

# PARLIAMENT OF KENYA

## THE SENATE

## THE HANSARD

Wednesday, 2<sup>nd</sup> April, 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?

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

*(The Quorum Bell was rung)*

**The Speaker** (Hon. Kingi): Order, hon. Senators. We now have quorum.  
Clerk, you may call the first Order.

### PAPERS LAID

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

**Sen. Orwoba:** Mr. Speaker, Sir, on behalf of the Senate Majority Leader, I beg to lay the following Papers on the Table of the Senate, today, Wednesday, 2<sup>nd</sup> April, 2025-

#### LEGAL NOTICE ON SUSTAINABLE WASTE MANAGEMENT

Legal Notice No.62, Sustainable Waste Management (Extended Producer Responsibility) (Amendment) (No.2) Regulations, 2025

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LEGAL NOTICE ON ENVIRONMENTAL  
MANAGEMENT AND COORDINATION

Legal Notice No.63, Environmental Management and Coordination (Water Quality) (Amendment) (No.2) Regulations, 2025.

*(Sen. Orwoba laid the documents on the Table)*

**QUESTIONS AND STATEMENTS****STATEMENTS**FATE OF CANDIDATES SHORTLISTED FOR  
DIASPORA JOBS PROGRAMME

**Sen. Orwoba:** Mr. Speaker, Sir, I rise pursuant to Standing Order No.53(1) to seek a Statement from the Committee on Labour and Social Welfare regarding the fate of candidates shortlisted for the diaspora jobs programme under the Ministry of Labour and Social Protection.

In the Statement, the Committee should address the following-

(1) The fate of 89 shortlisted candidates who paid a fee of Kshs15,000 each, completed and passed their medical exams and have not yet received their job contracts stating when they should expect their refunds.

(2) The fate of the thousands of shortlisted candidates who have been recruited through the Ministry of Labour and Social Protection Welfare and channeled to the agents to pay fees some of who have paid more than Kshs50,000.

(3) The role of the Director-General of the National Employment Authority and the Minister for Labour and Social Protection, in the recruitment process and whether the two officials own any recruitment agencies.

(4) Whether due process was followed in the vetting of the agencies engaged to work in partnership with National Employment Authority and the Ministry, considering that one of the leading agents of a firm engaged by the Ministry, Festus Omambia, has been arrested before and charged with collecting money for fake diaspora jobs.

(5) Lists of the beneficiaries of the current labour export program, and reasons for the backlog of the shortlisted candidates arising from recent recruitments who have not yet travelled for work more than six months after they paid the recruitment fee.

Thank you.

**The Speaker** (Hon. Kingi): Sen. Richard Onyonka, please, proceed. Is the Senator not in the Chamber?

That Statement is dropped.

## FATAL SHOOTING IN SOMBOGO, KISII COUNTY

*(Statement dropped)*

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Sen. Tom Ojienda has two Statements. Those two statements are dropped.

ACCESS TO CLEAN AND SAFE WATER IN KISUMU COUNTY

*(Statement dropped)*

ETHNIC EXCLUSION AND MARGINALISATION OF PWDs)  
WITHIN COUNTY ASSEMBLIES

*(Statement dropped)*

Senator for Nandi County. Sen. Cherarkey's Statement is dropped.

DEATH OF DR. DANIEL NDEGE CHACHA

*(Statement dropped)*

Sen. Mohamed Chute, please, proceed.

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

STATUS OF CONSTRUCTION OF  
MARSABIT-SEGEL-MAIKONA ROAD

Mr. Speaker, Sir, I rise, pursuant to Standing Order 53(1), to seek a Statement from the Standing Committee on Roads, Transportation and Housing, regarding the progress and current status of construction of Marsabit-Segel-Maikona Road.

In the Statement, the Committee should address the following-

(1) Details of the contractor awarded the project, including the name of the company, the total contract amount, and the date the contract was awarded, outlining the roles of the Ministry of Roads and the Kenyan National Highways Authority in overseeing the implementation of this project.

(2) Timelines for completion of the road from commencement of construction works, the expected completion date as per the awarded tender, and whether the project was planned in phases. If so, specify which sections have been completed and which sections remain under construction.

(3) Reason for any delays or interruptions in the construction process, providing details on any financial, technical, or administrative challenges affecting the progress.

(4) Plans in place to ensure the completion of the remaining sections, including the expected timeline for presumption and completion of the project.

Thank you.

**The Speaker** (Hon. Kingi): I will allow comments for not more than 15 minutes. Hon. Senators, if you have an opportunity to speak, do so for not more than three minutes. Sen. Aaron Cheruiyot, please proceed.

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*(Interruption of debate on Statements)*

## POINT OF ORDER

### PROCESSING OF STATEMENTS BY COMMITTEES

**The Senate Majority Leader** (Sen. Cheruiyot): Mr. Speaker, Sir, I am speaking on a related matter, not specific to a statement, but something that concerns me.

As the Senate Majority Leader, I follow the work of committees, and see the kind of work that our committees have to put up with. I am increasingly getting concerned on the level of workload that we are giving to our committees with regards to statements. If you speak to chairpersons and members of the various committees, committees predominantly handle Bills that are before them, Petitions and Statements.

I beg for your indulgence on this matter, so that perhaps, as a House, we can think through it and take a decision. We run the risk of being the Senate that considered statements only. Our committees are due to report to us before we break for recess. If you follow through the reports, you will realize that the biggest workload for most of our committees is actually to respond to Statements. With no specific reference to any particular Senator or issue, I know this is not a very nice conversation to have, but this is my honest opinion.

My colleagues could perhaps hold a slightly different view to it, but this is what I feel. I say this as somebody who has served in this House long enough to know the difference between what is a Statement that befits consideration by a committee of the Senate of the Republic of Kenya, and others that are pursuing matters that do not meet that particular threshold.

Mr. Speaker, Sir, I do not know what procedure you can put in place, so that at least we can save our committees the time of having to consider certain matters, which perhaps, can either be dealt with by that Member, either by writing directly to the agency or being left to be dealt with at the County Assembly level, especially if there is absolutely no relation to the stature of the Senate as an institution, and it is a matter that purely, perhaps will concern only that particular Senator and their county.

If we do not make a decision on this matter, you will soon realize that at the very least, each of our 14 committees have no less than 200 Statements to consider. Tell me how practical it is possible for all our committees to consider those Statements, respond, and give quality feedback to Senators who are raising these statements.

Mr. Speaker, Sir, we must have a conversation about what is the threshold which a Statement meets for it to be considered, that we can send it to the committee of the House.

Mr. Speaker, Sir, that is my concern, which I beg your indulgence on. Perhaps, you can guide us on how we can make a decision on that particular matter. I do not know if the chairpersons are concerned, but I am particularly concerned about that issue.

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

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**Sen. Wambua:** I thank you, Mr. Speaker, Sir. If you allow me, I would also like to associate myself with the remarks made by the Senate Majority Leader, as far as the business of this House is concerned.

Mr. Speaker, Sir, it will be remembered that I have gone on record questioning the amount of work that our committees are being called upon to process, and the impression being created that our committees are not performing well.

I would like to advise, with your permission, as a ranking Member in this House, that there are issues that are coming on the Floor of this House that, to a certain extent, diminish the dignity of the House. I have seen Statements that seek responses literally on paths in our counties. I know the Senate can inquire into any matter in any county, but there is no county in this country that does not have a county assembly. Apart from Nyamira County that has two county assemblies, the other counties have county assemblies that are functioning.

Mr. Speaker, Sir, I would request that you give direction on the matter of the threshold for Statements to be brought before the House, and the process of clearing those Statements, so that we do not end up with so much workload in committees that actually clog the work of committees and prevent them from undertaking other equally or more important matters like processing Bills and Motions.

Mr. Speaker, Sir, I seek your indulgence.

I thank you.

**The Speaker** (Hon. Kingi): Hon. Senators, to address the concerns raised by the Senate Majority Leader, amplified and echoed by Sen. Enoch Wambua, there are three players to this. If we are to get it right, these three players must get it right at their levels. Player number one is the Senator himself. Player number two is the Secretariat. Then, ultimately, all these statements land at the Speaker's desk.

Hon. Senators, if you look at Standing Order No.55(3), it is very clear because it gives you the requirements of a statement. If you know your statement does not meet the requirements as per Standing Order No.55(3), then you need not place it before the Secretariat. I have had to decline approving several statements because they do not meet the particular criteria set out in Standing Order No.55(3)

When I engage the Secretariat, and I am going to be very candid on this, on why they have processed Statements that clearly do not meet the criteria as set out in Standing Order No.55(3), the response has been that if we do not process a statement, then we will be in trouble with the Senator. Hon. Senators, statements will be processed because they meet the criteria. The Secretariat will not process statements out of fear. Therefore, if you play your part, the concerns raised by the Senate Majority Leader and Sen. Enoch will be addressed.

Secondly is the Secretariat. You will do your work without fear or favour. Any Statement that does not meet the criteria set out in Standing Order No.55(3) must not be processed. It does not matter who brought it up, whether a ranking Member or a new Member. If the Statement does not meet the criteria of Standing Order No.55(3), it shall not be processed.

If you push the Secretariat to do so, we will end up with a scenario that has raised the concern as alluded to by the two hon. Senators. On my part, I am going to be very

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vigilant on this particular aspect. I have declined to approve several statements in this regard, and I will continue tightening and applying the criteria as set out in Standing Order No.55(3). Only then will we be able to address the concerns as raised by the Senate Majority Leader and Sen. Enoch.

Hon. Senators, we need not go to those lengths. As you are drafting your statements, have Standing Order No.55(3) before you. You can even tick the box, because it says a statement must be able to follow the following criteria. Criteria number one, and for avoidance of doubt and clarity, allow me to give you the full criteria as demanded by Standing Order No.55(3). It says-

“A request for a Statement shall not-

(a) be made the pretext for debate;”

I have seen quite a number of statements that are made in the pretext of a debate.

“(b) be framed so as to give information or suggest its own response;

(c) convey a particular point of view;

(d) contain any argument, inference, opinion, imputation or ironical or offensive expression;

(e) repeat in substance any matter covered in a prior request for statement or already responded to, either as a statement or in the course of a debate during the same Session;”

We have abused this particular sub-criterion. I will give you a recent example of the--- Is it called the--- This outbreak of--- What disease is this in Marsabit?

**Hon. Senators:** Kala-azar!

**The Speaker** (Hon. Kingi): We were dealing with that before it was even fully committed to the Committee, as a similar request was made from the County of Wajir; same subject matter. The same stakeholders will be called upon to respond. If we strictly apply Standing Order No.55(3)(c), then certainly, one of those statements, especially the one that came later, ought not to have been approved.

Another one is-

“(f) seek an expression of opinion;

(g) ask whether any statement in the press or of a private individual or unofficial body, other than an official government report, is accurate;

(h) refer to more than one subject matter;

(i) be of excessive length;

(j) include the name of any person or any statement not strictly necessary to render the request intelligible; or,

(k) refer to proceedings of a Select Committee before that Committee has made its report to the House.”

Now, hon. Senators, if only we adhere to the criteria as given by Standing Order No.55(3), we should be able to sieve quite a number of these Statements that end up flooding committees, therefore, clogging their wheel and thereby, making them less effective. So, let all of us play our role.

Hon. Senators, play your role. The Secretariat will play its role, and the Chair will play his role for us to fully address the concerns as given to us by the Senate Majority Leader and Sen. Enoch.

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Yes, Senator for Nairobi City.

**Sen. Sifuna:** Thank you, Mr. Speaker, Sir. I just needed to seek some clarification, first, as a regular victim of the very stringent criteria that you have very ably reiterated there.

*(Laughter)*

During my time at the Senate Business Committee (SBC), there was a conversation we had about the reciprocal responsibility of the Secretariat. Once my statement falls on that axe, at the very minimum, communication should be made to me to know that my statement or the request suffered that fate. Unfortunately, I feel like the Secretariat has never taken up that particular issue. You will only know that it has suffered that fate when you do not see it weeks later. I do not think that is how it is supposed to be, even when you are helping people to learn.

I think by this time, because we are halfway through our term, many of us are very well versed with the rules. However, there are some unspoken rules because some of my statements have fallen not on this sword, but on an undisclosed sword because they are matters that might be uncomfortable in terms of discussion. I can give examples, but I do not want to go into it.

**Hon. Senators:** *Toboa!*

**Sen. Sifuna:** My point is, I think there is a duty on the part of the Secretariat to just notify the Member that his or her statement has fallen on the sword of the specific rules under Standing Order No.55(3). That would help us to even maybe reframe them and bring them back in a manner that satisfies the powers that be.

Thank you, Mr. Speaker, Sir.

**The Speaker** (Hon. Kingi): Hon. Senators, we can now proceed. Let us rest that matter there. Just put the Standing Order before you and apply it accordingly.

Senator for Kiambu County, you know you cannot rise on a point of order if there is no Senator on the Floor.

*(Sen. Karungo Thang'wa spoke off record)*

Okay, proceed to seek your clarification, but I hope it is not on Standing Order No.55, because that is rested now. I hope it is on a different subject.

**Sen. Thang'wa:** Yes, Mr. Speaker, Sir. My point of clarity is based on Standing Order No.53. it is also good to note that the new chairpersons are already tired, and they want to reduce the amount of statements that are going to their committees.

My point of order is, if you read Standing Order No.53(3), it says that-

“(3) Where a statement has been requested from a Committee pursuant to paragraph 1-

(a) the Speaker may allow comments in relation to the Statement for not more than fifteen minutes;”

This is where we always have a problem because we always discuss the statement, which goes against what you have said is in Standing Order No.55(3)(a), which says-

“(3) A request for Statement shall not-  
(a) be made the pretext for debate;”

So, whether we are commenting, it somehow looks like a debate because we are discussing the content of that statement.

If we have to invoke Standing Order No.55(3)(a), then we must revoke Standing Order No.53(3)(a).

I thank you.

*(Loud consultations)*

**The Speaker** (Hon. Kingi): Order, Hon. Senators. Sen. Karungo, you are totally misguided. Those two provisions are not contradicting each other.

In Standing Order No.55(3), it speaks on the body of your request for statement. It must not be made in the pretext of a debate. It should be very clear what you are seeking. It should not raise an argument as you are raising it. It should be very clear in what you are seeking and which committee you want it to be committed to.

Standing Order No.53(3) is to give a chance to your colleagues, maybe to amplify what you have said. In fact, Standing Order No.53(3) does not talk of a debate, it is comments.

We are not debating a statement. Maybe you would wish a committee to go beyond what has been requested. It is basically adding value to the request that has been made, but not really debating the contents of that particular statement. So, I think the two complement each other.

Hon. Members, let us make progress. Allow me to call Sen. Essy Okenyuri.

Sen. Essy, what is your intervention?

**Sen. Okenyuri:** Thank you, Mr. Speaker, Sir. On that same line of statements, this is in regard to committing of statements to different committees. For instance, I have a case here that is dealing with the management and operations of the Kenya National Police DT SACCO, which has been referred to the Committee on National Security and Foreign Relations, whereas I feel that SACCOs are issues to do with cooperatives. It should have been better handled by the Committee on Tourism, Trade and Industrialization. I would wish to seek clarity on this matter.

**The Speaker** (Hon. Kingi): Hon. Sen. Essy, when you rose to seek for that statement, you must have indicated which committee you wanted to handle that matter.

**Sen. Okenyuri:** Yes, Mr. Speaker, Sir. I have actually said this matter currently has been directed by the Secretariat to the Committee on National Security and Foreign Relations.

**The Speaker** (Hon. Kingi): No, no! Before we get to the Secretariat, whenever a Senator takes to the Floor, they indicate; “I rise pursuant to Standing Order No.53(1), to--” and then you state the committee. At that particular time, which committee did you mention?

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**Sen. Okenyuri:** Mr. Speaker, Sir, this is not my statement.

**The Speaker** (Hon. Kingi): Whose Statement is it?

**Sen. Okenyuri:** Mr. Speaker, Sir, I just saw this directed to the Standing Committee on National Security and Foreign Relations and I thought that because it touches on the trade, maybe, we should have handled it better.

**The Speaker** (Hon. Kingi): Well, you have a point, but I just wanted to know who is the owner of this statement being referred to by Sen. Essy.

**Sen. Okenyuri:** Mr. Speaker, Sir, I need to confirm from the Secretariat. It is a statement that is touching on the management and operations of the Kenya National Police DT SACCO.

**The Speaker** (Hon. Kingi): Of course, it is totally misplaced there.

The subject of that statement, though it emanates from police officers, but what that statement ought to interrogate are the dealings of a cooperative society by police officers. It has got nothing to do with security matters, and it ought to have gone to the committee in charge of cooperative affairs.

Therefore, I direct that the matter be placed before the committee in charge of cooperative affairs, be taken away from the Standing Committee National Security and Foreign Relations, so that it can rightfully be propped in that particular committee.

Hon. Senators, let us make progress.

Now, I have Sen. (Prof.) Tom Ojienda and the Senator for Nandi who walked in late after their business had been dropped. Now, Sen. (Prof.) Tom Ojienda has approached the Chair and explained his absence while the business was being called out, to the satisfaction of the Chair. I will, therefore, reinstate his statement.

Likewise, I will reinstate the statement by the Senator for Nandi County, having explained himself to the satisfaction of the Chair. I will therefore allow Sen. (Prof.) Tom Ojienda to proceed to read his two statements and thereafter, the Senator for Nandi County will proceed to read his one statement.

Proceed Sen. (Prof.) Tom Ojienda.

**Sen. Prof.) Tom Odhiambo Ojienda, SC:** Thank you, Mr. Speaker, Sir. I have two brief statements.

*(Resumption of debate on Statements)*

ACCESS TO CLEAN AND SAFE  
WATER IN KISUMU COUNTY

Mr. Speaker, Sir, I rise, pass one to Standing Order No.53(1), to seek a statement from the Standing Committee on Land, Environment and Natural Resources regarding access to clean and safe water in Kisumu County.

Access to clean water is a fundamental right, yet many residents of Kisumu County continue to face acute water shortages, forcing them to rely on unsafe water sources, which pose serious health risks. Rural access and informal settlements in the county are particularly affected with the erratic water supply and inadequate distribution infrastructure, worsening the crisis.

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In the statement, the Committee should address the following-

(1) The current water supply coverage in Kisumu County, including statistics on households with access to piped water or treated water.

(2) Measures being undertaken by the national and county governments to improve water access, including investment in bore holes, dams and water treatment facilities.

(3) Status of ongoing plant water projects in Kisumu County, particularly those under the Victoria Water Works Development Agency;

(4) Budgetary allocations for water infrastructure development in Kisumu County for the current financial year, and outlining key projects.

(5) Interventions in place to address contamination of water sources and ensure that residents receive safe drinking water.

#### ETHNIC EXCLUSION AND MARGINALISATION OF PWDS WITHIN COUNTY ASSEMBLIES

Mr. Speaker, Sir, I rise under Standing Order No.53(1) to seek a statement from the Standing Committee on Devolution and Intergovernmental Relations concerning the recent revelations by the Auditor-General and the National Cohesion and Integration Commission (NCIC) regarding entrenched ethnic exclusion and the marginalization of Persons with Disabilities (PwDs,) within county assemblies, in blatant violation of constitutional and statutory mandates on inclusivity.

Mr. Speaker, Sir, the Auditor General's Report and the National Cohesion and Integration Commission's (NCIC) Ethnic and Diversity Audit of the County Public Service 2023 revealed that 34 counties, that is about 72 per cent of counties, have violated Section 65. That is, of the County Government Act, 2012 by over-representing dominant ethnic groups in their workforce. This has resulted in the migration of minority communities such as the El Molo, the Daasanach, the Pokomo, as well as a systematic failure to meet the constitutional requirement of allocating at least five percent of public appointments to persons with disabilities.

These violations not only undermine constitutional principles of inclusivity, equality, and non-discrimination, but also erode the core objectives of devolution, threatening national utility, unity and cohesion.

In the Statement, Mr. Speaker, the Committee on Cohesion should address the following-

(1) Explain the role of County Public Service Boards (CPSB) and county assembly boards in contributing to these disparities and specify any measures they have taken, if any, to address and rectify this imbalance in public service employment.

(2) Outline the specific actions undertaken by oversight bodies, particularly Ethics and Anti-Corruption Commission (EACC) and NCIC to address these violations and enforce compliance with diversity and inclusion.

(3) Clarify whether there are any ongoing or planned policy and legislative interventions aimed at eliminating ethnic patronage in the county employment and enforcing the five percent employment quota for People with Disabilities (PWDs) and

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ensuring strict adherence to constitutional and statutory provisions on inclusivity within county assemblies.

Thank you, Mr. Speaker.

**The Speaker** (Hon. Kingi): Senator Cherarkey.

#### DEATH OF DR. DANIEL NDEGE CHACHA

**Sen. Cherarkey:** Thank you, Mr. Speaker, Sir, for that indulgence. I do not take it for granted.

Request for statement on the death of Dr. Daniel Ndege Chacha who was a doctor at Kenyatta National Hospital.

Mr. Speaker, Sir, I rise pursuant to Standing Order 53(1), to seek a Statement from the Standing Committee on Health regarding the death of Dr. Daniel Ndege Chacha, who was a doctor at Kenyatta National Hospital, offering free consultative and treatment service to patients.

In the Statement, the Committee should address the following-

(1) Circumstances surrounding the death of Dr. Chacha, including allegations that KNH management denied him medical services due to lack of medical coverage or financial ability.

(2) Procedure followed by KNH in providing medical assistance to intern doctors who fall ill while on duty, especially at the facility.

(3) Why Dr. Chacha, Daniel Ndege, was not accorded the necessary support, despite being registered under the Social Health Authority's SHA, Emergency, Chronic and Critical Illness Fund, and whether the failures were administrative or decision-making issues that contributed to the situation.

(4) Status of the investigation into the death of Dr. Timothy Riungu, a paediatrician who died on 22<sup>nd</sup> November, 2024, allegedly after being overworked without food for over 48 hours at the same facility, including details on the compensation awarded to his family.

My deepest condolences to family and friends of the fallen doctors.

I thank you, Mr. Speaker, sir.

**The Speaker** (Hon. Kingi): Now, hon. Senators, as I had earlier communicated, if you have a chance to speak, speak for not more than three minutes so that we can have everybody on the dashboard having a chance to speak.

Sen. Maanzo.

**Sen. Maanzo:** Thank you, Mr. Speaker, for giving me an opportunity to comment on the Statement in relation to exportation of labour from Kenya. There are already three people from Makueni who have found themselves in Manama, and in fact, one has now gone missing after the earthquake.

Mr. Speaker, Sir, when they landed in Thailand, they were not taken through the normal clearance process, including their passports, which were not stamped, and they were quickly driven in an SUV for many kilometres until they found themselves in Manama.

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Mr. Speaker, Sir, now that there is a Ministry of Labour which is dealing with this very serious matter, how are our young people finding themselves in a country which is under military rule? Are there any efforts to rescue them, even from the neighbouring China Government? This is a matter the Government really needs to be keen on. This is worse than what has been happening in Arabia and we really want a way forward to make sure that our children do not get cheated out of this country and end up as Labour slaves abroad.

I thank you, Mr. Speaker.

**The Speaker** (Hon. Speaker): Senator Miraj.

**Sen. Miraj:** Asante Bw. Spika kwa kunipa fursa hii niweze kuchangia statement ya Sen. Gloria kuhusiana na ndugu zetu ambao wame-*coniwa* pesa zao wakati wanataka kusafiri kwenda kutafuta ruzuku kule ughaibuni. Nazungumza na masikitiko makubwa.

**The Speaker** (Hon. Kingi): Sen. Miraj, you need to decide your language of communication.

*(Loud Consultations)*

Order, Hon. Senators!

You need to decide the language of communication. Do not mix the two.

**Sen. Miraj:** *Statement* ni ya kulaghaiwa kwa vijana wetu ambao wanatafuta ruzuku kule ughaibuni. Ni muda mrefu tumekuwa tukifuatilia katika kamati yetu leba vile vijana wamekuwa wakinyang'anywa pesa zao, wakiuza mashamba wakidanganywa kwamba wataenda kupata masomo ama kupata kazi huko nje. Inasikitisha kuwa ni wizara ya serikali, inayoongozwa na Waziri. Zinatangazwa fursa, waziri anakwenda pale, watoto wanapewa *offer letters*, wananyang'anywa tu kima cha Shilingi 50,000 na zaidi. Tuko na ushaidi wa kutosha.

Kauli yangu ni kusema nalaani na kukashifu vikali kitendo kama hicho. Haiwezekani kwamba tunasema tunajaribu kunyorosha maajenti ambao wamekuwa wakiwaibia watoto wetu. Sasa imekuwa ni *maboardroom* ya waziri ambayo yanatumika watoto hawa kulaghaiwa. Hii haingekuwa *Statement*, Sen. Gloria. Ungemuacha Waziri aje hapa ajibu Maseneta wote 67 wa taifa la Kenya. Atuambie vile anatumbea kuwa anasafisha maajenti wezi alafu inageuka hata zile fursa ambazo Rais ameenda kutuombea kule nje, anaanza kuibia vijana wetu hapa.

Asante, Bw. Spika.

**The Speaker** (Hon. Kingi): Sen. Edwine Sifuna.

**Sen. Sifuna:** Mr. Speaker, Sir, just allow me to make some brief comments on the Statement by the Senator for Nandi. On 18<sup>th</sup> March, which is just a few days ago, you had visitors at the gate here, members of the medical profession in this country.

They had come here to bring petitions regarding some matters that are affecting them. I remember being told on that same day about the death of this doctor, Daniel Chacha.

My concern now is that I think these statements regarding the welfare of our medical workers are piling up at the Committee on Health. They are becoming too many. I am happy that immediately I stood up, the Chair of the Committee has walked in

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because I was going to say that I was getting increasingly worried that whenever these people are here, I do not see him in the House.

I need the Committee on Health to now deal with these matters with finality. We need an update from the Chair of the Health Committee because there was a specific directive from the Chair that you must meet with these UHC workers, the doctors, everybody claiming arrears from--- They were here yesterday again. It is making our work very difficult and we appear like we are people who cannot handle this matter once and for all.

I thought the directive of the Chair was to get all these stakeholders in the medical profession before the Committee on Health. Has that meeting happened? What are the difficulties the Committee on Health is facing? Are the facilities in this building not sufficient for them to hold these meetings? How many times do the UHC workers have to come here with trumpets? You have already given a directive.

It was very sad that this doctor was not even able to afford medication, yet he is giving medication for free. This House must deal with issues with finality. I do not mean to cast suspicions on our membership of the Health Committee, but honestly, if the UHC workers were here yesterday, it means that meeting that you directed has not happened. They would not be here again, protesting outside the gates, especially since we committed to treating them with dignity.

I would, therefore, invite the Senator for Uasin Gishu County to inform me, if he wishes, on the steps that have been taken by this Committee to address the matter. I have also cited the Chair of the Health Committee, who should provide this House with a Statement outlining the actions being taken. Otherwise, we appear like we do not know what we are doing and that is not something---

**The Speaker** (Hon. Kingi): What is your intervention, Senator for Uasin Gishu County?

**Sen. Mandago:** Thank you very much, Mr. Speaker, Sir. First, I would like to inform the Senator for Nairobi City County, my good friend, that I have not been absent from the House. In fact, I have been actively receiving and addressing the petitions.

That aside, the matter that has been raised in the House is serious. Indeed, you directed that we meet all the stakeholders, and I wish to inform you that we have scheduled a meeting for next week, Monday. However, as we were preparing for the meeting, there were changes in the Cabinet, and it was necessary to allow the new Cabinet Secretary time to familiarize himself with the matters in the State Department.

That said, my committee had previously met with the former Cabinet Secretary, Dr. Barasa, and we made it very clear that the position of the Senate Health Committee, as well as the Senate, is that all Universal Health Coverage (UHC) staff recruited on contract during the COVID-19 pandemic period must be absorbed under permanent and pensionable terms.

*(Applause)*

Let me also inform the House that during the last discussion on this matter, the Ministry of Health allocated resources amounting to Kshs4.5 billion. Unfortunately, the

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Ministry opted to confirm only those UHC staff working in the national government facilities, excluding those working in county facilities. For the county-based staff, the resources were instead used to renew their contracts rather than absorbing them into permanent and pensionable terms.

Hon. Speaker, I seek the indulgence of the House to allow us to meet with all relevant stakeholders on Monday and come up with a way forward. However, it must be noted that this matter will only be fully resolved when funds are included in the budget. As a House, we also have a responsibility to press the National Assembly, which oversees the budget-making process, to allocate the necessary resources to ensure the absorption of these workers.

Finally, we have urged the Ministry to address the issues surrounding Collective Bargaining Agreements (CBA) and to fulfill any agreements that have been signed in the past. We believe that cabinet secretaries and principal secretaries do not sign CBA merely to get workers back to work, but to ensure the implementation of what has been agreed upon. During the scheduled meeting on Monday, we also plan to tackle the outstanding issues related to CBAs that have not been addressed.

So, to the Senator for Nairobi City County, I urge you to cool your horses - this is indeed a serious matter. We also share the frustration as the Senate Health Committee when health workers repeatedly gather at the gates of the Senate, requiring us to leave the House to receive their petitions. We also seek the indulgence of the health workers to allow us the necessary time to discuss---

*(Sen. Mungatana spoke off record)*

**The Speaker** (Hon. Kingi): Sen. Mungatana, the good Senator has indicated that the meeting was initially scheduled for an earlier date, but had to be postponed due to the recent cabinet changes. This delay was necessary to allow the incoming Cabinet Secretary for Health time to familiarize himself with the docket. As a result, the meeting was rescheduled for next Monday. Let us wait for the report after the Monday meeting, Hon. Senator.

Sen. Mungatana, proceed.

**Sen. Mungatana, MGH:** Mr. Speaker, Sir, I wish to comment on the Statement made by the Senator for Kisumu County, Hon. (Prof.) Tom Ojienda, regarding opportunities for minorities in this country. As the Committee investigates this matter, I would encourage them to engage various stakeholders, particularly the large employers in the public service at the national government level. Specifically, they should provide data on how many individuals from counties such as Tana River, Lamu and other small population counties are represented at the national level.

It is deeply concerning that there are many departments where people can communicate in mother tongue, but lack representation from these counties. This situation is highly unfair. I pray for the day in this country when fairness will not only be preached, but truly felt at all levels. This presents an opportunity for the Senate to thoroughly investigate this matter, engage with stakeholders and obtain comprehensive

statistics on the status of employment in small communities and counties with lower populations.

I submit, Mr. Speaker, Sir.

**The Speaker** (Hon. Kingi): Sen. Osotsi.

**Sen. Osotsi:** Mr. Speaker, Sir, I wish to comment on the Statement by Sen. Gloria regarding diaspora jobs. I wish that this Committee will conduct a more thorough investigation into the entire concept of diaspora employment. We have received numerous complaints from individuals about issues such as being unfairly excluded from shortlists or being asked to pay exorbitant fees to secure jobs abroad. These are serious concerns that must be addressed. While it is in our interest to ensure that many of our youth secure employment, whether locally or internationally, it is important we safeguard the youth against exploitation.

Mr. Speaker, Sir, when discussing diaspora matters, the plight of immigrant workers, particularly in the Middle East, comes to mind. It is very frustrating that every time the Cabinet Secretary for Labour and Social Protection appears before this House, this issue is raised, yet we fail to receive conclusive answers.

You may recall that when the Cabinet Secretary last appeared, I raised a matter concerning a woman from my county who had tragically lost her life in Saudi Arabia. Shockingly, the Cabinet Secretary was unaware of the incident. Despite your directive for him to provide a response within one week, the Cabinet Secretary has my contact information, including my *WhatsApp*, yet he has not reached out to me or the Senate regarding this serious matter.

Mr. Speaker, Sir, there appears to be a significant issue within this Ministry. I urge the Committee to extend its inquiry beyond diaspora jobs to address the pressing concerns of harassment and killings of immigrant workers, particularly in the Middle East. It is evident that the Cabinet Secretary is not taking his responsibilities seriously. I respectfully request that you direct that this Statement to be expanded to include the broader issue of the fate of immigrant workers in the Middle East and other regions.

**The Speaker** (Hon. Kingi): Thank you. Secretariat, kindly ensure that a letter is sent to the Cabinet Secretary for Labour and Social Protection, urging him to make good his undertaking. This pertains to the issue raised by Sen. Osotsi, for which the Cabinet Secretary had undertaken to respond within a week.

Sen. Wakili Sigei, proceed.

**Sen. Wakili Sigei:** Thank you, Mr. Speaker, Sir. I rise to make a brief comment on the Statement by the Senator for Kisumu County regarding availability of clean water in Kisumu City. The challenge of water access is not limited to the city of Kisumu; it is a widespread issue affecting many of our counties. County governments and water stakeholders have consistently failed in their constitutionally mandated duty to provide safe, clean and hygienic water to residents.

Such a Statement calls upon the stakeholders. In this case, in the Statement, the committee is expected to deal with the concerns on the aspect of the county governments where they have an obligation to provide clean water which cuts across.

This was experienced in the County Government of Bomet that hosted some games for one week. The entire Bomet County Headquarters does not have clean and safe

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drinking water. That is not just for the residents of Bomet but over 14 counties from the region that participated in the games.

Mr. Speaker, Sir, the Statement is coming at a time where we as citizens in this country are saying that Government agencies and bodies are supposed to comply with their obligations as expected both by law and those institutions to serve the people of Kenya.

I thank you.

**The Speaker** (Hon. Kingi): Next is Sen. Beatrice Akinyi.

**Sen. Ogola:** Mr. Speaker, Sir, I want to comment on the Statement by the Senator for Kisumu, Sen. (Prof.) Tom Ojienda, regarding ethnic exclusion and marginalization of PWDs in the county assemblies.

It is not only county assemblies. We want to encourage inclusion in all sectors, whether in public service or private sector because this country belongs to all of us. Apart from PWDs, we want to see sectors where everybody fits in the structures that are available.

It is not only PWDs but also women, the youth, and the elderly. Everybody should be included in the county assemblies. It should not just be limited to one county assembly. The same should apply to county executives and national agencies.

Mr. Speaker, Sir, I also want to support the issue of access to clean and safe water not only in Kisumu County. Everybody must have access to clean water. Water is a basic right. When our people have clean water, even health issues that we often see being attended to in our health facilities will be sorted out. The Senator for Kisumu talked about drinking water but we are talking about all the water that everybody uses in this country.

A few weeks ago, I talked about issues of drought and floods. You should see the kind of available water that our populations use especially in some drought-stricken areas. When you pass on the roads, you sympathise with women and children when you see the kind of water they are using.

Lastly, Mr. Speaker, Sir, on the issue of the death of Dr. Daniel Ndege Chacha, that should never happen to anybody including the medics. Everybody deserves getting services from hospitals. It is unfortunate that we got the story of Dr. Daniel who lost his life because he could not afford consultation fee and money for treatment.

Mr. Speaker, Sir, health and water---

*(Sen. Ogola's microphone was switched off)*

*(Interruption of debate on Statements)*

**The Speaker** (Hon. Kingi): Hon. Senators, before I allow the next Senator to speak, allow me to make this communication.

**COMMUNICATION FROM THE CHAIR**

## VISITING DELEGATION FROM MAKUENI COUNTY ASSEMBLY

**The Speaker** (Hon. Kingi): Hon. Senators, I would like to acknowledge the presence, in the Speaker's Gallery this afternoon, of a visiting delegation from the County Assembly of Makueni. The delegation comprises Members of the County Assembly (MCAs) and staff who are serving in the Powers and Privileges Committee.

The delegation is undertaking a capacity building and benchmarking programme in the Senate. I request each member of the delegation to stand when called out so that you may be acknowledged in the Senate tradition-

1. Hon. Reuben Musau Kawai - Vice Chairperson
2. Hon. (Eng.) Joseph Muthimi Mwema
3. Hon. Jackson Ndolo Kimunyi
4. Hon. Mercy Ndinda Mutuku
5. Hon. Joseph Mbindyo Matheka
6. Hon. Jacqueline Muthini Kamula
7. Hon. Steve Nzivo Kilonzo
8. Hon. Magdalene Mulwa
9. Hon. Muthiani Mwangangi
10. Mr. Thomas Ndambuki
11. Mr. Joseph Kimanthi
12. Ms. Jane Mathias
13. Mr. Cristiano Mutua

On behalf of the Senate and my own behalf, I extend a warm welcome to you and wish you a fruitful visit.

*(Applause)*

I will allow the Senator for Makueni under one minute to extend a word of welcome to the delegation.

**Sen. Maanzo:** Mr. Speaker, Sir, I am very happy to receive the delegation from Makueni County Assembly. I am sure that by the time they are through with the learning tour, they will be better MCAs in the County of Makueni.

So far, the County of Makueni has done very well in learning and implementing the same at the county level. We have received quite a number of delegations and the input has been good back home.

Mr. Speaker, Sir, I pass my warm welcome to them. They must have come with mangoes and oranges because they are still in season.

I thank you.

*(Laughter)*

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*(Resumption of debate on Statements)*

**The Speaker** (Hon. Kingi): Let us listen to Sen. Murgor.

**Sen. Murgor:** Thank you, Mr. Speaker, Sir, for allowing me to also make my comments on two issues. The first one is on job opportunities in the diaspora as reported in the House by Sen. Orwoba.

I wish to state here that as a committee, we met numerous times with the then Cabinet Secretary for Labour and Social Protection and we have also met with the current one. The issue is the beginning or the process undertaken by a candidate which is done by agents. The mistakes are mainly made by agents simply because there is no enough scrutiny of those agents as they interview candidates before they proceed to go to other countries.

A few Members made a trip to Saudi Arabia. We found out that there were loopholes there because our own embassy did not take emphasis on the location of workers in that country and they were also not in regular contact with them so that they know what is happening there.

Mr. Speaker, Sir, as a Member suggested, we will have time with the Cabinet Secretary himself so that those processes are put into a situation that can save our people.

I thank you.

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

**Sen. (Dr.) Oburu:** Thank you, Mr. Speaker, Sir, for the opportunity. I want to make a short comment on the Statement sought by the Senator for Kisumu County. I am a resident of Kisumu City and I know the problem is extremely serious, not just in the city but also across the board. That county is littered with factories. There is a cement factory and three sugar factories which are big polluters.

People do not have access to clean water either because they are not connected or cannot afford the one supplied by the municipality. They use water from the rivers which is not clean at all since they are completely contaminated.

I hope the Committee that is going to investigate this is going to get into details so that we can find a solution to this perennial water problem not just in Kisumu but across the country. Since it has been raised by Kisumu, let it be an example.

**Sen. (Dr.) Murango:** Asante sana, Mstahiki Spika, kwa kunipa nafasi kuchangia na kutoa tafsida yangu kwa Taarifa iliyoletwa na Sen. Orwoba.

Wakati huu nchi inapambana kuhakikisha kwamba vijana na wananchi kwa jumla wanapata kazi hapa na nchi za nje. Ni jambo la aibu kuona watu wakiritimba wamejipanga kuhadaa Wakenya.

Hakuna jambo mbaya kama mawakala tisa wameungana na benki tatu kuhakikisha kwamba wamewalaghai wanaotafuta kazi. Waziri wa Leba na Maslahi ya Jamii anafaa kujua mambo haya yote kabla hayajafika hapa. Kama amemakinika anafaa kujua kuna jambo linaendelea kule nje na Wakenya wanapoteza fedha zao.

Bwana Spika, mambo ni wawili- iwe anafahamu kinachoendelea au la. Kama hajui, tuko hapa kumkumbusha ya kwamba yanayotendeka ni aibu. Wakati Waziri atakapokuja hapa, atakuja kulia na sisi. Machozi ya mtengeneza jeneza hayafai kuchukuliwa kwa uzito katika mazishi.

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Tunao ushahidi ni akina nani wanafanya mambo hayo. Tunajua inaendelezwa katika ofisi zipi. Wanaotenda hayo wanafanya sinema ya Kichina kutuonyesha wanavyopeleka watu nchi za nje. Watoto wetu bado wako kule mashinani na pesa zao zimepotea.

Benki inaitisha Shilingi 5,000 kutoa mkopo ili ilipe moja kwa moja kwa wale mawakala bila kupitia kwa wale wanaotafuta kazi. Imefika wakati ambao sisi kama Seneti tunafaa kusimama tusichukuliwe kama wanasesere kwa sababu tunajua tunayofanya.

**Sen. Cherarkey:** Thank you, Mr. Speaker, Sir. It is disappointing. I think Kenya has become a hub of fake recruitment agencies from the First Choice to Trustpine Travel Agency where Rish Kamunge was conning people allegedly through TikTok.

I even saw my youth from Emgwen stranded. The sad reality is that there is complicity from the National Employment Authority. How does one pay Ksh15,000 for medical examination? What are they examining? I am told they are even doing pregnancy test to men. How can they subject a Kenyan to a Kshs15,000 medical examination? It is embarrassing. How do they charge such money to young people who borrow Kshs1,000 for transport?

We are aware there are banks that are allegedly being used including Diamond Trust Bank, Kenya Commercial Bank and Spur Capital allegedly to siphon a kickback. If one is to be paid Kshs55,000, they must pay a Kshs5,000 kickback to these agencies.

We will not allow anyone to sabotage the President's programme because the person giving a bad name to the labour mobility is none other than the Cabinet for Labour and Social Protection, hon. (Dr.) Mutua. He acted in many movies. This is not Cobra Squad movie but about the lives of many young Kenyans.

Blue Wave International Recruitment Agency, Epic Manpower, Global Finance Human Resource, Icebeck, Monisa Agency, Shakale Agency, among others, were chaired by one person called Moses Mbiti. What interest does the Cabinet Secretary have with these agencies?

Mr. Speaker, Sir, we will call him out. We shall not allow the Cabinet Secretary, Dr. Mutua, to sabotage the President's agenda. Now that we are a Broad-Based Government, we will deal with him *mundu khu mundu*.

I support.

**Sen. Asige:** Thank Mr. Speaker, Sir. I rise in great concern with regards to the same Statement regarding the fate of shortlisted candidates for diaspora employment under the Ministry of Labour and Social Protection.

For far too long, young job seeking Kenyans have been left vulnerable to exploitation with no accountability at all. It is deeply disheartening that many young Kenyans already struggling with economic hardships have been subjected to financial exploitation under the guise of recruitment fee only to be left in limbo for months with no refunds.

Mr. Speaker, Sir, young people go through far too much in Kenya. If it is not failures in bursary and school capitation, it is unemployment. If not unemployment, it is abductions, it is femicide. If not femicide, it is overseas exploitation like this.

If the State cannot guarantee our safety in the country and outside, where do we want our people to go? I agree that labour migration has the potential to provide valuable economic opportunities to the youth but is a complete failure when young people are exploited this way, abandoned or worst of all, come back home in body bags.

Must I remind us that we, young people, are the greatest asset in this country? The Committee on Labour and Social Welfare met with the Board of National Employment Authority comprising of Mr. Vincent Kigen the Chairperson and Mrs. Edith Okoki, the Director General and Secretary to the Board just last year on October, 26<sup>th</sup>. It is particularly infuriating that during the engagement, they tried making requests that we should not disband the Board because that was what was on the line for them.

How come they are responsive when they need help but not when young Kenyans need help especially after all these commitments they have made time and again? As we speak, Trustpine Verified Agency Limited led by Rish Kamunge is now the scandal we are looking at. Kenya Shillings 30 Million has been swindled from young people who are stranded in Mauritius as we speak. That is the newest scandal in the block and nothing is being done.

I had an amendment to the National Employment Authority Bill that has apparently died. According to the office of the Clerk, that has been killed by lack of concurrence even though it was to address these exact issues. Since last year, I have been denied the right to support and protect our young people which is my mandate as a young person in this House.

**The Speaker** (Hon. Kingi): Sen. Kisang, there is a problem with your button because it is blinking. You may proceed.

**Sen. Kisang:** Thank you, Mr. Speaker, Sir. I know what time I came in here. I have seen those who have spoken.

I want to comment on the Statement by Sen. Orwoba. Two years ago, we talked about First Choice Agency and many others in this House. How long will the Ministry take before taking any action? We need to reign in these agencies. If the Cabinet Secretary is conflicted, then he should do the honourable thing. He should resign, then go and run the agencies. We can request the President to take him back as the Government Spokesperson. He did very well in that position but he is conflicted in the Ministry of Labour and Social Protection.

Our youths who are working outside the country have said that when the agencies take them out of the country, they are given a two-year contract. They work there for those two years only to realise they have not fully repaid what they paid the agencies by the time they are clearing the contract.

We need to look the National Employment Authority Act and see how we can amend it. We do not need these agencies. The National Employment Authority should be the agency doing this recruitment because these are cartels. They are killing our youth.

The same thing happens when the Government advertises employment for the National Police Service, Kenya Defence Forces (KDF), National Youth Service and teacher. Our youths and their parents always end up paying Kshs500,000 or even Kshs600,000. The same disease that is happening outside the country is also happening within the country. We need to do something. We should do a surgical surgery.

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I also want to comment on the death of our doctors. Imagine one dying because of lack of medicine or even consultation fee yet you are working in a medical facility. It is like one dying out of hunger yet they are working for a hotel. This is serious and terrible.

I support.

*(A Member spoke off record)*

**Sen. Joe Nyutu:** Thank you, Mr. Speaker, Sir. For clarity, I want to inform the whip that I am not Wamunyoru. My name is Sen. Joe Nyutu, the Senator for Murang'a County.

I rise to support the Statement by Sen. Orwoba regarding the exploitation that we are doing on our vulnerable youth. The major problem with this recruitment lies in the requirement for medical examination fees. We all went to school and we were all asked to take a medical certificate before admission. However, there is no instance where anybody was referred to a particular medical facility in order for them to get a medical fitness report.

If this is going to continue, it must be done in a way that the employee is only required to produce a medical report without being referred to any particular facility, Mr. Speaker. The agents should not have anything to do with this medical fee. The prospective employee should go to any medical facility of their choice, preferably, a Government or public hospital to get the medical examination report. The agents should not have anything to do with this.

The Cabinet Secretary must take responsibility. The National Employment Authority cannot muddy this process and the Cabinet Secretary does not take political responsibility. We know that some drivers were supposed to be engaged. They were to leave the country and be in Saudi Arabia by December last year. I know of a few who have not left in spite of having paid the medical fee and all the other fees. The Cabinet Secretary must take responsibility.

We must stand here and ask the President to look at the competence of every Cabinet Secretary. Incompetence must not be seen to be residing in Mount Kenya such that the only cabinet secretaries who are incompetent are from Mount Kenya. Mr. Speaker, we must call out Cabinet Secretary, Dr. Alfred Mutua and we must tell the President to look at incompetence of every Cabinet Secretary regardless of where they come from. I submit that incompetence does not reside in Mount Kenya. It must be dealt with wherever those that are incompetent come from.

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

**Sen. Veronica Maina:** Thank you, Mr. Speaker, Sir, for this opportunity. I rise to support the Statement by Sen. Cherarkey on the death of Dr. Daniel Dege Chacha, who was a doctor at the Kenyatta National Hospital. Nothing grieves my heart more than seeing a doctor dying within a hospital setting. I wonder whether this was a setup. How can a doctor not be treated within the area where they are working?

Is it the Government to be blamed or should we blame the Social Health Authority (SHA) for not having a cover? Should we blame the doctor's colleagues for failing to render emergency services to the doctor who needed help? I do not find it

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proper or in order for anybody to say a doctor or even a patient should die within a hospital setup because they do not have a medical cover.

Under Article 43 of the Constitution of Kenya, every person is entitled to right to health under the socio-economic rights. There is no reason and no explanation, even from private hospitals, for a patient not to be treated if they are taken to an emergency room. They should never say that they did not have money hence the reason why they were not given emergency treatment.

I want to commend Machakos Hospital. A little while ago, we took a patient there and nobody asked us about money as our patient received emergency treatment. Hospitals need to know that emergency treatment is an automatic right before people decide on who is supposed to pay those bills. They should not ask at that point whether it is supposed to be paid by SHA, the family, the patient or by whoever is supposed to sort out that bill.

I first blame the doctors in that hospital who denied access to medical, access to health and access to medical facility to those two doctors. I believe this was malicious and they wanted to see their colleague down.

Mr. Speaker, Sir, I also want to comment on the statement by Sen. Orwoba which I support. It is a very big shame that after some Kenyans stopped conning people using land and property, we now have a new area where they are conning people. They are now conning the vulnerable youths who are seeking for jobs outside. It is a big shame. I am asking myself, who is licensing these agencies? Who is vetting these agencies? Where is the National Employment Authority when our youths are being conned money they do not have? No youth has Kshs50,000 in their pocket.

**Sen. Mandago:** Thank you, Mr. Speaker, Sir. I wish to comment on the Statement by Sen. (Prof.) Tom Ojienda, the Senator for Kisumu County on the issue of clean water.

Water is part of the default functions. Therefore, Kisumu County Government and Lake Victoria South Water Works Development Agency have a responsibility to make sure that the residents of Kisumu have clean and accessible water. This should actually not just apply to the residents of Kisumu but the entire basin.

Hon. Speaker, Sir, the challenge that there is in supply of clean water in Kisumu is also associated with the source of the water. As you know, we have Lake Victoria, that we are supposed to use for transport and fish. However, we are not supposed to touch the water of Lake Victoria because it is part of the Nile water. It is time as countries of the East African Community, that we sit down under African Union (AU) to discuss the Nile Treaty.

There is no way countries along the Nile will continue to stay without clean water just because there is a treaty that was signed over 100 years ago. That is a matter that must be taken up by the State Department of Water to ensure that counties that are around Lake Victoria are able to utilize the water in Lake Victoria, both for domestic and commercial purposes.

Mr. Speaker, Sir, the issue of supply of clean water is also associated with the governance structures that are available in the water service providing companies that we have in our counties. Recently, in my own county, we witnessed a situation where clean drinking water from Eldoret Water and Sanitation Company (ELDOWAS) was mixed up

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with waste water or sewage water, and we had a diarrhea menace in the whole county. Before we could settle, recently, we were served with water that looked like strong tea from ELDOWAS. County governments must take the management of water provision seriously and take the necessary steps to ensure that there is clean water so that the health of our citizens is also guaranteed.

Finally, Mr. Speaker, Sir, on the issue of the death of the doctor, I wish to let all hospitals in the country, whether private, mission, or Government, know that the law that has now been passed allows every citizen to access emergency services without any pay. So, there is no excuse whatsoever as to why that doctor had to die on account of the fact that there was no medical cover for him.

I would like to ask the medical practitioners and the doctors that if you cannot save your own colleague---

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

**Sen. Abass:** Thank you, Mr. Speaker, Sir. I would like to also join my colleagues to add onto Sen. Cherarkey's Statement. It is very unfortunate that a medical doctor died as a result of being neglected and not given treatment immediately by the Kenyatta National Hospital, which is supposed to be the National Referral Hospital for all cases, whether it is a civilian, or a public servant, more so, for a doctor. Honestly, it is unethical. Kenyatta National Hospital must take responsibility for whatever has happened.

Mr. Speaker, Sir, in this country today, issues to do with health have been so much commercialised. Whenever you take somebody who has had an accident to the hospital, you are asked if they are covered. Even if they are covered, you are told, "Give us time to contact the health insurance", yet you have somebody who is actually bleeding all over.

Why did they not treat the doctor first? If worse comes to worst, they can still hold him in the hospital. After all, he was even working there. *Hii ni kukosa utu*. It is just missing human understanding. Therefore, the Senate Committee on Health must take this seriously. It is not only Kenyatta National Hospital, but almost across all hospitals in Kenya, today.

Mr. Speaker, Sir, I also want to add on Gloria's Statement that, Kenyans are so unemployed that they have become so desperate. Not only are they desperate, but people who are not employed, especially young men and ladies and women who came from universities are now looking for small jobs, like that of sweepers, then people are taking advantage of that condition. People have been taken to overseas where they cannot even get access to support. They are being underpaid after being duped and told that they are going to get good jobs, yet they end up doing useless jobs.

The Cabinet Secretary must take responsibility. We must come up with laws that prohibit Kenyans from being recruited by unknown and greedy people like those who have been recruiting young men and women, causing a lot of problems for the country. It is high time the Ministry of Labour and Social Protection should take responsibility, and register all those people who claim to be recruiting agents. We must have a kind of legislation that will be able to bar or even offer compensation for anybody who has been duped and misled, that he or she will be employed...

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*(Sen. Abass's microphone went off)*

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

**Sen. Okenyuri:** Thank you, Mr. Speaker, Sir. I would like to support the Statement by Sen. Cherarkey. It is actually sad that we can lose a doctor who treats patients for free. This is not the first time we are having such cases. The Kenyatta National Hospital (KNH) has been notorious on this and they give lame excuses when it comes to such issues. For instance, there were claims that this doctor was not fully employed by KNH. This is not a reason to just let him suffer the fate that he ended up with. If this can happen to a doctor, then I pity ordinary citizens who are lying in hospitals waiting for help to come nearby. I wish that we do not continue lamenting about such issues. Instead, we should take stern actions against such happenings in our hospitals on daily basis.

I also would like to support the Statement by Sen. Orwoba on recruitment. The moment I saw huge numbers being flagged off to go out of the country, I knew there was a problem. That is why I was reluctant to rush into getting my young people into those programmes because I knew there was an elephant in the room. I was wise.

So, Mr. Speaker, Sir, we are not going to take advantage of young people who are suffering from getting help in school. The moment you graduate, there are no jobs for you out here. The moment you think there are greener pastures out there, we have colonialists of our times who still want to terrorize you.

So, I would like the Committee that is going to handle that issue to look at it deeply and lead a crackdown of some of these recruitment agencies which are exploiting desperate Kenyans.

Thank you.

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

**Sen. Orwoba:** Thank you, Mr. Speaker, Sir. I would like to support Sen. Mohamed Chute's Statement on the transparency that is being requested here, on the details of the contractor who was awarded the construction and the status of the Marsabit-Segel-Maikona Road.

Mr. Speaker, Sir, the problem we have, and you will see the recurring trend in all the Statements, is that all the Members of this House are constantly asking for transparency of projects and Government programmes that are happening. It is an issue of who is doing business with any programme that has been proposed by the Government. That is the case in all these Statements that have been forwarded here.

I am standing here because I am also partly affected by some of the Statements, including the issue of diaspora jobs. I did recruitment in partnership with National Employment Authority, because they called upon me. When the Government of Kenya has come out and said that it has a special programme, someone cannot stand in this House and say that they were wise not to participate. This is the Government of Kenya. Since when does the Government of Kenya, and in all fairness, through a ministry, a Government office, allow for conmen to sit and literally con young people of this country? We cannot say that we are wiser, so we did not participate.

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People are desperate to go out and seek for work. So, we cannot just write it off as, why did you participate? We have Government programmes, the Universal Health Care, the Social Health Insurance Fund (SHIF) and Social Health Authority (SHA). How can you start telling Kenyans that be wise, do not participate in that? The Government is supposed to be for and stand for the people.

So, when a Government initiative on labour export is rolled out, you cannot expect that Kenyans will say, do not touch that because there could be a possibility that they are being conned. That is victim blaming. You cannot blame the victims who have been conned, because some of them actually were conned from the Office of the Ministry of Labour and Social Protection.

What are we trying to say to Kenyans? I call upon the President, my party leader, to fire the Cabinet Secretary for Labour and Social Protection because he knows what is happening. He knows why we are standing here upset. This person is incompetent and his interests have been seen. He is not there for the people of Kenya. I want to say this with all fairness, let him go home. Let him go home!

**The Speaker** (Hon. Kingi): Clerk, call out the next Order.

## BILL

### *Second Reading*

#### THE STATUTORY INSTRUMENTS AMENDMENT BILL (SENATE BILLS NO.10 OF 2024)

#### *(Division)*

Hon. Senators, this Order is deferred.

#### *(Bill Deferred)*

**The Speaker** (Hon. Kingi): Next Order.  
Chairperson, Standing Committee on Labour and Social Welfare.

## MOTION

#### CONSIDERATION OF THE NATIONAL ASSEMBLY AMENDMENTS TO THE PERSONS WITH DISABILITIES BILL (SENATE BILLS NO. 7 OF 2023)

**Sen. Murgor:** Thank you very much, Mr. Speaker, Sir, for letting me have the opportunity to move this Motion on the consideration of the National Assembly Amendments to the Persons with Disabilities Bill (Senate Bills No.7 of 2023).

Mr. Speaker, I beg to move the following Motion-

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THAT the National Assembly Amendments to the Persons with Disabilities Bill (Senate Bills No. 7 of 2023) be now considered.

The Persons with Disabilities Bill (Senate Bills No.7 of 2023) was introduced in the Senate by way of first reading on Wednesday, 22<sup>nd</sup> March, 2023 and thereafter stood committed to the Committee for consideration.

The Bill is a comprehensive legislative proposal aimed at repealing the existing provisions of the Persons with Disabilities Act No.14 of 2023 and replacing it with a more robust and constitutionally aligned framework. The Bill emphasises a human rights-based approach to the protection, promotion and realisation of the rights of a person with a disability in Kenya. It also outlines the responsibilities of both the national and the county governments in ensuring the inclusion and welfare of persons with disabilities.

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

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

The Bill addresses the needs of persons with disabilities across various sectors, including education, health, employment and public participation. The Bill also emphasises the importance of---

**The Temporary Speaker** (Sen. Wakili Sigei): Clerk, kindly---

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

Okay, proceed, Sen. Murgor.

**Sen. Murgor:** The Bill also emphasizes the importance of accessibility and non-discrimination, aiming to create a more inclusive society for all. Pursuant to Standing Order No.145 of the Senate Standing Orders, the Committee conducted public participation and considered the views, recommendations of the public and thereafter laid the report in the House on Wednesday, 31<sup>st</sup> May 2023.

The Bill was passed in the Senate on Thursday, 21<sup>st</sup> February, 2024 and referred to the National Assembly, where it was considered and passed with amendments on Thursday, 16<sup>th</sup> January, 2025. Thereafter, at the sitting of the Senate held on Thursday, 4<sup>th</sup> March, 2025, a Message from the National Assembly on the proposed amendments was recommended, and consequently, it is at this sitting held on Thursday, 18<sup>th</sup> March, 2025 that the Committee considered amendments from the National Assembly and noted that-

(1) The amendments strengthened the Bill.  
(2) The amendments re-organised various provisions of the Bill, ensuring that the rights of persons with disabilities are more elucidated.

(3) The amendments also introduced new protections, such as criminalising the exploitation of persons with disabilities through begging, as well as ensuring that access to housing. The Bill, once passed with amendments, will provide a stronger legal framework for protecting and promoting the rights of persons with disabilities, aligning with the Constitution of Kenya and International Human Rights Standards.

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Mr. Temporary Speaker, Sir, based on the above, the Committee observations and deliberations therein, the committee recommends that the National Assembly amendments be adopted and the Bill be consequently approved with the amendments.

I beg to move and request Sen. Miraj Abdullahi to second.

**The Temporary Speaker** (Sen. Wakili Sigei): Senator Miraj, you may proceed even as the notes are being passed on to you.

**Sen. Miraj:** Thank you, Mr. Speaker, Sir. I beg to second the amendments on the Persons with Disabilities Bill as moved by my Chairperson of the Committee on Labour and Social Welfare. Given that the Bill originally was from the Senate and was taken for-- Just a minute, Mr. Temporary Speaker, Sir.

**The Temporary Speaker** (Sen. Wakili Sigei): Sen. Miraj, proceed to second.

**Sen. Miraj:** Yes, Mr. Temporary Speaker, Sir, I am proceeding.

I beg to second as moved by the Chairperson, the good proposals of the Bill that was overwhelmingly passed by the Senate and the National Assembly with amendments. I feel that the amendments that have been put in this Bill have enriched the original Bill and made it even better for implementation with clear laws, even with better legal bindings from the National Assembly. This makes me a very relieved parent of a disabled child in this nation.

Looking at the things that are proposed in the Bill, I would like to congratulate my Vice-Chairperson, Sen. Crystal Asige, for a well-thought-out Bill. She is extremely the best. She is a gem within our Committee, and I wish her all the best.

**The Temporary Speaker** (Sen. Wakili Sigei): Hon. Senators, I now propose the question.

*(Question proposed)*

Hon. Members, I see from among Members, the Senate Majority Leader has just come in.

Yes, Sen. Majority Leader, had you have made a request?

*(Sen. Cheruiyot spoke off record)*

Very well, Sen. Samson Cherarkey, you may proceed.

**Sen. Cherarkey:** Thank you, Mr. Speaker, Sir, for this opportunity. I support this Motion as passed by the National Assembly and the Senate, and congratulate Sen. Crystal Asige. I know we have come a long way with this Bill. I request indulgence of chairpersons, that in future, when they are midwifing a Bill that belongs to a Member, they should at least allow a Member to second, so that at least they continue owning the baby.

Secondly, this Motion and report is just a clean-up. I want to congratulate the National Assembly. For the first time, at least, they have processed one of our Bills in good time, unlike before where they were filibustering and derelicting with our Bills. You are aware of that. The National Assembly has become a graveyard of the many Bills emanating from the Senate. I am happy this Bill has received overwhelming support. It

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shows the awareness of all leaders on the role of Persons with Disabilities (PwDs) or people who are differently abled.

I have seen most of the amendments that have been proposed by the National Assembly. I do not think that the Senate will have a contention. Speaking for myself and I think a number of colleagues, it is more of a clean-up. Just a few amendments that were introduced, and I find it non-contentious and with the consent of the owner of the Bill, Sen. Crystal Asige, it should not be a problem.

Just to make a comment, because this is a Motion, it is more of a clean-up here and there on all the clauses that are there. However, my eye has caught the introduction of Clause 26, where there is an amendment by deleting and introducing the issue of freedom of expression to PwDs. We have seen mostly that Sen. Crystal Asige normally struggles to get the attention of the House. As a society, we are yet to adopt living with PwDs.

You go to some places, and there are no ramps for PwDs. Even with the freedom of expression, when you go to most of the public functions, you rarely find sign language interpreters, the people who can assist, and the hearing aids for PwDs. I normally see on Citizen TV; they only have one person called Yula Nzale. I have only heard that name. They try to have sign language interpreters. I am happy, nowadays, there is awareness across the country.

This freedom of expression, whenever we do public participation, I have not seen anywhere where PwDs have been given a way of giving their public participation, especially on legislative business that we have here. As a Senate, since this is our baby, we must through your office, come up with innovative ways of giving voice to the PwDs, so that they can be heard and be seen, so that we can know their position on many other things that we have.

Even in the affirmative proposal of five per cent in public service and elective positions, we must make it a reality, so that they also feel their position. Even in our counties, out of the executives that we have, you rarely see a PwD. It is after the hue and cry of PwDs in that county that--- Even at the national level, I do not think we have achieved the five per cent. I want to appeal to the national level and counties that we must look at it and ensure that we focus, so that counties can also---

If counties were doing these things, it would be better. Unlike in Kericho County where one person is registering a phone and collecting the revenue on behalf of the county, and that person is not known. I hope the Senate Majority Leader is seized of that matter. We must do the right thing, so that we ensure that we protect the law in this country.

Therefore, I agree with this one; that let access to information as Article 34 and 35 of our Constitution: access to media freedom, access to information under the Access to Information Act of 2016, let PwDs be given the voice to be heard, to be seen and to be felt across the country.

Mr. Temporary Speaker, Sir, because I have only four points, the second one is on the issue of Clause 63, where committing an offence leads to liability not exceeding a fine of Kshs1 million for a term of exceeding. This is important, that we must make violation of this Act to be very painful, so that people cannot just---

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If you remember, yesterday, and I think you were on the seat also, we were discussing the Statutory Instruments (Amendment) Bill, and we were saying let us increase the punitive fine, so that people can implement the law. This is such that when we tell counties to employ five percent of PwDs and they violate it, we have a mechanism of punishing those aggressors, both at the national and county levels.

Thirdly, I agree the headquarters should be in Nairobi although we need to agree that sometimes with the advent of devolution, let us have branches in Bomet, Nandi, Mombasa, Lamu, West Pokot, Uasin Gishu, Mandera, Wajir, and even Migori counties, now that Nairobi is the Capital City,

Mr. Temporary Speaker, Sir, you and I come from counties dominated by sports, and I saw there was sports in your county, the Double IAF. However, tell the people who built that stadium, the county government, to build public toilets, because our children really suffered. I got that complaint on access to water and the lack of sanitary amenities in that stadium. I hope the county government can fix it in good time, and you can take that message to my friend, the governor.

I know Sen. Cheruiyot has pushed for elections in Athletics Kenya. Can you believe that somebody training in Iten must travel all the way to Nairobi if they want services of Athletics Kenya? Most of them are using matatus. Why do we not devolve offices to Kericho, Kisii, Nandi, Iten and where these people are? As we say that the headquarters of the Council for PwDs should be in Nairobi, we must remember the people in mashinani, so that we do not waste time. I pity our athletes that they have to travel for six hours---

**The Temporary Speaker** (Sen. Wakili Sigei): Sen. Cherarkey, the Senate Majority Leader wants to inform you. Do you want to be informed?

**Sen. Cherarkey:** Mr. Temporary Speaker, Sir, on this one I can allow Sen. Cheruiyot to inform me.

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

**The Senate Majority Leader** (Sen. Cheruiyot): Mr. Temporary Speaker, Sir, I do not like the through pass that I have been given. How can he say "On this one", I thought I should inform him on everything?

Anyway, the quick point I wanted to inform Sen. Cherarkey is that in 2016, when we were doing the World Anti-Doping Agency (WADA) Act, the one that currently guides the management of athletics and all these doping issues, I brought an amendment to this House, and argued very vigorously that the headquarters of that institution should not be here in Nairobi, but should be somewhere in the North Rift, where 90 per cent of the athletes come from anyway. Unfortunately, that amendment was defeated.

I want to plead with my good friend, Sen. Cherarkey, that he can give it a second shot, because the country is in a better mode of equity right now. Under the broad-based arrangement we are reorganizing Kenya to ensure that those that have benefited more than others are giving space for those from the forgotten corners of the country. Therefore, I urge Sen. Cherarkey to bring that amendment, and we will support him.

**The Temporary Speaker** (Sen. Wakili Sigei): Sen. Cherarkey, please proceed. As you do so, in the same spirit that the Senate Majority Leader has said, in terms of

affirmative action, that will be a better opportunity for you to also advance, so that you take support to your people, if it means you will take the support to the North Rift.

Proceed, Sen. Cherarkey.

**Sen. Cherarkey:** Thank you, Mr. Temporary Speaker. Thank you to the Majority Leader. I will borrow his notes after I finish submitting. I am willing.

I am happy because the Majority Leader said he will support me. So, he will mobilise the numbers, because he is the owner of the baby. I will be the foster father of the process.

Therefore, in the principle of equity, I agree with the Majority Leader. Now let every Kenyan feel that they are part of this country. While we say the Council should remain in Nairobi, let us get an office in Bungoma or any part of this country.

I hope Sen. Crystal Asige will be there when the President will be signing this Bill into an Act. I request the Senate Majority Leader to ensure that he and Sen. Crystal Asige will be with the President. You should be happy Sen. Crystal Asige, the Majority Leader has confirmed that you will be there during signing of this Bill by the President. Kindly appeal for the resources so that we can have offices across the 47 counties, so that we can protect devolution in this country.

Number four and the final point, you need to protect me, Temporary Speaker, is the introduction of Clause 66(a). I think it is on street begging. We need to agree. I agree with the National Assembly. I do not know where the truth is, but you find most of these people, when teargas is thrown in town, the people without legs suddenly have legs. Maybe Sen. Sifuna will guide me on this, because he knows the streets better than me. You know I am a villager.

When a teargas is thrown in streets of Nairobi, the people without legs suddenly have legs and there were beggars at different corners. So, I do not know, I agree that the people living with disability should not be misused or abused or be used for street begging.

It must be punishable by law. Anybody found must be punished by the law. Even if they are children.

On Clause 73(a), with the affordable housing programme, let us give five percent to People with Disabilities. I want to appeal to the Government that in the affordable housing programme, out of the units that the Government will sell to Kenyans, let it ensure that in the advert, we put that five percent is reserved for People with Disabilities.

*(Loud consultations)*

You want 10 percent? Yeah, but let us start with five percent so that they can be reserved. In the interest of my colleagues who also want to comment on this Motion, I want to support this Motion. It is a straightforward one, Mr. Temporary Speaker, Sir.

**The Temporary Speaker** (Sen. Wakili Sigei): Senate Majority Leader.

**The Senate Majority Leader** (Sen. Cheruiyot): Temporary Speaker, there are many reasons why as Majority Leader, I rise to say different things. Today, on this particular matter, allow me to celebrate Sen. Crystal Asige.

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There have been many Senators that have been nominated to this House to represent persons with disability. You must first place context for people to understand why this is such a milestone. This Bill amends the Pearsons with Disability Act, 2003.

We have had three Parliaments. This is the third Parliament since the coming into place of the new Constitution and with all the challenges that persons who are gifted differently face in this country, it has not been possible to get somebody to put in the hard work like Sen. Crystal Asige has, to ensure that this Bill becomes law.

I know among the many conversations that I have had with her, this was among the first things that she asked me about. To help her, hold her hand and ensure that she succeeds at this. This must go on the records of this House.

The opportunity that we are granted to legislate in this House is an opportunity to change the lives of ordinary citizens. Every law that we pass here affects people one way or the other. It is always our challenge to ensure that we pass law that makes the life of other citizens better.

They look at us and say thanks to the legislators that are in the 13<sup>th</sup> Parliament, they have finally remembered us. The population of Persons Living with Disability is in the millions in this country. Many of them continue to face discrimination and various challenges that have not been addressed despite the fact that they have very good provisions, courtesy of our extremely progressive Constitution.

Therefore, I just felt that it would be important to celebrate the industry of this colleague of ours, who has shepherded this law, ensured that this business is finally concluded, and is now back here with a mediated version of the Bill, and we are now passing it. I know this, because last Session, together with another colleague, I think Senator Isaac Maura, we attempted this. You know--- he did not--- unfortunately, and no offence to him, we did not succeed.

You know, there are many Members that begin on the work of legislation, but they do not have the discipline to follow it through and ensure that it comes into law. There are many people that have attempted. So, when a colleague of ours dedicates their time, as Sen. Crystal has, together with those that have worked alongside her, our staff, and those in the National Assembly that guided the Bill, we must take time to celebrate that.

I know that on the day when we finally conclude on this and this is signed into law, persons living with disability will bless each one of us in this House and say, at least we have been remembered, finally, after so many years.

Therefore, I want to thank all the stakeholders that have been involved, those that have given their feedback and input. I know the National Councils for Persons Living with Disability have even visited in my office more than two occasions and asked that we please conclude. It was becoming an embarrassment of monumental proportions that about 12 years after the advent of the new Constitution, we have not aligned our laws to the provisions of law.

Therefore, I am happy that this afternoon we are bringing this business to a close, to ensure that when you meet persons living with disability on the streets, at least, you can sit with them and say, we have eventually done that which we promised. I know this

was part of the charter that we signed with persons living with disability at the UDA Party. For this to have come to pass today is something worth celebrating.

Therefore, Sen. Crystal Asige, this alongside the other one that I challenged you, where I know you have already concluded in Senate; the nominations of persons living with disability into our county assemblies and it is presently before the National Assembly. You conclude those two legislative proposals and ensure they become law, you will have permanently sealed your place and the ODM party will celebrate you and say that we nominated a person who deserved that position. Congratulations and thank you.

**The Temporary Speaker** (Sen. Wakili Sigei): Senator Sifuna Edwine.

**Sen. Sifuna:** Hon. Temporary Speaker, I was waiting for the point at which the Majority Leader utters the words that he has finished with, thanking the nominating party for bringing such a brilliant individual to represent persons with disabilities. Of course, the record of this House will show that the ODM Party continues to be extremely proud of the nomination of Sen. Crystal Asige. She has demonstrated an understanding of the issues of the people that she represents that has widened our perspective and understanding of the issues facing persons living with disability in this county.

Allow me to start with an often repeated adage in this House, that the National Assembly is a place where Senate Bills go to die. For the very first time, and maybe Crystal will be sharing the magic, because if you look at our Order Paper, we have many more Bills that that will require the input of the National Assembly. For the very first time, we can see, first of all, a very positive reception of ideas that have originated from this House, and secondly, an action by the National Assembly to actually enrich the proposals that we have met in this Senate. So, I want to say that I support the amendments by the National Assembly.

There are three specific clauses that have been introduced by the National Assembly that I wanted to speak to. First of all, there is an amendment that appears as Clause 26, which deletes subclause (1) and substitutes the subclause with the right to freedom of expression and opinion, including the freedom to seek, receive and impart information, ideas and the right to access information on the equal basis with others in a timely manner and without additional cost.

I believe this is something that Sen. Crystal wrote herself, as it aligns with the challenges she has presented to the Secretariat since the start of this Session. From accessing basic items such as the Order Paper to her persistent reminders to this House about her inability to view the content shared in the group in the manner it is presented to others.

I am certain that Sen. Crystal wove into the Bill herself, ensuring she could access information in the same manner as Sifuna and other able-bodied Senators in this House do, and in a timely fashion. Too often, debates would begin only for someone to realize that the information needed to be adapted into a format that Crystal could access. I am also certain there were additional costs incurred in making this information accessible.

Hon. Temporary Speaker, allow me to mention that during my December meeting with Community Health Promoters (CHPs) in Nairobi, I had the privilege of meeting a Very Important Person (VIP) named Angela. I had promised to arrange a meeting

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between her and Sen. Crystal, as her insights deeply enriched my understanding of the challenges faced by PWDs, particularly those who are visually impaired.

Would you know that when a visually impaired person visits a doctor, they require someone else to accompany them to read and interpret the doctor's findings regarding their condition? This presents a significant constitutional concern as medical information about one's health is highly private and not something one may wish to share with others. It is a private affair. Imagine asking Members of this House to have their spouses read their medical test results—they would not allow it. Now, consider the predicament of visually impaired individuals who must rely on a third-party stranger, simply because they are helpers, to read and relay these private medical results. Of course, that person is also consuming that information, in proper violation of the rights to medical privacy.

When prescription drugs are given, the standard practice in our hospitals does not cater to special needs. You see the small envelopes in which they put the drugs—there must be a way for a visually impaired person living independently to identify that this is medicine for their headache or this is medicine for another condition. Even the instructions written on those envelopes, such as 'take one times one' or 'one times three,' are inaccessible. Without someone to assist, it becomes nearly impossible for visually impaired persons to follow the prescription properly.

She challenged me, as a legislator, to ensure that the right of access to information, as prescribed here, is fully upheld. This means we must expect compliance from our hospitals by finding ways to guarantee that medical results or prescriptions are provided in a language and format that can be accessed by all individuals. Whether this involves incorporating Braille into medical reports and prescriptions or other innovative measures, the goal should be to make information accessible to everyone.

I remain hopeful that Sen. Crystal Asige will not give up and provide me with the opportunity to have that important conversation with Angela. As the Senate Majority Leader rightly pointed out, the role of legislation is to solve real problems faced by real people rather than merely passing laws for the sake of it.

Hon. Temporary Speaker, there is New Clause, 66A, addressing individuals who procure, causes, encourages, or solicit a child or an adult with disabilities to engage in begging. This is very serious phenomenon, particularly in Nairobi. Due to the economic challenges often faced by PWDs, the society has conditioned many of us to automatically assume that they require our financial support whenever we encounter them. However, many of these PWDs possess the ability to fend for themselves and thrive independently.

In Nairobi, efforts were made to ensure that PWDs were given opportunities to conduct business within the Central Business District (CBD). Unfortunately, a recent incident involving the County Government of Nairobi City led to PWDS being evicted from their business premises within the CBD. This action caused significant consternation among the county leadership.

Those familiar with the streets of Nairobi will recognize a phenomenon where a specific person with a disability often walks alongside an able-bodied person, soliciting alms. This arrangement has persisted for years, and you can observe a kind of territorial system in place. Each person seems to have their designated square, akin to how drug

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dealers are known to claim territories, ensuring no one else can beg or request alms in their space.

This tells you that this is an organized syndicate. These groups seek PWDs from villages or estates here in Nairobi, ensuring they are stationed at specific corners to beg for alms. While it is not the case for all of them, it is a phenomenon that cannot be ignored. It is, therefore, our responsibility to protect these individuals, ensuring they are not taken advantage of.

In most cases, you will find that the money collected at the end of the day is not retained by the PWDs. They receive only a very small percentage of the earnings. Imagine, this is a cartel operation—a cartel boss essentially controls areas like Harambee Avenue. He stations five PWDs at every corner of Harambee Avenue, bringing them in the morning, placing them strategically, and then returning in the afternoon to pick them up and collects every coin they have earned that day.

This not only exploits the PWDs, but also takes advantage of the empathy and generosity of the public. It is indeed an abuse of our good nature and our inclination to assist those who appear to be in need. This has unfortunately led to significant hostility being directed toward genuine PWDs. There is a perception among some that they might be part of the syndicates soliciting alms, while in reality, these individuals are being exploited by others who take advantage of their circumstances.

The Bill proposed by the National Assembly, which I fully support, stipulates that anyone found exploiting PWDs by forcing them to beg or solicit alms in the streets will, upon conviction, face a fine not exceeding Kshs2 million and imprisonment for a term not exceeding two years, or both.

Once this provision is passed, I urge the National Police Service (NPS) to act swiftly. There are some straightforward and obvious cases in the streets of Nairobi. If you find somebody has been walking the same corner for the past 12 to 20 years, it should be a red flag that that person needs to be investigated.

We want to encourage PWDs, even though they may be engaging in these activities against their will, to cooperate with law enforcement to ensure they are not victimized, as they are, in fact, the true victims in these circumstances. They are no different from the Kenyans we discussed earlier, who were lured into distant countries only to fall victim to exploitation by cartels operating in these online scams.

Lastly, the New Clause 73A provides that every Government agency constructing residential and commercial buildings shall reserve at least 5 per cent of these buildings for acquisition by PWDs. Furthermore, the terms and conditions for such acquisitions to PWDs shall include interest-free and longer repayment periods.

This is a live matter, especially here in Nairobi. I believe it is crucial to clarify that when referencing 'Government agency,' it includes both the national and county levels of Government. As you know, the Nairobi City County Government is currently undertaking the largest housing construction project in the country. Thirteen old council estates are being redeveloped under what the county government refers to as the Urban Regeneration Programme. Groundbreaking has already taken place at the Woodley site just a few weeks ago, and there are approximately 12 other estates awaiting similar development.

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If you examine the agreements signed between the Nairobi City County Government and the developers, it is stated that the Nairobi City County Government will be receiving a proportion of housing units equivalent to the value of the land contributed for the specific project. For example, in Woodley, the land was reportedly valued at approximately Kshs10 billion, which entitles the Nairobi City County Government to a 30 per cent share of the housing units to be constructed in that project. How I wish this particular provision had been implemented earlier.

Sen. Asige, unfortunately, in that agreement between the residents and the developer and Nairobi City County Government, nobody thought about access to housing by PWDs. You need to think about it at the inception, so that it is clear to the residents that, for instance, housing units on the ground floor will be exclusively for PWDs. There is no point of having a PWD on the 20<sup>th</sup> floor and creating even more problems when it comes to access.

Mr. Temporary Speaker, Sir, I wish that this had been done earlier. As I have told you, you need to hang out with Sen. Crystal before you see some of the angles to these real issues. I hope we can make sure that there is a way of ensuring that Nairobi City County Government and the national Government which is doing houses in Mukuru and Langata ensure that 5 per cent will be set aside for PWDs to occupy even when it comes to contracts that have already been signed.

The second limb of that particular provision provides for interest-free and longer periods of repayment. This is extremely critical because as we have been educated more than once here by Sen. Asige, there are economic downsides that come with PWDs because of the way the Kenyan economy is set up.

They start off with clear disadvantage. They might not have the same access to resources or credit that we able-bodied persons have, or even jobs and economic engagements that can be meaningful to them. For us to provide interest-free payment and longer periods, it allows for these houses to be accessible to all these people.

I remember having a conversation with one MP where the houses are being done. They said that the houses are affordable, but they deposit alone is Kshs150,000.

We are doing the houses essentially in areas that were former slums. If you go to Soweto B in Langata, the people who are targeted to move to those places cannot afford Kshs150,000 as a deposit. In fact, that provision of a deposit should be removed entirely.

We were able to push the Nairobi City County Government for them to consider that if there are people who have been occupying those houses in Woodley from way back when the estate was built, they do not need to put down any deposit. In fact, they do not need to pay any money.

The Governor of Nairobi City County is on record saying that former residents of Woodley who gave up their houses for redevelopment will get their houses for free. The rent that was paid by their fathers and their fathers before them up to date is what constitutes the purchase price, and that it is a return for the goodwill in cooperating to ensure that the project is done.

Even for the national Government, this question of asking residents of Kibera or Mukuru to pay a deposit of Kshs150,000 to access a unit then you start paying slowly will not work, especially for PWDs. We hope that we can convince even the national

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Government to adopt the same approach that the Nairobi City County Government has taken.

Those are my comments on the amendments by the National Assembly. I wish to see more cooperation such as this between our two Houses because all the legislations that we propose are good for the people of Kenya and we need to do it together.

With those many remarks, Mr. Temporary Speaker, Sir, I support.

**The Temporary Speaker** (Sen. Wakili Sigei): Proceed, Sen. (Prof.) Kamar.

**Sen. (Prof.) Kamar:** Thank you, Mr. Temporary Speaker, Sir, for giving me the opportunity. First, I would like to congratulate Sen. Crystal for the passion with which she drives the agenda of PWDs in this House. Thank you, Sen. Crystal. You motivate all of us to want to be part of what you are doing.

I also thank Members of the committee for the good work that they did. I also thank Members of the National Assembly for the additional amendments. I will refer to two of them because Sen. Sifuna has combed through most of them, touching on what I wanted to say.

The first issue I want to comment is on Clause 26 which provides that every PWD has a right to freedom of expression and opinion, including the freedom to seek, receive and impart information and ideas. The right to access information on an equal basis like others in a timely manner without additional cost. This describes part of what Sen. Sifuna said and what Sen. Crystal took us through when she began making her remarks. She insisted until we discovered that there are ways of doing things.

What is clear is that it is not PWDs who need to change. We need to change ourselves by doing things the right way. We need to know that we are all in the same house called Kenya and we must accommodate each other in whatever we do. So, we need to prepare ourselves more.

I am excited and looking forward to having the Kenyan Sign Language (KSL) where there is a Bill that I am co-sponsoring with Sen. Asige because it will be transformative. Requiring people to know KSL to accommodate others is something powerful. When we say that every PWD has a right to freedom of expression, we must facilitate and enable that freedom of expression.

Mr. Temporary Speaker, Sir, you are a lawyer. When we have court cases, whether the proceedings are online or physical, sometimes PWDs do not hear anything when we have inheritance cases from their own parents. It could be a case about inheriting something from a parent. However, when you go to court, if you have a hearing impairment, you cannot even hear what they are talking about and nobody is even bothered to tell you what is going on.

We need to change and prepare this country to be an equal society. To be equal, it means we must communicate with everybody, notwithstanding the fact that in our own Constitution, we have three recognised languages. The KSL is one of the languages in the Constitution. However, when we learn English, we are not taught that one. Why are we ignoring it? We should learn it at the same time, so that all of us can sign. I think this is a powerful amendment that will make us think on how to enable everybody in the society to express themselves.

The other one which captured my attention is Clause 66A. Misuse and abuse of PWDs, not only in this country, but world over, cannot be described. At one point, we were told that many PWDs in Nairobi are from Tanzania. Somebody decided that the best thing to do is to bring faces that are not recognizable. So, they went and collected people from Arusha and Dar es Salaam and brought them to this city. It is sad that they use them to collect a lot of money.

I am happy with this addition from the National Assembly because this is now becoming more explicit. In implementing this law, we need to make sure that there is a way of catching the thief. We should have a way of identifying these people and asking who brought them. That means that we have to go a step further and regulate who should be in the streets.

Should we be having street children in this country? Should we have PWDs begging in the streets in this country? As a country, I think we are rich enough to take care of our people. We need to know exactly where everybody comes from. Perhaps we should insist that everybody should have an identification card so that we can assist them. The aspect of misusing PWDs must come to an end.

I congratulate Senator Crystal and the committee for bringing this Bill this far. I think we are just a few steps of having this wonderful law.

When the law is there, it will be upon us to make sure that this clause is implemented. For example, a beggar in Nairobi City County from Elgeyo Marakwet must produce a disability identification document. We would like to know where they have come from so that we are able to help them.

Better still, it should make us think further. Anybody who is registered with the National Council of Disabilities is entitled to funding from the Government. We should also see that identification document that they are actually getting money from Government.

That is the area we should focus on and see if we can enhance so that we do not find anybody with a disability being in the street because that is a responsibility for Government.

Mr. Temporary Speaker, we are steps ahead and we are doing well. I support.

**Sen. Veronica Maina:** Thank you, Mr. Temporary Speaker, Sir. I take this opportunity once again to congratulate our colleagues, Sen. Crystal Asige for the commendable work she has been doing in this House.

She has very ably and adequately represented persons who are living with disability. She has not wasted any chance to prove that disability is not inability. She has been able to carry their voice even more loudly than some of us who are not in her state. We are very proud of her and the work that she is doing and hope she continues in the same spirit.

I have looked at the report and I congratulate the committee which has steadied its fingers on this Bill and ensured that it has come this far. As we have so quickly discovered is that we can propose legislation here, but it becomes very difficult, especially when it has to go to National Assembly and consensus has to be drawn.

Sometimes even when the legislation is very good there are always hiccups as to when it becomes a law. This is because of the many hiccups and obstacles that it meets

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along the way. This is especially because of the legislative pathway which has to pass through stakeholders' engagement and it has to be approved by public.

I am happy that the now the courts have taken grasp of stakeholders' engagement so that we now have some set parameters within which stakeholders' engagement will become acceptable or not acceptable. We will eliminate some of the current processes that have been concocted to suit what one would call public participation so that we have quality participation that is then coming from the members or public that we represent.

I have looked at the proposals that have been made by the National Assembly in respect of this Bill. They are not very fundamental in nature, but they have refined the draft that was presented here so they are definitely very welcome.

When I look at the very purpose of the Bill that has come to the Floor of this House we must continue to applaud the effort. When I think of the journey the women of Kenya have walked through, it is similar with what the persons with disabilities have walked through in this country.

We know how the women in this country have grappled with the question of inclusion. It is shocking that while women making up over 51 per cent of the population in Kenya yet we still have to really fight and grapple with. For more than 12 times, the Gender Bill has been an issue of inclusion in this Parliament.

It brings a light to our day to see that another category of members who are excluded can now be included using this Bill of persons with disability. I am sure it will bring a smile to many people.

I am thinking of all the persons in Kenya living with disabilities. They are close to four million voters in Kenya. They have been struggling to register themselves under the National Council for persons with disabilities. They do not even have quick access to that registration.

I wish that chiefs could help them access that registration because sometimes they cannot even make it to walk to the places where they are supposed to be registered. That registration ideally needs to find them at home. Some of them are so severely disabled that it does not make sense to even tell them that there is an office somewhere where they are supposed to be getting that registration. That registration should be reaching them at the grassroots level or what we call *mashinani*.

I want to single out a one of the introductions that has been made by the National Assembly under Clause 4 which has deleted the word 'welfare' and substituted it with 'rights.' Rights are correlative with duty. It gives an obligation to the person or the State. A right is very easily enforceable and definable within the law.

The amendment introduced by the National Assembly under Clause 5 which exchanges the use of the word 'welfare' to 'rights' is a very good introduction to the Bill. It is an affirmation it is concretizing the fact that once it is named as a right in law then it has to be enforced. It is implementable because the court can even order for that right to be granted to the person who will be demanding under that right.

I find Clause 26 very interesting because it is an introduction of a new Clause 26(1) indicates that every person with disability has the right to freedom of expression and opinion, including the freedom to seek receive and impart information and ideas. The

right to access information on an equal basis with others in a timely manner and without additional cost.

Mr. Temporary Speaker, Sir, I am thinking of this right in the context of education. One of the areas where children who are living with disabilities have to have to be listened to or have to express themselves, they would be affected by this right.

Now that this right is defined, I am asking myself how well it will be implemented, especially to the school going children who are living with disability and they need to be in school. How will it be implemented? Does it need more backup in terms of legislation or regulation to ensure that schools where these children are being taken to study, they are able to access that right to freedom of expression and opinion?

The Government now has taken up a policy of where these children should be integrated back into ordinary schools to study. Is this right capable of being implemented with just this provision? It is a new introduction and I do not know whether we do have an avenue now to even firm up this new clause.

If it is to be implemented and enforced, how do you affirm that right of freedom of expression and opinion? If one enters a classroom in Republic of Kenya such as where I went to school, some of those children may not be able to access even the height of the desks or the boards where they are being taught while that freedom of expression and opinion is supposed to be seen or displayed.

How do we have that right customized to make sure that it is not impossible? How do we ensure that right is enforced within our schools? Is it possible to have schools having a wing or a section that enables the provision of this new clause to be enforceable to the category of children that it would apply to?

It is a very good introduction because it is a bouncing ball. Maybe, it is a right that forms the threshold on which infrastructure is customized to accommodate children living with disabilities. This right can be used and forced further by regulation.

I know this is at the very final stage and the report is being adopted. However, an amendment can follow later to bring in regulations or other provisions that will help us to use the right of access in partition of information and ideas. This is because part of it would come through an intensive deliberate education programme.

With that, it will not be lost on paper or on theory or just provided for and does not have a budget that can help it to be enhanced to a point where it can be utilized properly to benefit the category or the clientele that it is intended for.

I am pleased with the report and the consensus. I am happy with the way the National Assembly has behaved on this specific Bill. The National Assembly should know that we do not need to break our sweat, fight or contend unnecessarily on matters that can be agreed upon. That should apply to all the Bills lying in the National Assembly awaiting consensus. All those Bills must be looked into and such reports returned back so that legislation in Senate is not unnecessarily hindered by delay in getting consensus or feedback on amendments.

Thank you, Mr. Temporary Speaker, Sir. Once again, congratulations Sen. Crystal Asige.

**The Temporary Speaker** (Sen. Wakili Sigei): Thank you, Sen. Veronica Maina. I now call upon Sen. Mumma.

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**Sen. Mumma:** Thank you, Mr. Temporary Speaker, Sir, for the opportunity to speak to this report. I congratulate Sen. Crystal Asige for being a true representative of persons with disability. I speak as one who belongs to the family of persons with disability. I speak as a mother of a child with severe disability. Those of us who have members of the family with disability know that we sometimes give up.

I am glad that the legislative space has the energies of a person with disability who recognizes that we are fatigued trying to get included in this country and is willing to do the work for us to get included.

I thank you, Sen. Crystal Asige, on behalf of mothers of children with disability, persons with disability and persons with severe disability who cannot speak or say anything, but are still human beings of equal rights under the Constitution of Kenya. As members speak to this, I want to mention to us that this right is in the Constitution. It is in Article 27, 54, 53, and Article 2 which makes the Convention on Rights of Persons with Disability to be part of the laws of Kenya. These rights are there.

The Convention says that all education systems should integrate persons with disability. Integration means that the designs of buildings should be built to ensure that persons with disability can access. Integration means that the teaching staff should be given the instruction to be able to include persons with disability. It means that you need to factor the different types of disability in schools. You have to factor in those with visual, hearing and even those with physical disability. Unfortunately, we never do it.

Persons with a disability have to ask for the rights of persons with disability before it is done. When it is put in the law, its implementation is usually difficult. We are now happy that the law is being passed. However, do not be surprised if a budget is passed with zero amounts of money on how to integrate and include persons with disability.

Mr. Temporary Speaker, Sir, we will continue soldiering on. Sen. Crystal Asige, I love your energy. Please keep doing this. We are behind you. This does not end with this law. There are many other issues in which we need to include persons with disability.

I recently brought a question to the Cabinet Secretary, Ministry of Health, on how persons who are dependent on life-saving drugs that control seizures are helped in this country. Those drugs are expensive, but we have no subsidy. The Government does not help. So, if you are a poor family with a child with epilepsy, then your child will degenerate and keep getting fits every day until they die. This is because nobody has a policy on how to include that child to ensure that they access those medications.

I want to thank and congratulate the National Assembly for doing a good job by improving what we had passed. I like it when we take laws seriously and look at them on merit to see how we can improve them. I commend them on the New Clauses 66A and New Clauses 73A in terms of inclusion.

When we talk about Government projects, we need to keep a quota for persons with disability. When talking about concessions, we need to increase the concessions, in taxes, for persons with disability. It should not just be persons with disability, but we should also do the same for families which have persons with disability who cannot claim on their own.

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I am glad that we have a clause that we can use when we go to the Cabinet Secretary, Ministry of Lands, Housing and Urban Development to find out how much of the housing, all over the country, has been set aside for persons with disability. I also like the clause on the prohibition of abuse of disability to enrich some people.

I recently published the Counter Trafficking Bill that is about orphanage trafficking. Sen. Crystal Asige, I would want you to look at that Bill and see how we can bring in disability specific clauses. This is because some orphanages take children with disability for purposes of enriching themselves. I want to thank the National Assembly for bringing this perspective for us to help persons with disability to be equal citizens of Kenya. We will also help them not to be exploited by those who want to use disability to enrich themselves.

I do not want to go further because I want this Bill to pass quickly for us to move to the next bit. I want to thank everyone and the Committee on Labor and Social Welfare for a good job. I also want to thank Sen. Crystal Asige for a good job. I hope Kedipa can throw a toast on your account.

Thank you very much.

**The Temporary Speaker** (Sen. Wakili Sigei): Thank you, Sen. Mumma. I will now allow Sen. M. Kajwang' to make his comments.

**Sen. M. Kajwang'**: Mr. Temporary Speaker, Sir, I rise to support the report of the Committee on Labour and Social Welfare that is chaired by our senior in the House, the very able Sen. Murgor.

This report is with regard to the Persons with Disabilities Bill which was sponsored and brought to this House by Sen. Crystal Asige who has played an exemplary role in promoting and mainstreaming the conversation about persons with disabilities in this Parliament. She has truly lived up to the calling that led to her nomination to this Senate. Congratulations, Sen. Crystal Asige.

I am aware that there could be other Bills in the offing. I just met your co-sponsor of the Startup Bill. I am happy with certain amendments you are making to the environment laws. This is exemplary because this is the reason why we are in Parliament. Sometimes people think we are in Parliament to be able to go and launch classrooms, issue bursaries and sanitary pads. We are in Parliament primarily to influence legislation; to convert policy into legislation. We are in Parliament to give voice to the voiceless. We are in Parliament to ensure that those to whom power has been entrusted are not abusing that power. That is a main responsibility of a parliamentarian.

I would like to urge those who think that the job of a parliamentarian is brick and mortar, is 90 per cent development. They are in the wrong place. If they want to do so, let them go to those positions of Executive authority, where they can do brick and mortar. Let them leave the intellectual aspect of ensuring legislation is fit for purpose to those who are willing to sit in Parliament.

Mr. Temporary Speaker, Sir, I recall contributing to this Bill at the Second Reading stage and I was in support. We were also happy that finally we found a Bill that was aligning with the Constitution. That was bringing a human rights approach to handling matters of persons with disability. We were happy that a robust institutional

framework was being established through the National Council for Persons with Disabilities to oversee the implementations of the provisions of the Bill.

Mr. Temporary Speaker, Sir, when we commented on this Bill, we were happy that it provided certain tax reliefs and fiscal incentives to encourage employment and support of persons with disabilities. I am happy that the National Assembly did not object to the main principles that were espoused in that Bill. The basic structure of the Bill has remained the same. The National Assembly has brought back more or less editing and slight corrections that would further enrich the Bill.

Mr. Temporary Speaker, Sir, I am talking to the report because to repeat my earlier contributions on the concept of the Bill would probably be a violation of the Standing Orders. However, this Bill was published on 20<sup>th</sup> February, 2023. We are now on the 2<sup>nd</sup> of April, the year 2025. It tells you the average time it takes to process a private Member's Bill. I do not know whether it is that way because of robust public participation, or it is that way because of internal bureaucracy.

I hope that in the two years that have lapsed between the introduction of this Bill to today, when we are adopting the report of the committee, most of that time has been spent in public participation and stakeholder engagement.

I would like to encourage office of the clerk, particularly committees, to take a purposive approach to public participation. Purposive in the sense that if you are dealing with a Bill on persons with disabilities, you are able to list the stakeholders which you feel are relevant and who can provide positive or critical feedback on the proposed Bill. In the past, or traditionally as Parliament, we could publish a notice in the newspapers and hope that someone will read that notice and respond.

Mr. Temporary Speaker, Sir, we have seen situations where on a serious Bill, you would only get four or five responses from the usual suspects, like the Council of Governors (CoG), County Assemblies Forum (CAF), a ministry, yet there are so many other stakeholders. So, I would like to encourage a purposive approach, where the clerks can sit with the sponsor of a Bill, scan the landscape and say, within this space of persons with disabilities, who are the people whose response and whose participation and feedback we would get?

We were dealing with the Addressing and Street Numbering Bill that was sponsored by Sen. Dullo, a very comprehensive framework that will change the way we number and name our streets in the cities, municipalities, towns across the country. When we looked at the public participation matrix, we had no response from any institution of urban planners, institution of architects and from people who are subject matter experts. However, we had responses from Nairobi City County. We had just about four or five responses.

Mr. Temporary Speaker, Sir, if it has taken two years to incubate this Bill, we hope that no one will run to court and allege that there was inadequate public participation as has happened in many other legislations. I hope that now that we have just two more years to the closure of this Parliament and I know that Members still have Bills. We still have Bills coming in for First Reading.

If this progressive Bill by Sen. Asige has taken two years, it sounds like bad news for anyone who is bringing a Bill right now. If that is the average time taken to process,

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then for those of us who are still in pre-publication scrutiny on our Bills, it is a bit discouraging. So, I hope we can look at our internal processes and find a way of fast-tracking things.

Mr. Temporary Speaker, Sir, I would like to hail the National Assembly that for the first time they have not pulled the money Bill card, which has been used to kill legislation that is originating from the Senate. This is the spirit with which we should operate. It must be put on record that we can never condemn the National Assembly in a wholesome manner. There are very good people in that House and I interact with them. We interact with them in our counties. We interact with them in social places within the precincts of Parliament. You will find them at the restaurant, gym and library.

There are very good people in the National Assembly. Let it not be a wholesome condemnation that this Senate has a fight with the entire institution, or that House has a fight with the entire institution of the Senate. What sometimes gets out of order is just overzealous Members who because of local competition and local politics, want to belittle the institution because perhaps there is a Senator who sits here and seems to be getting the advantage at the ground.

Mr. Temporary Speaker, Sir, the consensus on this Bill has further proven that point. That if we get our act right, we can work together for the betterment of this nation. I hope that can also apply to the other Bills that have painstakingly taken our time to process. For instance, allocation of resources that should be going to county governments. These county governments are the theatre of operation where even empowerment for persons with disabilities starts at.

You do not expect that persons with disabilities should troop to Nairobi to seek opportunities. That is why devolution was brought. So that through the principle of subsidiarity, if someone is impaired and is unable to travel or walk, you do not force them to climb a plane or to take a train or a bus to come to Nairobi to seek opportunities. Those opportunities can be found there at the county level.

Mr. Temporary Speaker, Sir, that is why even if you find yourself in a situation where you do not agree with your governor, you cannot disagree with the concept of devolution. It must be made clear that when we criticize and we put governors on the spot and in the firing line because of misuse of public resources, we will never stop supporting devolution. Bad governors will come and go, but those counties will remain. Bad governors will be elected and will be kicked out of office. However, the people in the counties are Kenyans and they deserve to get services.

I will conclude just by encouraging the House that we quickly process this Bill, so that it also goes on record that this House has processed a number of Bills which have originated from here and have become law.

Mr. Temporary Speaker, Sir, my County Boundaries Bill seems to have gone to purgatory. It is somewhere. We are never sure whether it will go to heaven or hell. It originated from the Senate and we do not know the end of it. I hope that the National Assembly will prioritize the Bills that come from the Senate, the same way that the Senate has always prioritized the Bills that come from the National Assembly.

I support the Report of the committee.

**The Temporary Speaker** (Sen. Wakili Sigei): Hon. Members, that brings us to the end of the contributions by Members because there seems to be no other member willing to contribute to this Motion.

I, therefore, call upon the Mover of the Motion, Sen. Murgor, to reply.

**Sen. Murgor:** Thank you very much, Mr. Temporary Speaker, Sir, and thank you too and Members for their contributions. Pursuant to Standing Order No. 66(3) ---

**The Temporary Speaker** (Sen. Wakili Sigei): Sen. Murgor, before you make that request, kindly reply to the Motion procedurally, so that you make your application.

**Sen. Murgor:** Mr. Temporary Speaker, Sir, I thank all the Members for contributing very positively. Some are here and others have left. I thank Sen. Veronica, Sen. Mumma, Sen. Kajwang', the Senator for Nairobi City County and Sen. (Prof.) Kamar. I am very grateful to all Members who have contributed positively this Bill.

With those few remarks, I beg to reply.

**The Temporary Speaker** (Sen. Wakili Sigei): Now you can make the application, pursuant to Standing Order No. 66(3).

**Sen. Murgor:** Mr. Temporary Speaker, Sir, pursuant to Standing Order No. 66(3), I request deferment of putting the question to a later date.

**The Temporary Speaker** (Sen. Wakili Sigei): Hon. Senators, pursuant to Standing Order No. 66(3), putting of the question to this Motion is deferred to a later date.

*(Putting of the Question on the Motion deferred)*

Clerk, you may now call the next Order.

## COMMITTEE OF THE WHOLE

*(Order for the Committee read)*

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

IN THE COMMITTEE

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

THE ENERGY (AMENDMENT) BILL  
(SENATE BILLS NO.42 OF 2023)

**The Temporary Chairperson** (Sen. Veronica Maina): Hon. Senators, you may resume your seats, so that we proceed. I want to call the House to order. We are proceeding on to the Committee of the Whole on the Energy Amendment Bill (Senate Bills No.42 of 2023). We will converse through all the clauses.

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*Clause 2, the Title and Clause 1*

*(Question, that Clause 2, the Title and Clause 1  
be part of the Bill, proposed)*

Division will be at the end.

I want to call the Mover of this Bill, Sen. Sifuna, to take up the Floor.

**Sen. Sifuna:** Madam Temporary Chairperson, pursuant to Standing Order No.153, I beg to move that the Committee of the Whole do report to the Senate its consideration of the Energy (Amendment) Bill (Senate Bills No.42 of 2023) and seek leave to sit again tomorrow.

Thank you, Madam Temporary Chairperson.

*(Question proposed)*

*(Question put and agreed to)*

*(The House resumed)*

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

**The Temporary Chairperson** (Sen. Wakili Sigei): Hon. Senators, you may resume your seats.

I call upon the Chairperson to report.

### **PROGRESS REPORTED**

#### THE ENERGY (AMENDMENT) BILL (SENATE BILLS NO.42 OF 2023)

**Sen. Veronica Maina:** Mr. Temporary Chairperson, I beg to report that the Committee of the Whole has considered the Energy Amendment Bill (Senate Bills No.42 of 2023) and seeks leave to sit again tomorrow.

**The Temporary Chairperson** (Sen. Wakili Sigei): Mover, Sen. Sifuna.

**Sen. Sifuna:** Thank you, Mr. Temporary Chairperson. I beg to move that the House do agree with the Committee in the said report. I request Sen. M. Kajwang' to second.

**The Temporary Chairperson** (Sen. Wakili Sigei): Sen. Kajwang', proceed.

*(Sen. M. Kajwang' spoke off the record)*

**The Temporary Chairperson** (Sen. Wakili Sigei): You are yet to be on the microphone. Give the microphone to Sen. Kajwang'.

**Sen. M. Kajwang':** I second, Mr. Temporary Chairperson.

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*(Question proposed)*

*(Question put and agreed to)*

Hon. Senators, for the convenience of the House, we shall defer Order Nos.11 to 16 pursuant to requests by the sponsors and the movers of the various Bills.

**COMMITTEE OF THE WHOLE**

THE EARLY CHILDHOOD EDUCATION (AMENDMENT)  
BILL (SENATE BILLS NO.54 OF 2023)

*(Committee of the Whole deferred)*

**COMMITTEE OF THE WHOLE**

THE COUNTY ASSEMBLY SERVICES (AMENDMENT) BILL  
(SENATE BILLS NO.34 OF 2023)

*(Committee of the Whole deferred)*

**COMMITTEE OF THE WHOLE**

THE LOCAL CONTENT BILL  
(SENATE BILLS NO.50 OF 2023)

*(Committee of the Whole deferred)*

**COMMITTEE OF THE WHOLE**

THE COUNTY ASSEMBLIES PENSIONS SCHEME BILL  
(SENATE BILLS NO.14 OF 2024)

*(Committee of the Whole deferred)*

**COMMITTEE OF THE WHOLE**

THE NATIONAL DISASTER RISK MANAGEMENT BILL  
(NATIONAL ASSEMBLY BILLS NO.24 OF 2023)

*(Committee of the Whole deferred)*

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**COMMITTEE OF THE WHOLE**

THE LAND (AMENDMENT) BILL (NATIONAL  
ASSEMBLY BILLS NO.40 OF 2022)

*(Committee of the Whole deferred)*

Hon. Senators, I direct that Order No.17 be called out.

**BILL**

*Second Reading*

THE CREATIVE ECONOMY SUPPORT BILL  
(SENATE BILLS NO.30 OF 2024)

**The Temporary Speaker** (Sen. Wakili Sigei): This is a Bill sponsored by Sen. Eddy Oketch who is not present in the Chamber. The same is, therefore, deferred to a later date.

*(Bill deferred)*

Next Order.

**BILL**

*Second Reading*

THE LIVESTOCK PROTECTION AND SUSTAINABILITY  
BILL (SENATE BILLS NO.32 OF 2024)

**The Temporary Speaker** (Sen. Wakili Sigei): This is a Bill sponsored by Sen. (Dr.) Lelegwe Ltumbesi who is equally absent in the Chamber. The same is deferred to the next sitting

*(Bill deferred)*

Next Order.

**BILL***Second Reading*THE COUNTY GOVERNMENTS (AMENDMENT) BILL  
(SENATE BILLS NO.39 OF 2024)

**The Temporary Speaker** (Sen. Wakili Sigei): Sen. Mbugua, who is the sponsor of this Bill is not present in the Chamber. Therefore, the same is deferred to the next sitting.

*(Bill deferred)*

Next Order, Clerk.

**BILL***Second Reading*THE LABOUR MIGRATION AND MANAGEMENT (NO.2) BILL  
(SENATE BILLS NO.42 OF 2024)

**The Temporary Speaker** (Sen. Wakili Sigei): Sen Tabitha Mutinda, who is the sponsor of this Bill is absent from the Chamber. Therefore, the same is deferred to a later date.

*(Bill deferred)*

Next Order, Clerk.

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

**The Temporary Speaker** (Sen. Wakili Sigei): This Bill is sponsored by Sen. Fatuma Dullo. She is not present in the Chamber. Therefore, the same is deferred to a later sitting.

*(Bill deferred)*

Clerk, please call the Next Order.

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**MOTION****CONSOLIDATION OF BURSARY FUNDS FOR  
EQUITABLE ACCESS TO EDUCATION**

THAT AWARE THAT, Pursuant to Article 53 of the Constitution, every child in Kenya is entitled to free and compulsory basic education, and the Basic Education Act provides that, basic education should be guided by principles such as equitable access to all youth and equal access to education or institutions;

FURTHER AWARE THAT, many students in secondary schools and higher education institutions come from financially disadvantaged backgrounds, making it difficult for them to afford school fees and access education opportunities;

NOTING THAT, over the years, various interventions have been made, including the issuance of bursaries through the National Government Constituency Development Fund (NG-CDF), National Government Affirmative Action Fund (NGAAF), the Ministry of Education and county governments through various county bursary funds;

CONCERNED THAT, despite these efforts, schools' fees remain unaffordable for many parents and the allocation of bursaries has been plagued by nepotism, favouritism and political manipulation, lack of transparency and accountability;

FURTHER CONCERNED THAT public learning institutions are primarily funded by the Government through the Ministry of Education and in the financial year 2024/25, approximately Kshs656 billion was allocated to the education sector, making it difficult to ascertain the specific funds granted to each student and that the lack of transparency in the disbursement of bursaries from various agencies makes it difficult to determine the total amount allocated in a financial year, thus hindering efforts to ensure equitable access to education for financially disadvantaged students;

NOW THEREFORE, the Senate urges the Ministry of Education, to-

(1) audit the funds allocated to bursaries by both the National Government and county governments;

(2) consolidate the funds distributed by various government entities and agencies, with the aim of directing these funds directly to schools as supplementary capitation to facilitate the achievement of free secondary education; and,

(3) calculate the cost of education per learner and make this information public for primary, secondary and tertiary institutions, including a detailed breakdown of the annual financial requirements for each student across the country.

**The Temporary Speaker** (Sen. Wakili Sigei): This is a Motion by Sen. Karungo Thang'wa, who is also absent from the Chamber.

*(Motion deferred)*

Hon. Members, you may rise.

### ADJOURNMENT

**The Temporary Speaker** (Sen. Wakili Sigei): Hon. Senators, there being no other business on the Order Paper, the Senate stands adjourned until later tomorrow Thursday, 3<sup>rd</sup> April, 2025, at 2.30 p.m.

The Senate rose at 5:42 p.m.