black fever parasites then target the spleen and the liver. You cannot find spleen or liver transplants anywhere in this country.

It, therefore, means once your liver is gone, your spleen is gone, you are a dead man. I am, therefore, not surprised that sometimes we get a lot of anger from the people who come from the so-called former Northern Frontier districts. It is because of this treatment.

Sen. Mandago, you should summon the Governor of Marsabit. They should tell us where they take the money that is budgeted for health. In fact, I do not know whether it is true. I do not want to be challenged, but on the grapevine here in the streets, we are being told that some of these high-rise flats that are coming up are properties of governors. Is this the case? That is what I am hearing. So, they are taking money and investing in Eastleigh and South C.

Mr. Speaker, Sir, we refuse. Our people deserve this treatment. The people in charge at KEMSA are not competent.

The policy for stocking at KEMSA deliberately ensures that drugs against tropical illnesses like Malaria, Kala-azar, and Tuberculosis (TB) are readily available.

Mr. Speaker, Sir, I know for a fact that when I was practicing medicine actively, you could go to KEMSA and the primary drug called Amphotericin, which is very cheap, would be there. If they are not stocking it, it means the blokes who have been given that job are not competent. We should stop the culture of putting people who have lost elections in charge of critical institutions like KEMSA and allow doctors and nurses to be in charge.

I thank you.

The Speaker (Hon. Kingi): Sen. Olekina, proceed.

Sen. Olekina: Mr. Speaker, Sir, let me appreciate Sen. Chute briefly for bringing an important Statement. The last time I heard of black fever was when I was looking at countries like India. That is, actually, where it originated. The disease is predominant in areas where there is no healthcare, poor nutrition and housing. What does that tell us?

I am a Member of the Committee on Health. My Chairman is also right here, that is the distinguished Senator for Uasin Gishu County. We push for money to go to county governments. Why are our people still poor in the 21st Century? Why do we have malnutrition? If you contract black fever, your cough does not end. If you get any small disease, you die.

This Statement is important because it now awakens us, as the Senate, to follow through on the money that we send to the counties. The Senate Majority Whip has clearly indicated that the money is being diverted to other things.

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We are talking about affordable housing. That should happen in areas with poor housing facilities. The parasite spreads fast because of dust. If you have poor housing facilities, it can easily kill everyone.

What is happening in our northern counties will not stop there because this parasite thrives in tropical environments. It will spread to Mombasa, Narok, Machakos and everywhere. We must take this seriously. We cannot have our population dying in the 21st Century because of black fever.

Mr. Speaker, Sir, some of us subscribe to political parties that, for many years, have been supporting poor economies. Looking forward, I want my political party to bring economic emancipation of our people. Our people must be emancipated from poverty. Very soon Kala-azar or black fever will be in Kilifi. Is that what we want for our counties?

I support Sen. Chute. I want to assure him that as a Member of the Committee on Health, together with my Chair who is here, we will investigate that. We will look at all the health facilities in Marsabit County and do a proper audit trail of the money. Before the United States of America (USA) says that the United States Agency for International Development (USAID) is taking their money, and before the Department for International Development (DFID) does the same, we should know what is at risk. This is what we were discussing this morning when we were considering the Budget Policy Statement (BPS). Additional allocations normally go to support these hospitals. Hospitals in the counties were getting a lot of money to improve their health facilities.

This House passed a law, where instead of each county developing its own Fund to enable use of Own Source Revenue (OSR), the law now allows all counties to use a Revolving Fund to improve those hospitals. Sen. Chute should have sought for an *ad hoc* committee, working closely with the Committee on Health, comprising many Senators so that we resolve that problem.

Mr. Speaker, Sir, the Senate Majority Whip has always told me that prevention is better than cure. If we do not attack the black fever, follow all the symptoms and stop it very soon, all of us will be standing here and saying we lost a relative because of black fever. Let us not wait for that.

I thank you.

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

Sen. Mandago: Mr. Speaker, Sir, firstly, let me thank Sen. (Dr.) Khalwale, the Senator for Kakamega, for educating the nation on the effects of Kala-azar if it goes unchecked.

I agree with my colleague, Sen. Olekina, that county governments must apply the money where it matters most. We would have expected the Governor of Marsabit to declare a state of emergency and ensure that he initiates prevention programmes, so that the population in the county is not further exposed to the risks that have been said.

I am also happy to note that part of the prevention of this disease is through proper housing and the Government is rolling out affordable housing programme. Sen. Chute contributed immensely in the Committee on Land, Environment and Natural Resources about affordable housing in rural areas. We thank him for that. That was foresight and it is part of what is going to prevent this.

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Mr. Speaker, Sir, allow me to also comment on the Statement by Sen. Olekina on the issue of KEMSA and distribution of drugs. Part of the challenges that we have seen in the past with KEMSA is the process of repackaging drugs when they are sent to counties after requisitions are made. That process has resulted into losses of certain quantities of drugs.

The other challenge that we have seen, which emanates from county staff in the health sector, is requisitioning of drugs that can only be prescribed by consultants or health workers in Level 1 or 2 hospitals. The current structure of distribution leaves room for pilferage of drugs.

When KEMSA sends drugs which are supposed to be prescribed by consultants directly to health facilities which have requisitioned them - in most cases, they are very expensive - they do not end up in those facilities. They are repackaged somewhere in the middle and counties lose money.

Secondly, I find a problem with that kind of distribution. Our procurement laws require that for every procurement, there should be an inspection and acceptance committee that ensures we have the right quantity and quality of what was ordered. Currently, such committees have been rendered useless because it is only health workers in the facilities who receive drugs, therefore, creating uncertainty in the quantity, quality and value for money in the counties.

I will give an example in my county when I served as governor. We had already served for five years and we used to have challenges of lack of drugs in our facilities. We got a new County Executive Committee Member (CECM), who looked at the budget for health, which was Kshs200 million per year, and she said that that money was more than enough because we did not have a sick population in Uasin Gishu. We told her that there was a problem of drugs not being available in hospitals.

We changed the system from distributing directly to our health facilities, to receiving drugs at the county headquarters. On the first day, there was a standoff between KEMSA, logistics fellows who were supplying drugs and staff in the county. They did not want the drugs to be inspected.

We discovered that for a consignment we had ordered for about Kshs70 million, what we received was worth about Kshs30 million. Therefore, even as KEMSA thinks of how drugs are going to be distributed across the country, there must be mechanisms of making sure that acceptance and inspection committees are in place, even if it means at the facility level.

Last time KEMSA appeared before the Committee on Health and informed us that they were in the process of acquiring an Enterprise Resource Planning (ERP) system.

My problem with the Enterprise Resource Planning (ERP) system that the Kenya Medical Supply Agency (KEMSA) wants to acquire is the cost. KEMSA says it wants to acquire an ERP system at the cost of Kshs1 billion. Some of us have been fortunate to work in the Information Communication Technology (ICT) sector and we know Kshs1 billion can probably buy another four ERP systems.

I think there is a problem of costing of ICT systems in Government. Probably because the sector is highly technical and we are very few experts, this cost of knowledge of ICT seems to be becoming very expensive at the expense of the actual software that is

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required. I want to urge the KEMSA Board and management to ensure that they are cost-effective and make sure that every little saving that is available in KEMSA goes to drugs, equipment and pharmaceuticals that are key in delivering Universal Health Care (UHC).

Therefore, I support the Statements by Sen. Ledama and Sen. Chute that there is a need for us as a Senate and not just as a Senate committee but also the Committee of the Whole to be involved in this process of oversighting counties.

However, I want to assure Sen. Chute that we are going to invite the Governor of Marsabit and also visit Marsabit as a Committee to ascertain the status of health facilities in that county. We will do this alongside other difficult counties like Isiolo, of course, where governors have decided that they are not answerable to anybody. We shall remind them that it is their constitutional duty and it is our constitutional responsibility to oversight.

Thank you very much, Mr. Speaker, Sir.

The Speaker (Hon. Kingi): Sen. Dullo?

Sen. Dullo: Thank you, Mr. Speaker, Sir. Let me take this opportunity also to support Statements by both Senators. I think we have to be serious and candidly tell each other that we have failed as a country as far as health services are concerned. Yesterday I was not in the House, but I saw the way the Cabinet Secretary was struggling to answer questions on SHA, which meant almost nothing. Kenyans are suffering as far as healthcare services are concerned.

We are talking about KEMSA delivery to the county referral hospitals. If you go to those counties and look at the shelves, the only drugs you can find are drugs that are not even required by the patients and are not supposed even to move. Those are the only drugs that we find on the shelves of those hospitals.

As the Senate, we always talk about committees doing this, doing that. However, I think, Sen. Mandago, having actually interacted with your committee where the Governor for Isiolo has taken your committee to court, I know you have a budget for local travel or domestic travel. You need to visit those hospitals within the counties.

Your committee should make a commitment. Now that we do not have international travels, they should visit the critical hospitals that we have in this country. The other day, I went to a hospital in Isiolo where a body was left to lie from 3.00p.m. to 9.00p.m. simply because they did not have gloves.

You can imagine the hospital officials and the Governor saying the body was brought to the casualty. How can a body be brought to the casualty? Why would a body be received at the casualty? Which law did they apply? The bodies are received at the mortuary. Of course, I know very well the mortuary for Isiolo is not working.

However, for a body to lie there from 3.00 p.m. to 9.00 p.m. and somebody is arguing Fatuma is the one who has brought that body there, surely, should I carry the body on my back and take it to the casualty? Can you imagine in that casualty room there are even kids in the next bed crying, others are unconscious, and the body is just lying there? We have said over the years that the national headquarters of Ministry of Health (MoH) should be in control of the standard of the hospitals within our counties. That is not happening.

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Mr. Speaker, Sir, you walk to the MoH and complain about certain issues within our counties, it is like the headquarters are fearing the governors. They then tell you, oh, governors will say we are interfering with the running of the hospitals. Surely, where do we run to as Kenyans? There are no drugs, there is no service delivery. You can imagine, yesterday, a lady from a place called Olonyiro in Isiolo travelled over 100 kilometres to go and get service delivery in Isiolo County Referral Hospital. She was told there were no drugs.

I had to send Kshs3,000 to buy her drugs in Isiolo. How many other patients are suffering? How many other patients, who do not have anybody to run to, are suffering? Our hospitals are actually in a pathetic situation. Leave alone county referral, the dispensaries, the sub-county hospitals, there are no deliveries that are actually safe. Women are suffering. They do not even get reproductive rights. Something needs to be done.

I request Sen. Mandago, I know you are listening to me, I know you have a budget for domestic travel. Can you sample the counties that have problems? Please, visit those counties and ensure that you have put them actually on accountability.

We cannot sit here every day and talk about this and that that are not happening in our counties. Something must be done. Somebody should be held accountable. You can imagine pending bills are not even being paid. Yet, if you look at the budget of counties, you will see that the health department is the one that is taking the chunk of the budget allocated to the counties. However, those counties do not even use that money. They do not even know where it goes.

They do not know even where the drugs are even procured. Even the Chief Officers (COs) of the procurement department, they do not know how procurement of those things are being done. We blame KEMSA but sometimes you will find that most of the counties are even buying drugs across the counter. We have to have a serious conversation as far as health care services is concerned in this country.

As Sen. Veronica was saying, most of us went to Government hospitals when we were young and even at an early age in our lives. However, today, you cannot find anything in those hospitals. There are no syringes, no panadols, no antibiotics - They are not there - yet, we are fighting always here to allocate money to the counties. I think we have to have a serious conversation as far as service delivery is concerned in the health sector.

I hope Sen. Mandago and the Committee will take a lead in this to ensure that there is sanity in health care services in our counties.

I thank you, Mr. Speaker, Sir.

The Speaker (Hon. Kingi): Sen. Wafula?

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

(Sen. Methu spoke off record)

I want to request my good friend from Nyandarua to come slowly. The mountain is quite slippery.

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(Laughter)

What is emerging here is a can of worms. I think the Committee on Health is bound to open a wardrobe of skeletons if we are committed to deal with this matter. As agreed with the Standing Committee on Health, requisitions are made by the health facilities in counties. The executives of the counties make the requisitions. However, the goods procured are totally different from what the health practitioners at the grassroots levels requested. Again, once those requisitions are changed, what they receive is totally different from what the executive requested from KEMSA.

In Bungoma, I visited a facility in Kamukuywa, Webuye East Division, Kabuchai in Kimalewa, Khasoko in Bumula and one in Kanduyi Constituency in an area called Mwikhupo. What I saw in the warehouses was shocking and perturbing. You can imagine facilities not having received medical supplies for over 10 months. When you ask, people fidget around and want to talk as if they are strangers in Jerusalem. It is prudent for this Committee, that the CECs for Health should furnish us with the details of the requisitions from the health facilities at the grassroots level and what they requested from KEMSA.

The KEMSA must also furnish us what they supplied to the counties and exactly what was sent to the specific health facilities at the grassroots level. This is why when these medicines are being received, you see trucks with a big flag, people in ties and lab coats, but only one or two boxes are opened. When you check in there, you will realise, over half of those trucks have nothing else but empty boxes. More so, people are made to celebrate and clap.

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

[The Temporary Speaker (Sen. Veronica Maina) in the Chair]

Time is up that the patient of the Republic of Kenya is confident enough to visit our health facilities because there are medicine, doctors are well enumerated, respected and the contracts given therefore by the Executive, can be documents that people can stand with and be proud of. Therefore, I want to concur with Hon. Members that it is a collective responsibility that every Senator wherever we come from, we keep check stock of what is happening across the country.

I want to also support the Statement by Hon. Chute about this black fever. It is quite shocking that it takes a Senator to come here and yet we have an executive, directors, a governor, Ward representatives and administrators in that county. Why are we paying them salaries if they cannot stand up and blow the whistle that things are not going in the right direction?

We have to turn around this country and not only by speaking. I want to request the leadership of the Senate to allocate more resources to Committees that are hands-on, reach out to Kenyans and that deal with the backbone of health, food, and security in this country. This is why this year, yours truly, the Senator for Bungoma, is equally inviting the Committee on Health to come, because the people of Bungoma pay taxes and expect

better services. When we speak, people must listen and not only listening, they must understand that there must be value for money for the people of Kenya. I thank you.

The Temporary Speaker (Sen. Veronica Maina): Proceed, Sen. Methu.

Sen. Methu: Thank you, Madam Temporary Speaker. Finally, I have been waiting because I want to make my comment. If you indulge me, Madam Temporary Speaker, I also want to thank you very much for leading us and the team from the Senate for the prayers that we had at Sen. Cheptumo's home. You have a lot of compassion and you led us well. You also led us when we went for his memorial earlier today at the Africa Inland Church (AIC), Milimani.

Madam Temporary Speaker, to my understanding, the reason why this particular Statement has been sought by the Minority Whip is because yesterday, we had the Cabinet Secretary for Health. Amongst all the functions that have been devolved to counties, it is my opinion that the most critical of all the functions that have been devolved would be health. Therefore, just as my colleagues are wondering, I am also wondering why would the governors or county establishments take these matters very casually.

In the Statement, Sen. Olekina has tried to diagnose the problem. There are two issues that are coming out very clearly, that counties are the end-users, especially of drugs and pharmaceutical products from KEMSA and they bear the blunt and burden, especially when the drugs do not get to the counties.

Secondly, there is another critical matter. When drugs expire, and equipment that has been supplied by KEMSA are obsolete, or when they cannot be used by counties, who bears this brunt of paying for these particular services? It is the counties. Who are the counties? These are the people. Consequently, when the Exchequer releases are late, would you want to tell me that drugs can wait until we get the money from the Exchequer? It is not possible.

The proposal that has been brought by Sen. Olekina is that let KEMSA be a supermarket. Pharmaceutical companies should bring their pharmaceutical products and if they have been used, then they can be paid. We pay for what we have used and not for what has been delivered. Sen. Wafula has correctly diagnosed this. Sometimes we, actually, pay for empty boxes.

Madam Temporary Speaker, when you walk to our hospitals, there are no pharmaceutical products or medicine in hospitals. It is the same problem in every county. In fact, I was challenged by a young man that they went to see a doctor at a Level 3 hospital at a particular health facility and the only thing that was in that particular health facility that looked like medicine or a pharmaceutical product was the free condoms that are offered by the Government. It cannot be that we cannot take seriously the health of the people of Kenya.

I have seen that there is a proposal and I do not know whether it has been brought either to this House or the National Assembly. There is a proposal that for public health facilities to be more effective and efficient, why can we not force leaders and civil servants to get services from public health facilities? This makes me think, now that there is no rule that requires or forces civil servants, leaders, politicians and the high and mighty in the society to take their children to public secondary schools, why is it that we

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fight very hard to take our children to Mangu, Lenana or Alliance High school which are public schools?

There is no rule that requires or forces us to take our children there. Why? This is because the services that are provided in those institutions of learning are so premium. Why can we not make services in our public health facilities as premium as those secondary schools, such that it will just be obvious that the easiest way of getting health services would be from public health facilities, because they are very good and have been made very well?

Finally, I do not think we as a House have a deficiency in the laws and policies. Fingers cannot be pointed to the Senate saying that we are deficient of laws or policies. It must be remembered that this House has passed the Facility Improvement Financing law, so that all the monies that are collected in hospitals are used especially for those hospitals. If we have been able to help governors to that extent, why are we still struggling with issues to do with drugs in hospitals?

Our county governors must ensure that they put their best foot forward, especially on this matter of health. Perhaps, on the issue of water, people can wait a week or two weeks, anyway they have been waiting since 1963.

On the other issues of vocational training, may be people can wait or they can go to the neighbouring vocational training facility. However, for health, they cannot wait. You need that service there and then. When you need that medicine, it is there and then. If I am having a headache now and you want to provide the medicine next week, it will not be helpful. The utility of that medicine to me, as a person or user, will not be helpful by that time. I thank you.

The Temporary Speaker (Sen. Veronica Maina): Thank you, Hon. Senator.
Proceed Sen. Okiya Omtatah.

Sen. Okiya Omtatah: Good afternoon, Madam Temporary Speaker.

I thank you for the opportunity to address this House on this important Statement. Matters of health in this country have gone south. There is, basically, nothing to write home about.

Before even we discuss about the drugs, you might want to know the capacities of the personnel who are in these hospitals. You will be shocked that many hospitals are not properly manned and patients go there and are not given the treatment that they require. However, besides that, when we come to the question of drugs or medicine, you wonder why they have put in checks and controls and software, and ask for delivery notes. They might even want x-rays of patients who have swallowed those medicine. When we were growing up, there used to be a very simple method of ensuring that Government supplies are not stolen. It was called branding.

A government panadol was inscribed with the letters “Government of Kenya (GOK)”, and so were Government gloves and bottles. What is so difficult for KEMSA to have manufacturers brand Government supplies so that it is inbuilt in the drug that you cannot steal it. You cannot go and take a drug from the Government store and put it in a private pharmacy. Why can that simple thing not be done?

Why are we making life look so difficult? You can be sure that whoever removed that branding of Government stores was opening the floodgates for the theft we feel

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today. It is not an accident that in this country, people who live in mansions are largely those who work with the Government, either as politicians, civil servants or Government contractors. You will hardly find any wealth being created away from the Government. It is not just in health, but in all other sectors. It is like the Kenyan taxpayer has totally nothing to protect them from the greed of those in power. So, I would urge that this House pushes for a policy whereby Government stores are branded.

Let me go to the clinic and if I do not find drugs that the Government has supplied, let it be that the Government has not supplied. It should not be that I have gone to the clinic, the Government has supplied drugs, but somebody else has taken them out and put them into a private shop or pharmacy.

Madam Temporary Speaker, I would urge that we try to do the common-sense thing. Let us go back and do the simple things that have worked.

The third Point is on a request that we provide details on the Enterprise Resource Planning (ERP) software, currently in use at KEMSA disclosing its vendors. I saw Sen. Mandago mention a question of Kshs1 billion and how much it can do in terms of ERP. However, here we are spending a lot of money acquiring an ERP system under the Social Health Authority (SHA).

The SHA is not supplying any product. They are supplying a platform, and it is running into billions of shillings. Inclusive of taxes, we are going to acquire an ERP to run the SHA system, which includes KEMSA and others, at a whopping Kshs104 billion!

If that is taken against what Sen. Mandago, the Chairperson of the Committee submitted, then you will realize that we are just being scammed. There is no justification for these high costs that we get.

The other day I was in Kilifi, and while interacting with the villagers in Tsangatsini, I came across a very sad story. The story was that a lady was bitten by a cobra, and a boda boda picked the lady up, put her on a motorcycle, and rushed her to the hospital in Mariakani, only for the lady to arrive, and she was asked whether she was registered with SHA or not, and they required the identity card. So, the boda boda had run back to look for the ID. By the time he came back, she had succumbed to the snake bite. That is how sorry the question of medicine is in this country. There is no humanity in the provision of health care in this country. You can die just because people do not understand that you are a human being. There is something called emergency healthcare, which is a right. You must get emergency health care when you need it.

When you go to my county of Busia, nothing is working. The hospitals are not working. There are no drugs. The medical personnel are demoralized. Nothing seems to work. There was a case in Amukura dispensary where a woman who was to deliver twins died because they did not seem to know that she was carrying twins. I do not know how that happened. She delivered one child, the other child remained in the womb, and it led to complications which led to the death of this lady. It was during postmortem they discovered that she had another child who had remained in the womb. How does that happen in a Government hospital? How can you not know that a mother is carrying two or three babies? What is happening in this country is very sad and unacceptable.

In my county of Busia, the big shame is that people are flocking across the border into Uganda, into Buteba to get treatment. Kenyans who live near the border are crossing

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the border into Buteba and Tororo in Uganda, to get attention, yet we have hospitals. Busia is a frontier county, and not just a frontier county of any nature, but a frontier county to the East and Central Africa region, where we have got occasional outbreaks of very bad diseases like Ebola.

My expectation would be that the national Government would be running serious laboratories and surveillance systems in Busia to protect the Republic from any entry of patients who might be carrying these contagious diseases. However, nothing is working. There has been no attention given.

Madam Temporary Speaker, in terms of Mother and Child Care (MCC), our Level 4 hospitals are just death traps. Very many women in Busia County are dying in childbirth. Why should that be the case? This is the case because health is totally neglected. It has become an area for merchants to make wealth, to steal public resources, and it is very easy to steal through the healthcare system. So, I pray that this House considers some very stern measures to intervene in health.

As regards human personnel, during the process of making the Kenya Constitution, 2010 there had been created a National Health Service Commission to operate nationally to take care of the needs of medical personnel. The Parliamentary Service Committee in Naivasha removed the provision of the National Health Service Commission. It undertook in writing, and it is in the record, that Parliament would establish that Commission through legislation to take care of the needs of medical personnel nationally. Doctors could then move across the country and cross around to give them the chance to go on sabbatical leave and whatever.

You will find that the county is so tiny for somebody who takes so long to train to comfortably operate in. So, the lack of interest in their work that most of the medical personnel exude is largely because there is hopelessness there.

The chances of growth are not there because you are packaged into a small county, and you answer to people who may not even understand what your needs are. I would be urging this House that we consider going back and cashing that promissory note that we gave to the doctors.

Parliament undertook to establish a National Health Commission so that doctors are not subjected to counties. It is in writing, the reports are there, we are now going to the 14th or 15th year since the promulgation of the Constitution, nothing has happened.

As my contribution to this Statement, I would also urge that we look at the human resource, and how it is managed. It is very clear that the county governments cannot handle the human resources in the medical sector.

Let the county governments maybe run the hospitals, but let us set up that Commission, which was removed by Parliament from the draft constitution, with an undertaking that they are going to establish that commission through an Act of Parliament.

Let us proceed and create the equivalent of the Teachers Service Commission (TSC) for the medical sector, so that doctors can be hired centrally in Nairobi, dispersed across the country centrally, and transferred and moved across so that they can gain experience wherever and go on sabbatical leave, progress in their careers, have hope and be cushioned from the question of counties not having money and not being able to pay.

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I support this Motion, and---

The Temporary Speaker (Sen. Veronica Maina): It is a Statement, Senator and, please, wind up your remarks so that we can move on.

Sen. Okiya Omtatah: Madam Temporary Speaker, I was waiting for the light. Do we not have lights today?

The Temporary Speaker (Sen. Veronica Maina): We are about to put it on. Just wind up now in 30 seconds.

Sen. Okiya Omtatah: Okay. Madam Temporary Speaker, I support this Statement by Sen. Olekina. However, I pray that we amend it to include the issues I and others have raised so that we can seize the opportunity to address what is ailing the health sector in this country.

I support.

The Temporary Speaker (Sen. Veronica Maina): Thank you, Senator.
Next Order.

MOTION

ADOPTION OF REPORT ON THE CONFLICT OF INTEREST BILL (NATIONAL ASSEMBLY BILLS NO.12 OF 2023)

THAT, the Senate adopts the Report of the Mediation Committee on the Conflict of Interest Bill (National Assembly Bills No. 12 of 2023), laid on the table of the Senate on Thursday, 5th December, 2024 and further that pursuant to Article 113 (2) of the Constitution and Standing Order 167 (3) of the Senate, approves the mediated version of the Bill.

(Sen. Wakili Sigei on 25.2.2025)

(Resumption of Debate interrupted on 25.2.2025)

The Temporary Speaker (Sen. Veronica Maina): Sen. Okiya Omtatah, before you walk out, you were the one on your feet when this Motion was last adjourned, so you had a balance of 17 minutes. Do you still wish to utilize them?

Sen. Okiya Omtatah: Yes, thank you, Madam Temporary Speaker. When the time caught up with me on the Conflict of Interest Bill, (National Assembly Bills No. 12 of 2023), I was just at the point where I was saying that the institutions that we have given a chance to ensure that conflict of interest is addressed include the Ethics and Anti-Corruption Commission (EACC).

Now we are trying to push, according to this Act, almost all matters of conflict of interest will fall under the EACC. Looking at Chapter 6 of the Constitution, the few articles there especially Article 73 and 75, there is a question of conflict of interest arises which puts this mandate under the function of the EACC under Article 79, where the EACC is created to enforce Chapter 6, and one of the things under Chapter 6 is conflict of interest.

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Conflict of interest only becomes a problem when it is not well handled. It is not intrinsically bad. That is why we are told that if you have a conflict of interest in a matter, you can pronounce that interest and either you can recuse yourself from a proceeding and stuff like that.

Conflict of interest is also a major issue when it comes to determining disputes and whatever, especially for judicial officers where they are conflicted, they will tend to say, "I cannot sit on this matter because my judgment might be clouded by certain factors that make me a conflicted person." So, that for me, is a good development. It is within the core competence of the EACC to address.

Another issue that we may need to address is the capacity of the EACC. The EACC still implements the Anti-corruption and Economic Crime Act (ACECA) and the Anti corruption law of 2003, which created it as an entity to fight crime. However, when it comes to Article 79 of the new Constitution, the EACC is not created to fight crime.

The EACC was created to enforce a code of conduct, which is Chapter 6 which is largely preventative. It is supposed to prevent a problem from occurring.

They should come and look at systems and ensure that things like conflict of interest are not there, people are smartly dressed, they are reporting to work on time and not disappearing from their work stations because they are serving the public and stuff like that. I will call show of account of people.

State officers are not employed, but earn several salaries. However, the Ethics and Anti-Corruption Commission (EACC) has forgotten that. It thinks fighting crime is to be more media friendly. You will see them chasing policemen who have taken some bribe. I urge the EACC now that it is taking on this heavy task of being the sole custodian of the conflict of interest, which is an issue under Chapter 6, which is their mandate---

We should consider whether the EACC has any role to play as an organ of enforcing criminal law. Under Article 247 of the Constitution, the Parliament can set up special police units. The question of theft of public funds must be dealt with by a uniformed force and not a civilian contraption like the EACC. The Criminal Investigations Department (CID) already has an economic crimes desk. Let us beef it up and let the enforcement of criminal law remain within the ambit of the National Police Service (NPS). Let the EACC do what they were created to do in the Constitution; to enforce the code of conduct under Chapter 6 of the Constitution.

As a House, we need to look at the Anti-Corruption and Economic Crimes Act (ACECA) and see whether it is still a good law as framed or we need to put it under the enforcement of the police. If need be, a uniformed police unit be put up to deal with the theft of public funds. We will not get very far if we leave that critical issue to a civilian formation. As you can see, big crimes in this country are hardly punished. I have never seen a report of the EACC where they have gone into the budgets of a county government or the national Government to interrogate and ferret out budgeted corruption. I have never seen that happen, yet that would be an area where they would be acting proactively to prevent abuse of office.

When the Eurobond happened and became hot in 2015, the EACC undertook to conduct an investigation and give us a report. Up until today, no report from the EACC has come on the Eurobond, where as matters stand today, USD7.2 billion is not visible in

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public records. The EACC has done nothing about that. Instead, they are clamoring for more powers.

The Parliament has reviewed the report on the Conflict of Interest Bill. It is good. We are going to pass this Bill and give them those powers. However, are they going to do anything with it? In fact, the EACC has become a laughing stock in some of the counties to a point whereby county officials will tell you to go to the EACC and they will sort them out when they come. They have become a laughable entity that has not even cracked most of the issues that come up. Personally, I have taken so many cases to the EACC, but they just evaporate. They delay and then evaporate. I am seeing the same--- The Conflict of Interest Bill might just be another opportunity for rent-seekers to run wild in this country, wearing badges of the EACC.

It is my plea that we take a sober look at the EACC and strip it of the powers that allows it to be the forum where theft by servants is not criminalized, but sanitized by being mischaracterized as corruption. The word “corruption” does not carry the same sting that the word “theft” carries even in the English Language. Let alone the fact that in our mother tongue, we do not have the word for corruption. In Swahili, we have a word called “*ufisadi*”. The other day, I saw one of the leaders in Tanzania say that it was invented by Kenyans. We have Swahili scholars like Sen. Wakoli here who can assist us understand whether “*ufisadi*” is sheng or a proper Swahili word. The Tanzanians say that it came from Kenya. I would request that I be informed briefly before I continue contributing.

The Temporary Speaker (Sen. Veronica Maina): Would you want to inform him?

Sen. Wafula: Yes, Madam Temporary Speaker. The other term for “*Ufisadi*” ni *mulungula, kuchukua hongo ama rushwa. Haya yote ni maneno ya visawe kuashiria kwamba hongo, rushwa ama mulungula ni donda sugu katika taasisi ya afya nchini Kenya.*

Asante, Bi Spika wa Muda.

Sen. Okiya Omtatah: Thank you for the information. I could not put it better. When terms become that difficult, then there is a problem. We should call this theft by servants, which should be handled by the police. When I steal a chicken, I am not accused of corruption. However, when I steal a billion shillings, I am accused of corruption. I do not understand it. This is technically a way of saying that we create two laws for the citizens of Kenya; one for the rich and well-connected, and another one for the small people. The people who steal from the wagon are called thieves and those who steal the whole train plus the railway line are called corrupt. Then it becomes tricky when you try to look for corruption in the penal code.

Madam Temporary Speaker, it is my plea that the EACC should be limited to matters of ethics. I would want a situation whereby the EACC would operate like a meat inspector. When a meat inspector goes to a butchery and finds meat which is unfit for human consumption being sold, they do not take over the work of the police. They call the police to the site and let them take over the criminal aspect of the issue.

Let the EACC ensure enforcement of Chapter 6 of the Constitution when investigating corruption. However, where they encounter criminality, let them hand it

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over to the police. It is upon this House to enact legislation that will align the ACECA with the police. Alternatively, under Article 247 of the Constitution, we can form a new police unit to deal exclusively with corruption. That will help us. Civilians will not be able to stop the theft of public funds.

Let us give it to uniformed police, and that goes to the question of even the medicine. Let the uniformed police enter these hospitals where medicines are missing and act, not the EACC.

With those few remarks, I support the Report from the Joint Committee of the two Houses recommending the passing of the Conflict of Interest Bill.

Thank you, Madam Temporary Speaker.

The Temporary Speaker (Sen. Veronica Maina): Thank you, Sen. Okiya Omtatah. Majority Leader, proceed.

The Senate Majority Leader (Sen. Cheruiyot): Thank you, Madam Temporary Speaker, for this opportunity to also add my voice to this Report of the Mediation Committee of the Conflict of Interest Bill.

This is an interesting Bill because it has passed both Houses of Parliament and ended up in the Mediation Committee after a protracted battle. The first battle was between Members and the second, and most importantly, was between this House and the Ethics and Anti-Corruption Commission (EACC).

You will recall that it was on the basis of this law, that EACC issued a communique, trying to, at the time – I still hold the view, to this day, that that was a disparage on this House, founded on a misunderstanding of what was the reasoning behind the proposed deletions and amendments that our Justice, Legal Affairs and Human Rights Committee had proposed.

After that, they duly apologised, appeared, and gave their proposal. As a House, we pass laws in the best interest of a country. We may not have an entirely complete view of every particular item that comes before this House, but I know for a fact that every time this House sits down to legislate, we do it in the best interest of the country. That is why we are a lawmaking House.

The Conflict of Interest Bill is no exception. At the time, EACC told us that perhaps this is the only missing piece of the puzzle for them to vanquish the dragon of corruption in this country. I was excited about that because I said then we must give it to them because corruption destroys nations.

Nations rise and fall on account of their ability to fight corruption. There is no debate about where Kenya would have been today if it were not for the corrupt practices that are deeply rooted and ingrained in the culture and societal fabric of the Kenyan people.

Until the day we finally slay this dragon, we shall continue to be an average country punching way below its weight on account of the fact that ours is a rigged system.

When we had the invasion in Parliament, and we passed that Motion that broke ranks and Members spoke as one House, part of the recommendations that we spoke to on that particular day was the need to sit with EACC and listen to them on their proposal on what is it that holds them back from making Kenya a corrupt free country.

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I believe that this country has immense potential. It can achieve great things that many people would admire to live, work and thrive in. However, corruption, among other things, holds it back. However, I believe the rest are subsets.

The biggest challenge we continue to face as a nation is corruption. When EACC wrote to our Justice, Legal Affairs, and Human Rights Committee and made their proposals, I am glad that you listened to them as a committee.

I am even happier that at the mediation stage, many of the views that they felt did not agree with the amendments that we had done on the Floor of this House were either dropped or moderated to get the view of what EACC wants and also how our colleagues from the National Assembly perceived that particular matter.

Therefore, before us, we have a report that deals with all the controversial 88 clauses, things which we have touched on here and there. The thinking at that particular time of the Senate is that we felt that there was a lot of repetition of the Ethics and Anti-Corruption Act, leadership, and integrity. There were so many Acts that were trying to do the same thing. Therefore, many of the deletions that the Senate did at that particular time were actually aimed at streamlining so that we give EACC a cleaner document upon which they can refer and ensure that they save us as a country.

Therefore, I am happy that today we are discussing the mediated version. I know our colleagues in the National Assembly have concluded this exercise. It is only we who are remaining so that once we conclude this particular exercise, hopefully, as soon as we pass it, it can be assented into law. I hope that by Tuesday next week, Members will be available in the House so that we can pass this particular report and proceed to do other things.

On Tuesday this week, I had breakfast with an 83-year-old lady. She is of Swedish descent but has lived in Kenya for the last 44 years. She is actually more Kenyan than I am because I have not seen that number of years in this country. She knows more about my country. She told me a sad story, and I left the breakfast table particularly disturbed.

This lady works in affordable housing and has been here working on United Nations (UN) programmes and so on. She reminded me that when the international bodies began this conversation on the need for decent homes for the poor, especially in urban areas, back in the early 80s, a fund was created. Many African nations, after struggling with how to set it up, collected quite a substantial amount, and they did projects in various African countries. However, that programme did not take off after some point. Therefore, it was resolved at the final meeting – I forgot the exact name of that particular fund – that the member countries carry on the programme through their budgetary support and proceed.

It was passed also that the assets that had been reviewed or received from that particular programme should be passed on to the members of the public. She told me that there are only two African countries which did not transfer those assets to their Government. They ended up in the pockets of the programme officers. Burundi was at war at that time. So that we can classify it as a war-torn country at that particular time, and your guess is as good as mine: Kenya.

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That is a story of many Government interventions and programmes that, up to date, this country continues to suffer, be it the county government, national Government, private entities, or even workers on our farms. The fellow you employ to take care of your chicken back in Murang'a, you know they do not appreciate that if the chicken are laying 45 trays of eggs per week and they reduce it to 40, that is a form of corruption. In Kenya, it is considered being street smart.

Yet, as Sen. Okiya Omtatah said, and I agree with him, perhaps we should first ban the word corruption. That is where the problem begins. It should be called what it is. It should be referred to as theft. The EACC should be something like the Ethics and Anti-Theft Commission. This thing called corruption is already a problem because many people think it is a sanitised word.

Being accused of corruption is not as bad as being accused of theft, and many people do not distinguish between the two. Therefore, maybe we should have that conversation.

However, the problem is deeper than the name. It is not just about what it is referred to. It is about our values and what it is that we can train in our society, beginning with the young children, so that they are, perhaps, a better society than we are. Since the generation ahead of me, my generation is immediately behind, and those that are coming after, if we do not take care of it, then we will not have a country to write home about.

All these countries that we read about that existed in the world have been destroyed on this account. In fact, the biggest threat that any society or nation faces, I dare say, is not from terrorists or internal implosion based on lack of opportunities and resources but corruption.

Madam Temporary Speaker, it is my hope that upon consideration of each of these 88 Clauses as amended, we shall make significant strides towards achieving this fight that every Kenyan wishes that we did not have.

Unfortunately, many that we know, starting with the leadership to the ordinary citizens---

(Sen. Joe Nyutu walked across the Chamber)

The Temporary Speaker (Sen. Veronica Maina): Sen. Methu, do you understand the courtesies that are supposed to be played in the House? Can you do the necessary?

The Senate Majority Leader (Sen. Cheruiyot): Madam Temporary Speaker, I know you do not have your spectacles on but this is Sen. Joe Nyutu and not Sen. Methu.

The Temporary Speaker (Sen. Veronica Maina): Pardon me. I need to use my spectacles in the House. Please do the courtesies.

(Sen. Joe Nyutu walked to the Bar and bowed to the Chair)

The Temporary Speaker (Sen. Veronica Maina): You had already started making your way to where you normally sit, then casually crossed to the opposite side.

The Senate Majority Leader (Sen. Cheruiyot): May I proceed?

The Temporary Speaker (Sen. Veronica Maina): Yes.

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The Senate Majority Leader (Sen. Cheruiyot): Madam Temporary Speaker, this issue should bother us. It must disturb any leader, that we continue to talk about it but there is very little that is being done.

A few weeks ago, one of the seven top decision-making members of the Politburo of the Chinese Communist Party (CPC) visited the country. As part of the delegation, there was a gentleman whose equivalent in Kenya would be the Chief Executive Officer (CEO) of the Ethics and Anti-Corruption Commission (EACC).

I sat next to him at the state banquet that was held in honour of that visiting delegation. We had conversations about what he does and there are a few things he shared with me. He told me that in the Chinese society, they have three strategies that they use to fight corruption. They classify the corrupt in three categories. The first one are the tigers, I forgot the second one, and the last one are dragons or insects.

Tigers are people like you and me; the high and mighty who serve in big public offices. That is where they dedicate their biggest energy and resources. The reason is that they are used to create an example to the ordinary citizen when they are arrested or found culpable. You have watched how they even prescribe death penalties on very high-ranking public officials, including ministers, the minute they are found to have participated in theft of public resources.

He said that strategy has continued to work because it sets an example to other people. I believe the day we will jail a few senior public officials, the war against corruption will take the right trajectory. As long as it is known that once you have been caught and convicted and the lower courts perhaps hand you a verdict, you can move to a higher court and get a reprieve and be released.

There must be a reasoned argument, especially where there is involvement in loss of public funds before a judge issues a reprieve against say, a magistrate's court or a High Court releasing a suspect or a convicted person and allowing them to continue serving the public as they battle their appeal.

If that was to happen, so long as it is not driven by witch-hunt or political machinations, we would have followed that particular strategy on how to deal with the tigers; the big boys and girls who are supposed to set an example. If you are a boss in the office who is not involved in corrupt practices, then those who serve under you will begin to follow the example. I believe the lower-level staff borrow the practices.

He told me that the second category are middle level managers and civil servants working in various government and state agencies. They have a unit specifically dedicated for such people. These are the spanner boys in corrupt dealings. They do not care much even when administrations change because they know they will have their way anyway. It is important also to go after such.

I hope the EACC will also focus and turn their attention over and above such people, so that we set a good example and people can know that if they participate in such activities, they will be jailed. That is why we are passing this Conflict of Interest Bill, so that people can declare conflict of interest by stating that they cannot serve members of the public dutifully. That should allow them to go to the private sector where they can do their jobs, make profit and live decent lives.

Many people believe, and rightfully so, that unfortunately, the weakest link is our Judiciary. You listen to them many times asking what they should do if investigators do not take to them watertight cases. Give it to them because it is a sound argument. I also would not wish that we jail people who perhaps have just been tried because of their political choices and so on and so forth.

You know for a fact and from history that this country has a culture of using the war against corruption to fight political wars. That cannot be taken away. That is part of the clean-up that we are doing here, including declaration of conflict of interest and trying to tighten the laws on that scope of people. For example, many governors you see being jailed is on account of doing business with their wives, daughters or brothers.

It is my hope that with the passage of this particular amended version of the Bill, we will help to conclude that battle. I strongly believe that as a country, we run a very significant risk.

The other day the National Authority for the Campaign Against Alcohol and Drug Abuse (NACADA) released a report. I do not know if colleague Senators took time to listen to the CEO. He said that 45 per cent of our university students use drugs. Just imagine! That is almost 50 per cent, which is almost half of our university and college students.

What kind of a country are we talking about here? That is terrible! That is still a subset of corruption because it tells you that there are facilitators or people who allow drugs and narcotics to get into the country. Until we slay this dragon of corruption, that number will continue to increase. It can be your brother, sister, son, or daughter. This should concern us.

The Cabinet Secretary for Interior and National Administration, who is my good friend, was among the people who were present when the NACADA was releasing the report. He knows the Bible. I told him that just like Esther, he has been put there at such a time as this. If there is a battle that he must fight with every ounce of energy in him, it is the fight against drugs and narcotics that is permeating into our society and getting into the hands of our young people who are still in high school and colleges and universities.

I have no reason to doubt a report of a competent authority such as the NACADA. If it is true that 45 per cent of our students are consuming drugs, it means there is no future for this country. By the time they are graduating, they will have lost it. We must ask ourselves where they are coming from.

Remember, Kenya is a land that is surrounded by a good number of failed states, where the governments do not have full control of their regions. There are some regions that have been mentioned.

For example, the boarder with Ethiopia is a notorious route that has lots of drugs. Somalia to the north has lawlessness in certain parts that allows drugs to find their way into our country. Once they come, some people even provide protection for them in our colleges and universities, including those whose duty should have otherwise been to ensure that our young people learn in safe spaces.

We must speak about these things. We should be concerned even as a House on so many other things that are a subset of corruption. I was just mentioning that specific

point on the battle against drug abuse to strengthen or buttress the point that I made earlier that all our societal struggles as a country, stem from corruption.

As such, unless and until we can properly address ourselves to the challenge of corruption as a nation, we shall continue to engage in all these battles with very minimal success. I hope that today, once we conclude the passage of this Bill, dear colleagues, we shall send it to the President for his assent next week. EACC can begin their work with strength, zeal, courage and without any further excuse.

I believe it is not for lack of good laws. However, we strongly feel that this law is a missing ingredient in their fight against corruption. This is one of the pillars and the areas where we can tighten the noose. Consequently, we will have reduced the proliferation of corruption in our public dealings.

With those many remarks, I beg to support and urge my colleagues that we conclude on this matter so that we can move forward as a nation. We will be considered to have made our contribution to making Kenya a better society.

I thank you.

The Temporary Speaker (Sen. Veronica Maina): Thank you, the Senate Majority Leader. I do not see any other Senator interested in contributing to this Motion. I know this Motion was moved by Sen. Sigei. He is not here.

The Senate Majority Leader, would you wish to reply to the Motion so that we can conclude this business?

The Senate Majority Leader (Sen. Cheruiyot): Madam Temporary Speaker, I beg to reply.

I thank you, colleagues, who took the time to speak on this Report. On behalf of Sen. Sigei, who was the Vice-Chairperson of the Mediation Committee, I appreciate colleagues.

Under Standing Order No.66, I beg to request that we defer the putting of the question until a later date.

The Temporary Speaker (Sen. Veronica Maina): The putting of the question is hereby deferred to the next sitting of the Senate.

(Putting of the question on the Motion deferred)

Next Order.

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

Sen. Dullo, can you approach the Clerk's desk?

Hon. Senators, for the convenience of the House, I will defer Order Nos. 9, 10, 11, 12, 13, 14, and I will ask the Clerk to call the next Order, No.15.

BILLS*Second Reading*

THE PUBLIC FUNDRAISING APPEALS BILL
(SENATE BILLS NO.36 OF 2024)

(Bill deferred)

Second Reading

THE ENVIRONMENT LAWS (AMENDMENT) BILL
(SENATE BILLS NO.23 OF 2024)

(Bill deferred)

Second Reading

THE COUNTY CIVIC EDUCATION BILL
(SENATE BILLS NO.4 OF 2024)

(Bill deferred)

Second Reading

THE COUNTY WARDS (EQUITABLE DEVELOPMENT) BILL
(SENATE BILLS NO.20 OF 2024)

(Bill deferred)

Second Reading

THE STREET NAMING AND PROPERTY ADDRESSING
SYSTEM BILL (SENATE BILLS NO.43 OF 2024)

(Bill deferred)

Second Reading

THE SPORTS (AMENDMENT) (NO.2) BILL
(SENATE BILLS NO.45 OF 2024)

(Bill deferred)

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The Temporary Speaker (Sen. Veronica Maina): Chairperson Standing Committee on Education, Sen. Montet Betty.

MOTIONS

ADOPTION OF REPORT ON PETITION ON DISCRIMINATION
IN PAYMENT OF HARDSHIP AND ENHANCED HOUSE ALLOWANCE
TO TEACHERS IN KILIFI AND TAITA TAVETA COUNTIES

Sen. Betty Montet: Madam Temporary Speaker, I beg to move- THAT, the Senate adopts the Report of the Standing Committee on Education on a Petition to the Senate regarding the discrimination by the Teachers Service Commission (TSC) on payment of hardship and enhanced house allowances to some teachers in Kilifi and Taita Taveta counties, laid on the Table of the Senate on Tuesday, 8th October 2024.

Thank you.

Madam Temporary Speaker, the Petition concerning the discrimination by the TSC on payment of hardship allowance and enhanced house allowance to some teachers in Kilifi County was reported to the Senate on 27th July 2023, while the Petition on discrimination on payment of hardship allowance to some teachers in Taita-Taveta County was reported to the Senate on 20th, September 2023.

After they had been reported, both Petitions were referred to the Standing Committee on Education for consideration. During the consideration of the two Petitions, the committee held 11 meetings and sought information and reports on the issues raised by the Cabinet Secretary of Public Service and Human Capital Development, the TSC, and the Salaries and Remuneration Commission (SRC).

The committee further conducted an oversight visit to Taita-Taveta County to meet with the petitioners. During its enquiry, the committee observed that both Taita-Taveta and Kilifi Counties are characterised by a shortage of health personnel, inadequate critical working health equipment, infrastructure, health products and technologies. It was also observed that there have been frequent disputes arising from human-wildlife conflicts, land disputes and human encroachment in riparian areas.

In Magarini and Ganze sub-counties of Kilifi County, which borders the Tsavo East National Park, elephants have been reported to invade crop farms, causing significant damage to crops and leading to food insecurity in these areas.

Additionally, the elephants camp near water sources, hindering access, and additionally, teachers in Taita-Taveta County reported experiencing poor communication and disruption of phone networks from the neighbouring countries. Hardship allowances were introduced immediately after independence to partially compensate public servants working in hardship-designated areas and also to compensate public servants due to isolation and separation from their families.

These allowances were further provided to compensate for the lack of amenities, infrastructure and challenging environment.

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Further, the Teachers Service Commission (TSC), informed the Committee that the Commission has no legal mandate to gazette any area as a hardship area. However, under Regulation 9.1 of the Code of Regulations of Teachers, the TSC is mandated to pay hardship allowance to teachers who qualify or in designated areas.

Madam Temporary Speaker, the mandate of classifying the gazetted hardship areas rests with the Ministry of Public Service and Human Capital Development following a weighted criterion. This criterion is based on parameters such as availability and accessibility of food, potable water, social service and amenities, adequacy of transport and communication services, and socio-economic indicators.

The Committee observed that there exists diverse and varied policies, circulars and guidelines concerning the designation of hardship areas and payment of hardship allowance. There has been an attempt to address challenges regarding the categorisation of payment of hardship allowances and to ratify existing disparities. The Ministry of Public Service and Gender established an Inter-Agency Technical Committee in 2019, which was tasked to examine policies on hardship allowances and streamline payment.

This Inter Agency Technical Committee is comprised of representatives from the Ministry of Public Works and Human Capital Development, Ministry of Interior and Coordination of National Government, Ministry of Education, the National Treasury and Planning, the Judiciary, Public Service Commission, Teacher Service Commission, Commission on Revenue Allocation, Kenya Bureau of Statistics and the Council of Governors.

Madam Temporary Speaker, on the question of payment of house allowance, the Committee observed that according to Article 230 of the Constitution, the Salaries and Remuneration Commission (SRC), is mandated to advise the remuneration and benefits of public officers, including teachers.

On such benefit, it is house allowance that is provided to public officers to cater for accommodation or rent, in addition to the wages or salaries of the employee pursuant to Employment Act 2007 Section 31.1. Teachers under permanent and pensionable terms are paid house allowance based on the job group, working conditions, status, town and geographical area.

The Urban Areas and Cities Act of 2011, provides a framework of classifying areas as urban areas, towns, cities or municipalities. To elevate a municipality to city status, the President can grant this through a charter following a resolution from the Senate, provided the municipality meets specific criteria.

An area may also be designated as a special purpose city under the Act if it holds significant cultural, economic or political importance. For a town to be conferred with municipal status, the county assembly must pass a resolution and the county governor can then grant this status through a charter, provided the town meets established criteria.

The set-out criteria and obligations include meeting the population quota, produce an integrated development plan, have demonstrated revenue generation and collection potential, have capacity to effectively and efficiently deliver essential services to residents and have adequate infrastructure.

Madam Temporary Speaker, despite the clear framework of classifying and upgrading urban areas outlined in the Act, there was a delay in implementing related

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administrative actions. For instance, while Kilifi Township was officially gazetted as a municipality in March 2019, the SRC did not provide advisory on the house allowance payable until July 31st, 2023. This gap highlights the lag between the enttachment of legislative.

Further, the criterion of designation of hardship areas in the county has not been standardised across the entirety of the public service and is characterised by multiple sector players. However, the designated hardship areas do not reflect the extensive presence of remote areas and rural locations which surpass the number of other cadres in public service.

Madam Temporary Speaker, while foregoing, the Committee on Education therefore recommends that the Ministry of Public Service and Human Capital Development should, in consultation with the relevant stakeholders, prepare and present to the Senate for consideration an appropriate policy and statutory instrument on identification and designation of hardship areas.

The Committee further recommends that criteria for identification and designating hardship areas should be standardised across the entirety of the public service. The weighty criterion for designating these areas should be based on the smallest administrative units used in identification of marginalised areas. The Committee report also contains specific areas within the two counties that meet the criteria of designation of any area as a hardship area by the Ministry of Public Service and Human Capital Development and consequently, payment of hardship allowance to teachers working in those areas.

As I conclude, I wish to sincerely thank all the stakeholders for that well-researched and articulate oral and written submissions on the issues raised in the two Petitions. The Committee specifically appreciates the Cabinet Secretary, Minister of Public Service and Human Capital Development and the Chief Executive Officer of the TSC, for their submissions during the consideration of the Petitions.

Madam Temporary Speaker, I also wish to sincerely thank Members of the Committee of Education for their insightful contributions during the consideration of those Petitions and development of the two reports. We also want to thank your Office and the Office of the Clerk for the support extended to the Committee in execution of its mandate.

I thank you,

Madam Temporary Speaker, I beg to move and request Sen. Beatrice Ogola to second.

The Temporary Speaker (Sen. Veronica Maina): Thank you, Sen. Betty. Proceed, Sen. Beatrice Ogola.

Sen. Ogola: Thank you, Madam Temporary Speaker. From the onset I want to thank Sen. Betty Montet, for moving this Motion. Sen. Betty Montet is the current Chair of the Committee on Education and from the word, go, we know her as a team player, who will steer the Education Committee to the next level. She is an organiser and often when we have some of our arrangements as women Senators, she is our designated organiser.

Madam Temporary Speaker, I rise to second the Motion as moved by Sen. Montet.

This is a Petition to the Senate regarding the discrimination by Teacher Service Commission (TSC) on the payment of hardships and enhanced house allowance to some teachers in Kilifi and Taita Taveta counties.

This discrimination may not only be specific to Taita Taveta and Kilifi counties. A number of teachers in this Republic continue to be discriminated in the issue of hardship wherever they are serving. It is the mandate of the Ministry of Public Service and Human Capital Development to designate hardship areas.

Madam Temporary Speaker, in my experience as a teacher and in my day-to-day working with teachers as a leader, I would like to tell you that most teachers, if not over 80 per cent of teachers in this republic go through a lot of hardship. Basically, hardship allowance was meant to compensate for the hardship that teachers go through in their areas of work.

Secondly, the hardship allowance is supposed to compensate the teachers due to the isolation and the separation from their families. I am a teacher, and I know that most of the teachers in the country, especially the ones that teach in the rural areas, which is over 80 per cent of the areas of the schools in which our teachers teach, are not able to live with their families. Some of those rural areas do not even have houses that teachers can live in dignity. Most of the time they are isolated from their families.

Madam Temporary Speaker, this is a profession where, like all other professions, Kenyans join voluntarily, and from their young age, they start their families away in their areas of work, far away from even their spouses. It comes with a lot of sacrifice, resilience, and patience from these young public servants. So, these are some of the reasons why the teachers are given hardship allowance.

The other reason why they are given house allowance is also to compensate them for lack of basic amenities, which are beneficial to most of other public servants. You have seen in the report of the Mediation Committee, that in setting out the categories of the hardship areas, there is specification of municipalities. It is only in those few municipality areas, and specifically the cities, where you would find that the teachers, like all other public servants, have access to certain basic amenities.

Madam Temporary Speaker, teachers, wherever they are in those hardship areas, lack basic amenities like infrastructure. In most of the rural areas, teachers go to work on boda boda. It is not to say that boda boda is not a good means of transport, but this is a case where teachers use majorly boda boda in areas where there are even no motorable roads, yet these are teachers who are living far off from the schools.

In this country, we still have areas where schools have no access roads. So, this calls for teachers to be given hardship allowance. Some of these schools and places where these teachers live and teach do not even have electricity.

Madam Temporary Speaker, it is majorly the teaching profession where public servants work away from modernity. I therefore support the fact that the Ministry of Public Service must relook at the discrimination that has been highlighted in Kilifi and Taita Taveta counties. However, it must not only be limited to Kilifi and Taita Taveta counties.

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Some of the innate effects of this discrimination is that the teachers finally have reduced morale to work. When teachers who are teaching our children, and looking into the growth of the youth and our children, into becoming hardworking and serious adults in this country have no morale in work, this directly affects the growth of our children, and finally affects the growth of these young people into the adults that we are looking forward to having.

Madam Temporary Speaker, another net effect of the discrimination in this hardship allowance is that finally those areas end up with staff shortage. This is because, a number of teachers are not comfortable in those areas, and as a result, they continuously seek transfers. This even leads to high turnover.

In the teaching profession, there is need to have harmony in the kind of personnels that attend to children, so that learning can effectively and efficiently take place. For learning to take place, and our children to get knowledge, there should be some consistency and progress of the teachers that teach these young people.

Madam Temporary Speaker, another serious net effect of the discrimination of the hardship allowance is that, it has even led to a number of resignation of teachers. Remember, for one to have gone to school to be trained into a teacher, that was an investment by the community and country. So, when they resign, it means we are lacking that kind of knowledge yet Kenyans invested in the training and education of these teachers.

Madam Temporary Speaker, another net effect of this discrimination of teachers is that, a number of teachers end up deserting their work stations. A number of teachers have been depressed. I have often dealt with teachers who had hardship allowance in their previous stations, but when they are transferred to other stations and they lose it, they lack even minimum salaries, and can no longer support their livelihoods and those of their families. This must be addressed. Part of the way forward that this can be addressed is that, the Ministry must relook at the categorization of regions into hardship and non-hardship allowance.

Madam Temporary Speaker, secondly, the Ministry must look at the existing disparities. In the report, as I second, I also notice that the Ministry of Public Service and Human Capital Development had formed an inter-agency technical committee to look at the issue of the disparities.

I noticed that there is a further disparity even in the formation of the Inter-Agency Technical Committee; that, in this Committee, there are representatives from the Ministry of Public Service and Human Capital Development, the Ministry of Interior and Coordination of National Government, the Ministry of Education, the National Treasury and Planning, the Judiciary, the Public Service Commission, the Teacher Service Commission, the Salaries and Remuneration Commission, the Commission on Revenue Allocation, the Kenya Bureau of Statistics, and the Council of Governors.

I did not see the mouthpiece of teachers, that is the Kenya National Union of Teachers (KNUT) and Kenya Union of Post Primary Education Teachers (KUPPET).

Madam Temporary Speaker, in this period of inclusivity, the Ministry needed to have a non-inclusive inter-agency committee that would speak for the teachers, even as the other stakeholders dealt with their mandates.

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As I end my presentation, I want to Second this Motion but say that we need as a country to relook overly at the welfare of teachers. There would be even no need to single out only specific areas to have hardship allowance.

If you are to take my word, teachers everywhere still have hardships, because what they earn is not commensurate with the expectations.

Madam Temporary Speaker, all of us look up to teachers as role models. May we as a country look into the welfare of teachers. I would propose that three-quarters of this country must be categorized as hardship for teachers because of the lack of access to schools, and certain basic amenities that I have mentioned, including access, to electricity, including Wi-Fi.

There are teachers even whose children cannot modern television networks, and yet we expect these teachers to be comfortable and give the best to our children.

I second.

The Temporary Speaker (Sen. Veronica Miana): Thank you, Sen. Beatrice Ogola.

(Question proposed)

I will now invite Senators to contribute to this Motion, starting with Sen. Catherine Mumma.

Sen. Mumma: Thank you, Madam Temporary Speaker, for the opportunity to contribute to this report and to congratulate the Chairperson of the Standing Committee on Education and the outgoing Members of the Committee, noting that I am also a Member.

This is a very good report which I hope we can adopt and follow up collectively as the plenary of the Senate to ensure it is implemented as envisaged.

Madam Temporary Speaker, education is the biggest facilitative tool in this country for equality and equalization. Access to education is a sum total of the school infrastructure in terms of buildings, the teachers and quality of teachers that are given to schools, the books, the quality of laboratories, and the security and safety that the students get.

We must admit that 15 years since the passing of the Constitution of Kenya 2010, we are doing badly. We are retrogressing when it comes to the right to access education in this country.

Our Constitution is rights-based, obsessed, if I can use that word, even though it sounds negative. It has the principle of equality and non-discrimination in every space. The principles of governance within this country in all spaces include the principles of human rights and non-discrimination, equality, and equity.

Madam Temporary Speaker, Chapter 6, which is supposed to be the chapter that guides us, guides everyone to act in a manner that ensures that we bridge the inequality gaps. We even went further in Article 204 of the Constitution to create a fund that has never been operationalized, the Equalization Fund, that was intended to hand-hold regions that we have historically marginalized.

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This Motion is absolutely important as we discuss the issue of unequal remuneration across the country. The same Constitution that established so many constitutional commissions with powers to do this, I feel they have failed us.

Madam Temporary Speaker, we have the TSC, we have the Salaries and Remuneration Commission (SRC), we have the Kenya National Commission on Human Rights (KNHRC), we have the National Gender and Equality Commission (NGEC), Commission on Administration of Justice, the Judicial Service Commission (JSC), the Parliamentary Service Commission (PSC), and the 47 County Public Service Boards, all of them mandated by the Constitution to implement the Constitution and to apply the principle of equity and equality.

You would have imagined that by the time we have done 15 years, the SCR and the Public Service Commission would have by now helped us to have a uniform definition of hardship areas.

Madam Temporary Speaker, you can see clearly, that we are going to spend more money to do something that commissions have received funds for and salaries for 15 years and they have not helped us to do this. In fact, what they have done has contributed to breaching Article 27 of the Constitution on equality and non-discrimination.

I would like to urge this Senate to make this an urgent issue; and summon the Cabinet Secretary for Education, and all those commissions to find out why point X and not point Y qualifies to be a hardship area.

All of us in the Senate were recently in Kilifi. You will agree with me, Kilifi is one of the areas that through our own eyes we can define as being marginalized.

Madam Temporary Speaker, there are workers, not just teachers, policemen, and even public servants in other areas who would go there and try their best but they end up resigning because of the hardship areas. Hardship allowance is one thing that incentivizes those who are undergoing hardships to hold on as we hopefully get the country to bridge the inequality gaps and bring development in these areas.

Clearly, we can see that the tools that we put in the Constitution to assist us in bridging these gaps are not doing their job. They are not interpreting their work as they ought to interpret.

It is my view that this level of inequality needs to be looked at because it is at the core of undermining the right to access education for children in Kilifi, and for children in other areas that have not been defined as hardship areas.

Madam Temporary Speaker, maybe we should even ask, the Chairperson of the Senate Standing Committee on Education to find out how many teachers the TSC has deployed per school in some of these areas, comparable to the number of teachers that have been deployed to some areas.

When the local authorities were devolved, we found out that some areas had an over-employment of people while other areas were struggling to have people.

On the aspect of nursing, for example, we had counties such as Mandera which were struggling to keep enough nurses in their hospitals while others were struggling how to reduce the number of nurses that they had.

Madam Temporary Speaker, as a Senate, we must reach a level that we start doing human resource audits to find out how many of these resources are serving county X

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comparable to county Y. We need to find out how the marginalized counties can be handheld to ensure citizens in those counties do not suffer lack of access to services. This is because we are deliberately refusing to implement the principle of equality, non-discrimination, equity and equality.

You will agree with me that the political question on the table in Kenya today is equity. Whatever factions and communities are out there are moaning on how they are not accessing certain kind of service. The most important thing we need to do as Parliament and Executive is to engage in deliberate moves to handhold the regions that have been marginalized. These regions' children are suffering from this marginalization.

Madam Temporary Speaker, I nearly cried when the Speaker during the funeral of the father talked about his classmate who was a top student, but never got to proceed because he was poor, and yet this is the same country that has bursaries being issued by every other person.

We have bursaries by Members of Parliament (MPs), Members of the County Assembly (MCAs), governors, the President and the Kenyan National Library Services (KNLS). In fact, we are not counting the Wings to Fly by the Equity Bank, the Cooperative Bank, the Kenya Commercial Bank (KCB) and the ordinary Kenyans that are still fundraising for people to go to school. Yet, we still have more poor children out of school with all these monies.

I recently asked the Minister for Education to give us an aggregate of public funds that are being spent on bursaries. He said he does not know because he does not receive returns on the National Government Constituency Development Fund (NG-CDF).

Madam Temporary Speaker, if we do not get education and health right in this country, we should be ready to fall off the cliff. This is not an issue about Teachers Service Commission (TSC) teacher salary, but a string of aspects of inequality. Chairperson, Standing Committee on Education, maybe we should try to find out how many schools in Kilifi and other similar areas have laboratories, children and buildings under which they are studying?

We must ask ourselves, is it fair that those children are assessed at the same level with children that have facilities that are overflowing? Overflowing so much that we are now looking on how to give them a meal. The next thing we are looking for is the quality of meal we are giving them. However, we have a Kenyan child who is schooling under a tree.

It is 15 years after the passing of the Constitution of Kenya 2010. The Parliament needs to take the issue of equity and access to education seriously. We need to pull together to ensure that the public health insurance scheme that has just been introduced by the Kenya Kwanza Government works. The Government needs to admit that there are many things that need to be corrected about it. All of us need to find a way of getting it to work because when it does not work, we are killing people. Many of the people we are killing do not have the voice we have. Many of the people we are killing are not the political class to make headlines.

There is a reason why Kenyans were obsessed with the words of human rights of equity, equality and non-discrimination in every Chapter of the Constitution. They

wanted it in governance and sharing of resources. The devolved governance system is the number one tool of ensuring equity.

I urge our Chairperson and the Committee to look beyond what the KENYA Union of Post Primary Education Teachers (KUPPET) and Kenya National Union of Teachers (KNUT) Kilifi branch have brought to us. I would like to thank them so much and encourage them to bring the other aspects of education. I am sure we will be able to find the inequalities in the education sector. If we cannot get it right in our education system, we are killing the nation.

I have one more thing. Sometimes, I wish the Secretariat could do a tally on where the children of MPs go to school. Maybe it does not matter because our children go to private schools. Maybe the Clerks of the Committee on Education need to do that research for us.

Madam Temporary Speaker, they should tell us what percentage of children of leaders in this country are going to the schools that they waste those meagre resources called bursary that are supposed to build the schools. They are being paid by taxpayers. They waste resources that should be spent on the most important profession; teaching. We have now reduced teaching to the least important profession. We need to smell the coffee and do the right thing.

I support the Motion.

The Temporary Speaker (Sen. Veronica Maina): Thank you, Senator. There are no other contributors to this Motion so I will request Sen. Betty to reply.

Sen. Betty Montet: Thank you, Madam Temporary Speaker. I beg to reply. I wish to thank all the Senators who have contributed to this Motion. From what we have gathered as a Committee, this is a very important Motion. It is affecting not only Kilifi and Taita Taveta counties, but most of the hard-hit areas in our Republic. We have gotten very good insights, which this Committee will sit and look into.

I pray that the House adopts the report so that whatever suggestions and considerations that the Committee has put into place are going to be considered. Pursuant to Standing Order No.66 (3), I request that we defer putting of the question to a later date. I thank you.

The Temporary Speaker (Sen. Veronica Maina): Thank you, Sen. Betty. The putting of question is deferred to the next sitting of the Senate.

(Putting of the question on the Motion deferred)

Next Order.

ADOPTION OF REPORT ON CATASTROPHIC
MAIZE DISEASES IN BOMET COUNTY

THAT, the Senate adopts the Report of the Standing Committee on Agriculture, Livestock and Fisheries on a Petition to the Senate regarding the catastrophic maize diseases that farmers in Bomet County have

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endured for the last twelve years, laid on the Table of the Senate on Thursday, 5th December, 2024.

The Temporary Speaker (Sen. Veronica Maina): The Mover, who is the Chairperson of Standing Committee on Agriculture, Livestock and Fisheries is not here so this will be deferred to the next Sitting.

(Motion deferred)

Next Order.

ADOPTION OF REPORT ON PETITION ON GRAFT INVESTIGATION
BY EACC ON WEST KANO IRRIGATION SCHEME

THAT, the Senate adopts the Report of the Standing Committee on Agriculture, Livestock and Fisheries on a Petition to the Senate regarding graft investigation by the Ethics and Anti-Corruption Commission (EACC) on the West Kano irrigation scheme, laid on the Table of the Senate on Thursday, 5th December, 2024.

The Temporary Speaker (Sen. Veronica Maina): Sen. Wafula is the Mover of this Motion.

He is not there, so, the Motion is deferred.

(Motion deferred)

Next Order.

ADOPTION OF REPORT ON ALLEGED FRAUDULENT
DEALINGS AT THE GOPLC, EAB LTD, KENYA BREWERIES,
AND UDV KENYA LTD

THAT, the Senate adopts the Report of the Standing Committee on Trade, Industrialization and Tourism on a Petition to the Senate regarding alleged fraudulent dealings at Diageo PLC, East African Breweries Limited, Kenya Breweries and UDV (Kenya) Limited, laid on the Table of the Senate on Thursday, 5th December, 2024.

The Temporary Speaker (Sen. Veronica Maina): The Chairperson Standing Committee on Trade, Industrialisation and Tourism, Sen. Boy is not in; this will be deferred to the next Sitting.

(Motion deferred)

ADOPTION OF REPORT ON PETITION ON INTRODUCTION
OF THE HOSPITALITY PROFESSIONALS BILL OF 2023

THAT, the Senate adopts the Report of the Standing Committee on Trade, Industrialization and Tourism on a Petition to the Senate on the need for the introduction of the Hospitality Professionals Bill, laid on the Table of the Senate on Thursday, 5th December, 2024.

The Temporary Speaker (Sen. Veronica Maina): The Chairperson of the Standing Committee on Trade, Industrialisation and Tourism, Sen. Boy, is not present; this will be deferred to the next Sitting.

(Motion deferred)

ADJOURNMENT

The Temporary Speaker (Sen. Veronica Maina): Hon. Senators, there being no other business on the Order Paper, the Senate, therefore, stands adjourned until Tuesday, 4th March, 2025, at 2.30 p.m.

The Senate rose at 5:52 p.m.