

PARLIAMENT OF KENYA

THE SENATE

THE HANSARD

Thursday, 29th May, 2025

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

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

PRAYER

DETERMINATION OF QUORUM AT COMMENCEMENT OF SITTING

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

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

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

(The Quorum Bell was rung)

Order, hon. Senators. We now have quorum. Clerk, you may proceed to call the first Order.

COMMUNICATION FROM THE CHAIR

BREAKFAST MEETING ON FOURTH BASIS FOR ALLOCATING THE SHARE OF NATIONAL REVENUE AMONGST COUNTIES

The Speaker (Hon. Kingi): Hon. Senators, as you will recall, the Motion on the consideration of the report of the Standing Committee on Finance and Budget on the Fourth Basis for allocating the share of national revenue among counties was scheduled for consideration on Tuesday, 27th May, 2025. However, before the Motion was moved, several Senators rose on point of orders highlighting the need for more time to interrogate the contents of the report, to better understand the Committee's recommendations.

Several Senators expressed concern that at a meeting convened by the Standing Committee on Finance and Budget on 22nd May, 2025, consultations on the matter were

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not exhaustive. Consequently, it was agreed that the Motion be deferred and rescheduled for debate on Tuesday, 3rd June, 2025.

Hon. Senators, in this respect, the Standing Committee on Finance and Budget has organized another breakfast meeting to apprise Senators on the contents of the report, facilitate consultations and consensus-building on the way forward regarding the Fourth Basis for allocating the share of national revenue amongst counties.

The breakfast meeting is scheduled to be held in the Senate Chamber, main Parliament buildings on Tuesday, 3rd June, 2025 at 7.30 a.m.

Next Order.

PETITION

PROPAGATION AND COMMERCIALIZATION OF NEW GENERATION MUTHEA ANTIVENOM IN KENYA

Sen. Okiya Omtatah: Mr. Speaker, Sir, pursuant to Standing Order No.232(1)(b), I hereby present a Petition to the Senate concerning the propagation and commercialization of new generation (Muthea) Antivenom in Kenya.

As you are aware under Article 119(1) of the Constitution-

“Every person has a right to petition Parliament to consider any matter within its authority, including to enact, amend or repeal any legislation.”

The salient issues raised in the petition are as follows-

THAT the petitioners are citizens of Kenya living in Machakos County. For the past five years, they have been developing a new generation antivenom derived from a chemically synthesized version of the traditional Muthea Antivenom.

THAT the petitioner's innovation was inspired by a snake bite death of a neighbour at Machakos Level 5 Hospital and further motivated by the 2019 Ministry of Health Policy document on snake bites, which led them to formalize and register their Antivenom with the Pharmacy and Poisons Board (PPB).

THAT although their snake bite treatment initiative is lawful and has demonstrated preclinical efficacy, the petitioner's efforts to further research, innovate and commercialize the Antivenom have faced persistent obstruction and sabotage from individuals within key public health institutions.

THAT the Antivenom, which is based on a formulation that has been used effectively for over 100 years, with zero death outcomes in areas such as Machakos and Kwale, has not been recognized or supported under the Universal Health Coverage (UHC) framework.

THAT the petitioners have experienced multiple forms of administrative abuse, including being unlawfully required to pay Kshs100,000 to obtain a nondisclosure agreement, having their intellectual property rights violated through unauthorized experiments and being denied formal partnership opportunities despite proven efficacy of their products.

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THAT the petitioner's samples have been used without their consent and that they have been denied access to the Kenya Medical Research Institute (KEMRI) premises without due process.

THAT the petitioners have made efforts to resolve these matters through the relevant institutions, but all efforts have been unsuccessful.

THAT none of the issues raised in the petition are pending before any court of law or other legal body.

Consequently, the petitioners pray that the Senate intervenes in the matter with a view to-

(1) Recommending measures to protect the petitioners' rights to research, innovate and commercialize the traditional Antivenom;

(2) Conducting an inquiry and making recommendations on allegations of criminal abuse of office, sabotage and potential patent theft by specific individuals within public research institutions;

(3) Recommending measures to support initiatives that would enable Kenya to transition from being a net importer of animal plasma-based Antivenom to being a global exporter of reliable chemically synthesized alternatives; and,

(4) Recommending the development and implementation of regulatory guidelines to ensure that indigenous African inventors and non-institutional innovators have equitable access to research and development facilities through institutionalized partnerships with publicly funded research institutions.

Mr. Speaker, Sir, that is the end of the Petition. It is presented by myself. The page bearing the petitioners' names was not printed, unfortunately.

The Speaker (Hon. Kingi): What is your last page, Sen. Omtatah?

Sen. Okiya Omtatah: Mr. Speaker, Sir, the petitioners are Mr. Patrick Musilu, Mr. Tom Babu and Mr. Alfred Dosso. It is presented by me, the Senator from Busia, Sen. Okiya Omtatah Okoiti.

The Speaker (Hon. Kingi): Hon. Senators, pursuant to Standing Order No.238(1), I commit the Petition to the Standing Committee on Health for consideration. In terms of Standing Order No.238(2)(a), the Committee is required in not more than 60 calendar days from the time of reading the prayer, which is today, to table its report in the Senate for consideration. The Senate shall thereafter consider and adopt the report of the Committee.

I thank you.

(The Petition was committed to the Standing Committee on Health)

Now, before I allow the Clerk to call the next Order, I have the following communications to make.

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COMMUNICATIONS FROM THE CHAIR**VISITING DELEGATION FROM KANYUAMBORA BOYS
HIGH SCHOOL, EMBU COUNTY**

Hon. Senators, I would like to acknowledge the presence in the Public Gallery this afternoon, of visiting teachers and students from Kanyuambora Boys High School in Embu County. The delegation comprises four teachers and 96 students who are in the Senate for a one-day academic exposition.

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

**VISITING DELEGATION FROM TENGECHA BOYS
HIGH SCHOOL, KERICHO COUNTY**

Also, I would to acknowledge their presence in the Public Gallery this afternoon, of visiting teachers and students from Tengecha Boys High School in Kericho County. The delegation comprises 50 students and three teachers who are in the Senate for a one-day academic exposition.

Hon. Senators, in our usual tradition of receiving and welcoming guests to Parliament, I extend a warm welcome to them and on behalf of the Senate and my own behalf, wish them a fruitful visit. I call upon the Senate Majority Leader to extend words of welcome to the delegation from Kericho, in under one minute. Thereafter, the Senator for Embu, Sen. Mundigi.

The Senate Majority Leader, you will extend a word of welcome to both delegations.

The Senate Majority Leader (Sen. Cheruiyot): Mr. Speaker, Sir, I was trying to confirm if you read the name of this institution right because to the best of my knowledge, students from Tengecha Boys were in this Parliament on Tuesday. This must be the second lot or the name is not typed correctly, but I will confirm. Nonetheless, when I was driving in this afternoon, I noticed students from an institution that looked familiar. I believe this is the second lot of students from Tengecha Boys High School.

Mr. Speaker, Sir, I equally welcome the students from Kanyuambora Boys High School in Embu County. This locality received notoriety, I think in around 2021 or 2022 because of the very unfortunate incidents that happened there. I hope the boys of Kanyuambora High School can lift the name of this institution to a level that now, the locality will be celebrated for academic excellence and known for other things beyond what may have been mentioned at that particular time.

I wish these students well as they visit the institution of Parliament. These are our leaders of tomorrow. I hope they will enjoy their time here in the Senate, get to learn, observe debate and interact with their leaders.

I thank you, Mr. Speaker, Sir.

The Speaker (Hon. Kingi): Let us move on to the next Order.

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Senate Majority Leader, proceed.

PAPERS LAID

The Senate Majority Leader (Sen. Cheruiyot): Mr. Speaker, Sir, I beg to lay the following papers on the Table of the Senate, today, Thursday, the 29th May, 2025-

REPORT OF THE COB ON THE COUNTY GOVERNMENTS
BUDGET IMPLEMENTATION REVIEW FOR THE
FIRST QUARTER OF FY2024/2025

Report of the Controller of Budget (CoB) on the County Governments Budget Implementation Review for the First Quarter of Financial Year 2024/2025.

REPORT OF THE AUDITOR-GENERAL ON FINANCIAL STATEMENTS OF
EMALI-SULTAN HAMUD MUNICIPALITY - MAKUENI COUNTY
GOVERNMENT FOR THE YEAR ENDED 30TH JUNE, 2024

Report of the Auditor-General on the Financial Statements of Emali-Sultan Hamud Municipality - County Government of Makueni for the financial year ended 30th June, 2024.

(Sen. Cheruiyot laid the documents on the Table)

I thank you.

The Speaker (Hon. Kingi): Chairperson Standing Committee on Agriculture, Livestock and Fisheries, proceed. Do we have a Member from that Committee present? Senate Majority leader, then you may wish to table the report.

The Senate Majority Leader (Sen. Cheruiyot): Mr. Speaker, Sir, I can see many Members of the Standing Committee on Agriculture, Livestock and Fisheries present. I wonder why they are not---

The Speaker (Hon. Kingi): I do not know who they are, unless you mention one.

The Senate Majority Leader (Sen. Cheruiyot): No, let me do it.

REPORT ON CONSIDERATION OF THE NUTS AND OIL
CROPS BILL (SENATE BILLS NO.47 OF 2023)

Mr. Speaker, Sir, I beg to lay the following Paper on the Table of the Senate, today, Tuesday, the 29th May, 2025-

Report of the Standing Committee on Agriculture, Livestock and Fisheries on its consideration of the Nuts and Oil Crops Bill (Senate Bills No. 47 of 2023).

I beg to lay.

(Sen. Cheruiyot laid the document on the Table)

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The Speaker (Hon. Kingi): Let us move on to the next Order.

QUESTIONS AND STATEMENTS

STATEMENTS

Statements pursuant to Standing Order No.53(1), the Hon. Senator for Nandi County, proceed.

MURDER OF FATHER ALOIS CHERUIYOT BETT AND INCREASED BANDITRY IN THE NORTH-RIFT REGION

Sen. Cherarkey: Thank you, Mr. Speaker, Sir. I rise pursuant to Standing Order No.53(1) to seek a Statement from the Standing Committee on National Security, Defence and Foreign Relations on a matter of national concern regarding the murder of Father Alois Cheruiyot Bett on 22nd May, 2025 by suspected bandits and the resurgence of banditry activities in the country.

Mr. Speaker, Sir, Father Alois Cheruiyot Bett from St. Matthias Lumumba Catholic Church in Tot Parish in Elgeyo Marakwet County, who hails from Kilibwani in Nandi County, was ambushed and shot dead after he had just concluded a Jumua Mass or a small Christian community meeting at Kabien Village and was headed back to his base in Tot Parish, Elgeyo Marakwet County.

In the Statement, the Committee should address the following-

(1) The circumstances that led to the shooting to death of the unarmed priest who was in the company of other people that were un hurt during the incident, including details of the motive behind his murder and the status of investigations;

(2) The reasons why the police, up to date, are yet to arrest any person involved in the murder of the Priest, despite being said to have had an ongoing operation in the area to flush out bandits from their hideout, yet they had promised to by yesterday, Wednesday;

(3) State of security in the general North Rift regions and reasons for sluggish and ineffective response by both the police and Kenya Defence Forces (KDF) once bandits attack considering that in the past few days, the region has witnessed a rise in cases of insecurity, leading to deaths and loss of property, particularly in Baringo, Turkana, Elgeyo Marakwet, West Pokot, Samburu, North Eastern and Mombasa, where they are wielding machetes and wearing *buibuis*.

I was with the recovering Nyali Member of Parliament (MP), Hon. Ali Mohammed. He said that the same thing is happening in Mombasa despite the ongoing Kenya KDF led operation;

(4) The total number of National Police Reservists (NPRs) currently engaged in all these counties, starting from Elgeyo Marakwet County and across the nation, indicating their distribution per county with details on their fighting process during these engagements; and,

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(5) Finally, the number of NPRs in custody on claims of aiding banditry activities in the Kerio Valley and across the country, as well as the details on the bandits, financiers, facilitators arrested and arraigned in relation to the recent banditry activities in the entire country.

Mr. Speaker, Sir, I thank you.

The Speaker (Hon. Kingi): Senator for Wajir County, the Hon. Abass, proceed.

DETERIORATING STATE OF ECDE
CENTRES IN WAJIR COUNTY

Sen. Abass: Thank you, Mr. Speaker, Sir. I rise pursuant to Standing Order No.53(1) to seek a Statement from the Standing Committee on Education on a matter of countywide concern regarding the deterioration of the state of Early Childhood Development Education (ECDE) centres in Wajir County.

Mr. Speaker, Sir, Article 43(1)(f) of the Constitution guarantees every person the right to education and further, Article 53(1)(b) affirms the right of every child to free and compulsory basic education, including ECDE.

The Fourth Schedule of the Constitution assigns the responsibility of the pre-primary education to county governments. Despite this, constitutional mandate, ECDE centres in Wajir County remain severely neglected. Many learners are attending classes in overcrowded or makeshift structures while some are forced to learn under trees. Knowing that the sun is too hot in Wajir and children are learning under trees and other makeshifts structures, this has really affected the concentration and learning levels.

In the statement, the Committee should address the following-

(1) The total number of ECDE centres in Wajir County, indicating how many have permanent structures, temporary structures or operate in outdoor setups and further provide information on the number of ECDE centres where pre-primary one and two learners are sharing one classroom and facilitators;

(2) The number of ECDE facilitators employed by the County Government, their qualifications and the learner-to-facilitator ratio in Wajir County;

(3) The reasons why the school feeding programmes have not been implemented despite budgetary allocations;

(4) The immediate measures in place by the county to address the overcrowding in ECDE classrooms and the timelines for constructing permanent structures; and,

(5) The steps being taken by the County Government to ensure that clean water and adequate sanitation in ECDE centres are available.

Thank you, Mr. Speaker, Sir.

The Speaker (Hon. Kingi): The two statements by the Senator for Kitui County are deferred as per the Senator's request.

RESURGENCE OF BANDITRY IN KITUI COUNTY

(Statement deferred)

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STATUS OF CONSTRUCTION OF KIBWEZI-MUTOMO-
KITUI-MIGWANI-MBONDONI ROAD

(Statement deferred)

Therefore, we will move to Statement Pursuant to Standing Order No.57(1).
Before the Senate Majority Leader takes the Floor, Hon. Eddy, you had your Statement reinstated. You may proceed to make your request.

FRAUDULENT ACTIVITIES TARGETING
RETIREES' LUMP-SUM PENSION PAYOUTS

Sen. Oketch Gicheru: Mr. Speaker, Sir, thank you for the opportunity, as well as for the reinstatement of this statement.

I rise pursuant to Standing Order No.53(1) to seek a statement from the Standing Committee on Finance and Budget on a matter of national concern regarding fraudulent activities targeting retirees' lump-sum pension payouts.

We are witnessing a disturbing trend where fraudsters are increasingly targeting retirees and defrauding them their pension benefits. Concerns are growing on how these criminals are able to access sensitive personal banking details, which enable them to monitor bank transactions and execute the fraud promptly after lump-sum pension payouts are deposited in the beneficiaries' bank accounts.

Among the affected institutions is Absa Bank Kenya PLC, where, for instance, Mrs. Violet Akoth Nyatol, a retired teacher, recently fell victim to such fraud and lost her entire lump-sum pension payouts of Kshs2,498,029, which had been deposited into an Absa Bank Kenya PLC account.

In the statement, therefore, the Committee should address the following-

(1) The number of cases related to fraudulent loss of funds held in Absa Bank accounts since 2022, as well as the status of investigations in each of those cases;

(2) Whether the Central Bank of Kenya (CBK) and the Directorate of Criminal Investigations (DCI) are aware of these cases and if so, obtain information on the actions taken by these institutions in the matter therein;

(3) The steps taken by Absa Bank Kenya PLC to address the systemic lapses that allowed the fraudsters to access sensitive personal banking details and monitor bank transactions;

(4) The findings of the internal investigations that were taken by Absa Bank Kenya PLC into the loss of Kshs2,498,029, which had been deposited into Mrs. Nyatol's Absa Bank Kenya PLC account on 12th March, 2025, including whether the Bank has investigated and established potential coalition between its staff and the fraudsters; and,

(5) Lastly, further give us the oversight mechanisms put in place by the CBK to ensure that banks take adequate steps to guarantee the safety of customer deposits and

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confidentiality of personal and banking information and also take responsibility for systemic lapses that result in fraudulent loss of funds in their custody.

I thank you, Mr. Speaker, Sir.

The Speaker (Hon. Kingi): Thank you.

Before we take the statement from the Senate Majority Leader, Sen. Tabitha, you had a personal statement to make.

Proceed.

FALSE ALLEGATIONS MADE BY THE GOVERNOR OF
NAKURU COUNTY, GOV. SUSAN KIHKA

Sen. Tabitha Keroche: Thank you, Mr. Speaker, Sir, for giving me this opportunity. I rise pursuant to Standing Order No.58 to issue a personal statement regarding false allegations made by Her Excellency Governor Susan Kihika.

During the Senate's short recess in April, Governor Susan Kihika forcefully claimed in a television interview that I was admitted to a hospital in London suffering from kidney failure. She went further to wish me a quick recovery, fully aware that I was neither sick nor hospitalised. This misleading narrative was quickly picked up by mainstream media, newspapers, social media influencers and bloggers, none of whom bothered to verify the information with me or my office.

Mr. Speaker, Sir, this malicious smear campaign was orchestrated under the directions of Governor Susan Kihika. It is regrettable that taxpayers' money from Nakuru County was allegedly used to pay bloggers and influencers to spread misinformation and malign my name. To those who were paid to wish me terminal illness, I urge you to rise above being used as tools of propaganda. Use your literary skills and creativity to earn a decent and dignified living.

Mr. Speaker, Sir, since I was elected by the great people of Nakuru County, I have remained committed to ensuring devolution works effectively by lobbying for increased shareable revenue, additional allocations and conditional grants. These resources were meant to improve the living standards of our people through development. Regrettably, much of these funds have been lost through corruption, dubious procurement practises and unnecessary foreign travel.

As I conclude, I assure this House and the people of Nakuru County that I am in sound health. I was not hospitalised and I have never been admitted to any hospital for kidney-related complications. My commitment to accountability, better healthcare and meaningful development for the people of Nakuru remains steadfast and unstoppable. I shall not be intimidated or cowed as I execute my constitutional oversight mandate. God bless you all and God bless Kenya.

Thank you, Mr. Speaker, Sir.

The Speaker (Hon. Kingi): Sen. (Dr.) Boni---

Before Sen. Boni makes his request for a statement; hon. Senators, indeed, you are at liberty, pursuant to Standing Order No.58, to rise and make statements of a personal nature. However, as much as you have the latitude to make a statement of a personal nature, look at Standing Order No.101, especially the last sentence of Standing

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Order No.101(1). I will read the entire Order No.101(1) and then I will extract the relevant portion of that particular Standing Order-

“(1) Neither the personal conduct of the President, nor the conduct of the Speaker, or any judge, nor the judicial conduct of any person performing judicial functions, nor any conduct of the Head of State or Government, or the representative in Kenya of any friendly country, or the conduct - *and I am going to emphasize on this one* - or the conduct of the holder of an office, whose removal from such office is dependent upon a decision of the Senate, shall be referred to adversely, except upon a specific substantive motion, of which, at least three days' notice has been given.”

Therefore, if you are to discuss the conduct of any holder of office in this country whose removal from such office depends on a decision of this Senate, then you need to bring a substantive motion. Be guided, hon. Senators.

Sen. (Dr.) Boni, proceed.

Sen. (Dr.) Khalwale: Mr. Speaker, Sir, following your guidance, would it be in order for the statement to not be allowed to stand on the record of the House because the Governor of Nakuru would ordinarily be removed by this House and is the subject of this statement?

The Speaker (Hon. Kingi): Senator for Nairobi City.

Sen. Sifuna: Mr. Speaker, Sir, that request by the Senator for Kakamega would depend on what you make of the words “adverse reference”. If I brought a statement here paying glowing tributes to the Governor of Nairobi City, that is not adverse reference. If it is saying I have not seen him in a few weeks, that is not adverse reference. That narrow understanding of what adverse reference means would guide the House to the nature of those statements. In my view, I did not hear any adverse reference. It was a narration of events.

Sen. Olekina: Mr. Speaker, Sir, I have read Standing Order No.101 and I concur with the Senate Majority Whip on a statement of such nature. Unless it is proven by a court of law that a holder of a public office, who is subject to this House has been the one making such allegations, it would be improper for this House to keep that statement on record.

My concern is on the status of this House. If we can discuss holders of other public offices, where does it put us in terms of our impartiality? I also request that the personal statement be expunged from the record of this House to maintain the integrity of this House. It is not anything personal. I do not have a relationship with the Governor of Nakuru, but I have listened carefully to the words of the statement read by the distinguished Senator from Nakuru. I also concur with the Senate Majority Whip on the importance of respecting our Standing Orders.

I thank you.

The Speaker (Hon. Kingi): Hon. Senators, I lifted the contents of Standing Order No.101 as a general guidance, not specifically targeting the statement by the hon. Senator from Nakuru. However, having listened to your concern, allow me to give a substantive communication guiding on the application of this Standing Order.

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I will, therefore, be guiding the House through our communication next week on this particular matter.

Sen. (Dr.) Boni, you may proceed.

STALLED PROJECTS IN KAKAMEGA COUNTY

Mr. Speaker, Sir, I rise pursuant to Standing Order No.53(1) to seek a statement from the Standing Committee on Devolution and Intergovernmental Relations on a matter of countywide concern namely, the stalled projects in Kakamega County.

The former administration of the County Government of Kakamega had sunk hundreds of millions of shillings in various projects across the county. Many of these projects have since stalled without completion and will occasion the loss of public funds amounting to over Kshs2 billion. In the statement, the Committee should address the following-

(1) What are the reasons the following construction projects initiated by the former administration of the County Government of Kakamega stalled?

- (a) Itumbeni Dairy Factory in Malaba Constituency
- (b) Butali Marega Road in Malaba Constituency
- (c) Kubasali Water Project in Malaba Constituency
- (d) Kakamega Teaching and Referral Hospital in Lurambi Constituency
- (e) Shamakhubu Hospital in Shinyalu Constituency
- (f) Bukhungu Stadium in Lurambi Constituency
- (g) Bushiangala Eregi Bridge on River Lukose in Ikolomani Constituency
- (h) Bushiri-Navakholo Road in Navakholo Constituency
- (i) Office of the Governor in Lugari Constituency
- (j) Renovations of the Office of the Governor in Kakamega Town in Lurambi Constituency
- (k) Hundreds of Early Childhood Education Centres across the county

(2) Give a detailed breakdown of the percentages of works completed in each project, the amount of money already paid out to the respective contractors for the works done as well as any outstanding balance;

(3) Give a timeline for the resumption and completion of the said projects, including the reasons why funds for the completion of the projects were not factored in the county budgets for financial years 2022/2023, 2023/2024 and 2024/2025 2024-25;

(4) Afford the Committee a visit to the County of Kakamega to inspect the said projects and ascertain their current status.

I thank you, Mr. Speaker, Sir.

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

BUSINESS FOR THE WEEK COMMENCING
TUESDAY, 3RD JUNE, 2025

The Senate Majority Leader (Sen. Cheruiyot): Thank you, Mr. Speaker, Sir. I rise pursuant to Standing Order No.57(1) to hereby present the business of the week that commences on Tuesday, 3rd June, 2025.

The status of business that is pending before the Senate is as follows-

There are 53 Bills of which, 37 are at the Second Reading and 16 are at the Committee of the Whole. Therefore, as we have always done in the past, I request our whips, both of whom are present today, to help us with good mobilization next week, so that we can consider the 16 Bills at the Committee of the Whole before we proceed on recess in two weeks' time.

Mr. Speaker, Sir, the other 37 that are in Second Reading, I expect that in the course of time, we shall debate them as well and make our contribution. I urge my colleagues to find time to be in the House. It is increasingly becoming a trend in this House to find very few of us around past certain hours when we debate these Bills. I plead with my colleagues that these 37 Bills are very important. They are sponsored by each and every one of them and we need to make contribution.

There are 29 Motions that are pending conclusion of which seven are actually scheduled in today's Order Paper. I hope, after we are done with the preceding business, we shall consider some of them. There are 478 statements pursuant to Standing Order No.53(1) that are under consideration by our various committees.

As Senators will recall, during the afternoon sitting held yesterday, Wednesday, 28th May, 2025, the Senate passed the Division of Revenue (National Assembly Bills No.10 of 2025). In my decade plus of being a Senator, yesterday was one of my proudest moments. It is not mean feat to send Kshs465 billion to counties. I know the journey is not yet over because we still have a battle ahead of us. I am certain our colleagues in the other House might not view things the way we view them. However, getting it to where it is at the moment is something that this House needs to be proud of.

I appreciate the industry of the Committee on Finance and Budget and all the Senators who availed themselves yesterday afternoon to consider this particular business. I suspect that the National Assembly may have a visitation by some good spirit and decide to agree with the Senate. However, in the unlikely event that they disagree with us, we shall send our best strikers and defenders from the devolution family to go and put up a good fight and make a good case for devolution.

We also passed the Cash Disbursement Schedule and the Senators expressed serious concern on the delay in the disbursement of these funds despite the passage of the Disbursement Schedule. We proposed to the Committee on Finance and Budget, as a House, on how this needs to be addressed. I hope the Chairperson and the Members will take into consideration the views of Members as regards what needs to happen to solve the mess of delayed disbursement of funds to counties from the National Treasury. I refer to Members such as the Senate Majority Whip who is Sen. (Dr.) Khalwale, Sen. Eddy, Sen. Onyonka and all the Members who serve in the Committee on Finance and Budget.

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With respect to Petitions, I want to remind hon. Senators that in accordance to Standing Order No.238(3), the Senate is required to consider the reports on petitions within 14 sitting days of their tabling. At present, there are three such reports before the Senate. One is from the Committee on Health and two are from the Committee on Justice, Legal Affairs and Human Rights. I urge the chairpersons to prioritize their presence in the Chamber when the Motions for those reports are presented.

On Tuesday, 3rd June, 2025, the Senate Business Committee (SBC) will meet and consider the business for the week. The tentative business for that week will include business not concluded from today's Order Paper as well as business indicated in the Notice Paper. As hon. Senators may recall, yesterday's morning sitting was suspended by way of Motion that was adopted on Tuesday, 27th May, 2025 to allow Senators to participate in the National Prayer Breakfast. Accordingly, business that was scheduled for Wednesday, 28th May, 2025, morning sitting, has now been rescheduled to Wednesday, 4th June, 2025.

The summary of Questions are as follows-

- (a) Question No.001 to the Cabinet Secretary, Ministry of Energy and Petroleum;
- (b) Question No.068 to the Cabinet Secretary, Ministry of Energy and Petroleum;
- (c) Question No.031 by Sen. (Prof.) Tom Ojenda to the Cabinet Secretary, Ministry of Mining, Blue Economy and Maritime Affairs;
- (d) Question No.047 to the Cabinet Secretary, Ministry of Mining and Blue Economy and Maritime Affairs;
- (e) Question No.034 to the Cabinet Secretary, National Treasury and Economic Planning; and,
- (f) Questions Nos. 035, 048, and 079 by various Senators to the Cabinet Secretary in charge of the National Treasury and Economic Planning.

The tentative business for the afternoon sitting on Wednesday, 4th June, 2025, will include business that will not have been concluded in the Order Paper on Tuesday.

There are various Bills that are in the Second Reading stage, which I want to draw the attention of Members-

- (i) The County Governments (State Officer's Removal from Office Procedure Bill (Senate Bills No. 34 of 2024);
- (ii) The County Governments (Amendment) Bill (Senate Bills No. 39 of 2024);
- (iii) The Labour Migration, and Management (No. 2) Bill (Senate Bills No. 42 of 2024); and,
- (iv) The Street Naming and Property Addressing System Bill (Senate Bills No. 43 of 2024).

We have many Bills that are in the Committee of the Whole stage namely-

- (a) The Co-operative Societies (Amendment) Bill (Senate Bills No. 53 of 2023);
- (b) The Public Fundraisings Appeals Bill (Senate Bills No. 36 of 2024);
- (c) The Heritage and Museums Bill (Senate Bills No. 8 of 2023) and so many others.

The projected business for Thursday, 5th June, 2025, will include business not concluded from Wednesday's Order Paper.

There are various important Motions such as-

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(i) A report from the Liaison Committee on the activities and operations of select committees during the Third Session. We normally present this report, as we draw near to the end of a session. I have already mentioned that this House will rise for a short recess on 12th June, 2025, as per the calendar that we passed here.

(ii) There is a report from the Committee on Devolution and Intergovernmental Relations into the inquiry on the state of governance in the County Government of Garissa, arising from a statement sought by Sen. Abdul Haji.

(iii) There is a report from the Standing Committee on Devolution and Intergovernmental Relations on its inquiry into the state of markets in Vihiga and Bungoma counties, arising from Sen. Osotsi's and Sen. Wakoli's statements.

(iv) There are reports from the Committee on National Cohesion, Equal Opportunity and Regional Integration into inquiry of diversity and inclusivity in the staff composition of state agencies. This is a very important statement and I hope Members will be at hand to hear and peruse through this report. Why do I say this? If you recall, after the 25th June, 2024 protest, we passed a Motion in this House and part of the requirements that we mentioned in that particular Motion was inclusivity in state agencies. I have seen various state agencies appearing before our Committee on National Cohesion, Equal Opportunity and Regional Integration. I hope they will eventually present that report to give a glimpse or highlight of the dominant communities in the parastatals.

More importantly, I hope they will state the measures being put in place to ensure that there is inclusivity in job opportunities in the public sector. That is a very important assignment and I hope this Committee is undertaking it with all seriousness. I look forward to that.

(v) There is also a report that will be presented here on the welfare of interns that are working under the Public Service Commission (PSC). It arises from a Statement that was sought by one of us. Therefore, the next two weeks are extremely busy with very important business.

Mr. Speaker, Sir, I know you have the powers to ensure that people stay within the precincts of Parliament by reducing what you know you need to reduce. I need not mention them.

Otherwise, I thank you and lay the Statement on the Table of the Senate.

(Sen. Cheruiyot laid the Document on the Table)

COMMUNICATION FROM THE CHAIR

CONDUCT OF SENATORS WHILE TRANSACTING BUSINESS IN THE SENATE

The Speaker (Hon. Kingi): Hon. Senators, I have a Communication to make regarding the conduct of Senators while transacting business in the Senate. Over the last few sittings, the Presidium has observed incidents of disorderly conduct in the Senate thereby necessitating that I make this further Communication.

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Hon. Senators, I have previously cautioned Senators on the matter of maintenance of order and decorum in the Senate. The Standing Orders provide a framework for debate and order in the Senate. In particular, I refer hon. Senators to Part XVIII and Part XX of the Senate Standing Orders, which provide for Rules of Debate and order in the Senate and in Committees.

Allow me, for the benefit of all hon. Senators, to reiterate what these parts provide. Part XVIII provides, among others-

- i. Speaking twice to a Question;
- ii. Point of order;
- iii. Anticipating debate;
- iv. Contents of speeches;
- v. Comments on proceedings of Select Committees; and,
- vi. Responsibility for statement of facts.

On the other hand, Part XX, which contains Standing Orders Nos.121 and 122 provide for acts, which constitute disorderly conduct and gross disorderly conduct. These Standing Orders provide that a Senator is disorderly if the Senator (*inter alia*)-

- i. creates disorder;
- ii. knowingly raises a false point of order;
- iii. unnecessarily interrupts proceedings or consults in a disruptive manner;
- iv. makes allegations without, in the Speaker's opinion, adequate substantiation;
- or
- v. defies a ruling or direction of the Speaker or Chairperson of Committees;
- vi. demonstrates or makes disruptive utterances against the suspension of a named Senator;
- vii. disrupts or attempts to disrupt the Speaker's procession;
- viii. commits any other breach of these Standing Orders that, in the opinion of the Speaker, constitutes gross disorderly conduct.

Hon. Senators, Standing Order Nos.121(2) and 122(2) further outline the consequences of creating disorder and gross disorder in the Senate. In cases of disorderly conduct, the Speaker may call upon a Senator whose behavior is deemed disorderly, caution them or order their withdrawal from the precincts of Parliament for the remainder of that day's sitting.

In the case of gross disorderly conduct, the Speaker shall order the Senator to withdraw immediately from the precincts of Parliament. On the first occasion, the withdrawal shall be for a maximum of three sitting days, including the sitting day of suspension. On the second or subsequent occasion during the same session, the withdrawal shall be for a minimum of seven sitting days and a maximum of 21 days, including the day of suspension.

The above provisions are in place to ensure that debates in Plenary proceed in a respectful and constructive manner. It allows all Senators the opportunity to contribute meaningfully in the process facilitating the Senate to fulfil its constitutional mandate in an orderly, systematic and predictable manner.

I must once again caution hon. Senators that the Presidium will not hesitate to invoke and apply the provisions of the Standing Orders against any Senator who is

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disorderly. I therefore urge all hon. Senators to abide by the Standing Orders and uphold the dignity of the Senate. I reaffirm that the rules will be applied fairly, firmly and without exception.

Hon. Senators, in the past few weeks, I have observed instances where a Member of the Presidium makes a ruling on a matter, and hon. Senators engage in a verbal exchange with the Chair. This will not be tolerated. I therefore urge you to adhere to these rules to ensure decorum as we debate our business in the Senate.

Thank you.

Next Order.

The Senate Majority Leader (Sen. Cheruiyot): On a point of order, Mr. Speaker, Sir.

The Speaker (Hon. Kingi): Hon. Senators, I have just read the rules of this House. I have just read the Standing Orders on this matter. A point of order can only be raised when there is a Senator on their feet. Clearly there is no Senator speaking, so why should you raise a point of order?

The Senate Majority Leader (Sen. Cheruiyot): On a point of clarification, Mr. Speaker, Sir.

The Speaker (Hon. Kingi): Absolutely, Senate Majority Leader, that is the way to go. What is your point of clarification?

The Senate Majority Leader (Sen. Cheruiyot): Mr. Speaker, Sir, I do not know who has wronged you today. However, I apologise on behalf of those who may have caused you great distress. I hope my colleagues will abide by your guidance. I humbly plead, if it pleases the Speaker, to allow us this afternoon to comment on the statements that have been read before this House. I make this request in the meekest manner possible.

Thank you.

The Speaker (Hon. Kingi): Hon. Senators, pursuant to our Standing Orders, I will allow a maximum of 15 minutes for comments, as permitted under the Standing Orders. Therefore, if you have an opportunity to speak, please keep your remarks under three minutes, so that your colleagues can also have a chance to contribute to these statements.

The Hon. Senator for Nairobi City County, please proceed.

Sen. Sifuna: Mr. Speaker, Sir, I happen to know who the offending party that precipitated that Communication is. However, because I have been asked to be nicer, I will not mention them.

I rise to comment on the statement brought by the Senator for Nandi County regarding the tragic murder of Catholic priest, Father Alloys Cheruiyot Bett. As a Catholic, our church has endured traumatic experiences over the past 20 years. We all remember the tragic death of Father Kaiser in 2000. There is Father John Muya, who was shot dead near Kinoo in 2018.

We also had Father Martin Macharia Njoroge, who, in 2003, presided over St. Francis Xavier's Church at Parklands Law Campus, where we attended services as students. Then, there was Father Luigi Locati in 2005 in Isiolo. Just days before the recent killing of this priest in Tot, Father John Ndegwa Maina of Igwamiti Parish in Nyandarua was found with multiple gunshot wounds. As a House, we have also

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experienced this tragedy. Just a few weeks ago, we buried one of our own who was shot in similar circumstances. Therefore, the Senator for Nandi County's request for the Ministry to provide an update on the security situation in the country is timely.

The most distressing aspect is that no arrests have been made. At least in the case of the murder of the former Member of Parliament (MP) for Kasipul Constituency, we saw arrests. The public is keenly observing how security forces handle individual cases. At times, it seems that when a prominent person is involved, investigations are expedited and action is taken swiftly. However, days have passed, and no one has been arrested for the shooting of this priest in Tot.

I therefore want to join the Senator for Nandi County. Since I am a Member of that Committee, I assure him that we will do our very best to bring answers, not just to the families, but also to the Church of Christ in Kenya. This will ensure we put an end to these tragic incidents.

I thank you.

The Speaker (Hon. Kingi) Senate Majority leader.

The Senate Majority Leader (Sen. Cheruiyot): Mr. Speaker, Sir, I wish to comment on the statement by Sen. Cherarkey. On Sunday last week, accompanied by the Senator for Uasin Gishu County, we visited the family of the late Father Alloys Bett. What we saw was truly devastating. The mother was completely distraught, as were the siblings and the rest of the family, along with a community that deeply loved their son. They felt profoundly wronged by the murder most foul that occurred in the Kerio Valley.

In the past few months, we have received reports of killings, so much so that the country seems to have grown accustomed to them, treating them as just another piece of news. However, it is not right that we live in a country where some people cannot sleep peacefully in their homes and children are unable to attend school.

I urge the Standing Committee on National Security, Defence and Foreign Relations handling this matter to thoroughly investigate. This is in honour of this bishop and the many innocent Kenyans who have lost their lives in that region, and to ensure that the perpetrators are brought to book.

It is well known that the individual responsible for Father Alloys's murder is a criminal named Cheptarus. Locals have spoken, stating they know who committed this crime. With all the resources at our disposal, how difficult can it be to take action? If the police are insufficient, what is the issue? We can gazette that area as a disturbed zone and deploy the best forces, so that our citizens are able to sleep peacefully in their homes, just as we do.

I plead that this be the last Kenyan life lost in such circumstances. The same urgency applied to investigations when security concerns arise involving what Sen. Sifuna refers to as "big people" should be applied to this case. We must see that level of speed, seriousness and commitment in investigating Father Alloys's murder. This is truly unfortunate. I extend my condolences to his family and to all those who enjoyed the mass under his leadership.

I thank you.

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

Sen. Mwaruma: Thank you, Mr. Speaker, Sir, for this opportunity to comment on the Statement by the Senator for Wajir on implementation of ECDE centres in Wajir County. Problems that are being faced by Wajir are not unique to that county alone, but are replicated across the whole country.

Right now, we are doing an inquiry on the level of implementation of ECDE centres, Vocational Training Centres (VTCs) and libraries, which are devolved. Preliminary findings are that our ECDE centres and VTCs, which are devolved, are suffering. They are in deplorable conditions because governors have elected to leave out functions that are devolved. They are embracing functions that are not devolved by giving scholarships and bursaries.

Mr. Speaker, Sir, you have heard the Senator for Kakamega saying, there are many incomplete ECDE projects because there is a lot of money being allocated by governors to the popular bursaries and scholarships. I am not saying that governors or county governments should not give bursaries and scholarships. Article 187 of the Constitution is very clear, that we must do deed of agreements between the national and county governments before the national Government takes over functions of county governments. Even as county governments are doing that or wanting to transfer devolved functions, have they done enough for ECDE centres?

We have visited counties and seen Pre-Primary 1 (PP1) learners facing one wall while PP2 learners facing the other. That is not an ideal situation of learning. As an educationist, when we construct our ECDE centres, we must provide for playing areas for learners because children learn by playing. When you build a classroom and there is no playing area, how are those children going to learn?

Our curriculums in East Africa are spiral; where you learn one thing at an ECDE centre, but when you go up, the concept is built. A good example is a seesaw. You can see it as an enjoyable game, but that is physics. When you go to secondary school, you learn about moments. When you go to university, you learn about torque or turning effect of two coplanar forces, which are in different directions.

Mr. Speaker, Sir, we need to insist that county governments should do what is devolved and leave what is not devolved to the national Government. After all, only 15 per cent goes to the counties while 85 per cent remains at the national level.

The Speaker (Hon. Kingi): Next is the Senator for Kakamega.

Sen. (Dr.) Khalwale: Mr. Speaker, Sir, I rise to comment on the statement about killing of Catholic priests. We are not serious.

I remember when Fr. Anthony Kaiser was murdered, his mother country, the United States of America (USA), sent here the Federal Bureau of Investigations (FBI). We had been told by local investigation agencies that a man who had died from a gunshot at the back of his head had committed suicide. Where it has reached, we must call for and form a commission of inquiry into the killings of Catholic priests.

I say this because on quick notice, I have the following priests who have been murdered: Fr. Alois Bett and Fr. John Maina this year, Fr. John Anthony Kaiser in 2000, Fr. John Njoroge Maina in 2018; Fr. Martin Macharia Njoroge in 2003, and Bishop Luigi Locati in 2005.

In the case of Bishop Locati, at least investigations were done and a priest was arrested and convicted. He is now serving a jail term because he killed his bishop. Others were Fr. Evans Oduor in 2017, Fr. Michael Siendo in 2019 and Fr. Eutyclus Muthuri of Meru in 2019.

It cannot be by chance that whenever priests are murdered, a theory is thrown around in the media that they have committed suicide. We need an inquiry. As a Catholic who was born and bred in a Catholic family, who enjoyed the first Holy Communion, who was confirmed in the Catholic church, who married in the Catholic Church, who baptised his children in the Catholic church, and who buried my parents in the Catholic church, I demand that there be an inquiry.

The Speaker (Hon. Kingi): Next is Sen. Ledama.

Sen. Olekina: Mr. Speaker, Sir, I rise to make some brief comments on the statement brought by Sen. Eddy on consumer protection. It is disheartening to hear that senior citizens are now falling prey to fraudsters who are targeting their retirement income. When I heard that statement being read by Sen. Eddy, I asked myself where the Competition Authority of Kenya (CAK) is.

Although that is a big problem worldwide, when you look at other jurisdictions, Members of the Congress have discussed this issue. They ended up inviting financial institutions and consumer protection bureaus to understand what they should do to protect senior citizens. If a senior citizen who has worked tirelessly is about to retire, but the day they retire their money disappears at a go, that means losing all their money, what do you expect them to do?

Mr. Speaker, Sir, I hope that the committee that will investigate this matter will sit down with the CAK to understand. Are they just collecting money or they engage in educating citizens on how they can protect their wealth? It is imperative that financial institutions---

I have heard Absa Bank being mentioned here. I call upon Absa Bank to train its staff to be able to trace and detect any suspicious withdrawals. These are issues that can be dealt with. Sometimes when you receive a huge amount, banks are quick to ask why you have received money from a certain person. Those are important issues to discuss in order to know whether we should develop further legislation to protect our senior citizens. If we do not do that, we will continue allowing senior citizens to fall prey; like a wolf that suckles a vulnerable prey. That is ridiculous.

Mr. Speaker, Sir, I thank the distinguished Senator for Migori for bringing this matter, which we must follow through to ensure that we protect our senior citizens.

I thank you.

The Speaker (Hon. Kingi): Next is Sen. Mungatana.

Sen. Mungatana, MGH: Mr. Speaker, Sir, I would like to make a quick comment on the Statement on the death of Fr. Alois Bett. There is a Kiswahili proverb that says; *usipoziba ufa, utajenga ukuta*. While I agree with all the comments raised by my colleagues on this statement, the one missing issue is, what is the preventive strategy that the Cabinet Secretary for Interior and National Administration has taken on some of these obviously volatile regions?

Every time something like this happens, you see a lorry full of police officers, including the General Service Unit (GSU) and others, landing in the area. They ensure there is media coverage and they start moving around with guns cocked saying that *usalama umethibitishwa katika eneo fulani*. That is not the way to handle security matters. It should not be hit and run. There must be a strategy for prevention in areas that are known to be volatile.

If there was a strategy, then the committee must be told if it was working. If the strategy was not working, then the Cabinet Secretary must tell us what he is doing to improve the strategy around the region, so that we do not have a repeat of the same incidents. We do not want a situation where somebody has to be killed for security personnel to be beefed up, because that is the word they always use. They say, “security around this region has now been beefed up.” Always reactionary, not moving in front. Where is the intelligence? Where is National Intelligence Service (NIS)? Why can they not use the intelligence they receive to take preventive actions?

Mr. Speaker, Sir, in my county, we have the Kenya Police Reserve (KPR). We have raised the issues as leaders many times, that we need proper guns that can deal with security matters, not the old type of guns. However, we are always told, “we are waiting, we want to take these people for training.” If something happens today in Tana River County, you will see that all the security personnel will be there.

Mr. Speaker, Sir, it is good for us to have a strategy of prevention. If all the people know that when you come to certain areas, their KPRs are well armed, and their arms are modern---

The Speaker (Hon. Kingi): The Senate Minority Leader and Senator for Kilifi County, the hon. Madzayo, please, proceed.

The Senate Minority Leader (Sen. Madzayo): Asante Bw. Spika. Kwanza, namuunga mkono ndugu yangu, Sen. Cherarkey, kwa Taarifa aliyoleta kuhusu vifo vya watu wa kanisa. Ni jambo la kusikitisha na huzuni na si sawa. Kanisa ni mahali ambapo tunaenda kumuomba Mungu. Vile vile, watu wakipatikana na shida ya aina yoyote, huwa wanakimbia makanisani ili kupata msaada wa maombi kutoka kwa *mafather, mapastor* ama wakuu wa makanisa.

Bw. Spika, Father Bett alikuwa ameshikilia Bibilia kwa mkono alipopigwa risasi. Hakushikilia gongo, kisu au bunduki. Alishikilia Bibilia. Kwa hivyo, ni jambo la aibu na kusikitisha kuwa wale majangili waliingia pale ndani wakiwa na bunduki, wakampiga risasi na kumuua.

Bw. Spika tunakemea vikali zaidi na tunataka kuona ya kwamba Serikali imechukua hatua hususan Inspekta Mkuu wa Polisi, Bw. Kanja, amechukua hatua mwafaka kuona ya kwamba waliofanya kitendo hicho wamefikishwa kortini.

Vile vile, ningependa kusema kwamba si upande ya wakristu peke yake. Hata wale wakubwa wa kiislamu, masheikh kama vile Sheikh Aboud Rogo, alikuwa mkuu wa Msikiti Musa. Leo, hayuko nasi kwa sababu askari walisingizia. Hakuna ripoti au taarifa yoyote iliyoletwa kusema makosa ya Sheikh Aboud Rogo yalikuwa ni nini. Hakuna uchunguzi wa aina yoyote ulifanywa na idara ya uchunguzi kuonyesha Sheikh Aboud Rogo alikuwa na makosa gani. Leo hii, familia yake inalia. Wanataka kujua ni kwa sababu gani baba yao alipoteza maisha.

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Vile vile, kuna Abubakar Makaburi. Sheikh Abubakar Makaburi pia alipigwa risasi na polisi na hakuna uchunguzi wowote ulifanywa. Mwisho, kuna Sheikh Idris. Ijapokuwa tunaona walichukua hatua, tunasema ya kwamba hao watu wawili walikufa bila ripoti yao kujulikana au wakenya kuambiwa walikufa kwa sababu gani. Hii ni hatua mbaya na tunataka kuiua kwa sababu mpaka leo hatujajua kilicho waua Sheikh Aboud Rogo na Abubakar Makaburi. Familia yake na watu wa Mombasa kwa ujumla wanauliza mpaka leo ni kwa nini waliuawa.

Bw. Spika, naunga mkono---

The Speaker (Hon. Kingi): Hon. Senators, I will add a further 15 minutes.

Sen. Chute, please proceed.

Sen. Chute: Thank you, Mr. Speaker, Sir. Allow me to give a brief comment on the statement by the distinguished Senator from Kakamega County, Sen. (Dr.) Boni Khalwale.

Mr. Speaker, Sir, the issue of stalled projects is everywhere in our 47 counties. It is not a unique issue in Kakamega County only. The Senate Standing Committee on Devolution and Intergovernmental Relations needs to be moving around to inspect projects that have stalled, that have not been completed, or that have been finished, but not been commissioned.

I went to Somaliland last week. I wish Sen. Sifuna could hear this. When they did the election, Hon. Sifuna was there. It was a peaceful election. We went to a port city, called Berbera and met with the Mayor, Abdi Shakur, who had invited us. His budget is Kshs1.8 billion. That city is one of the most beautiful cities in Africa today, with a budget of Kshs1.8 billion. I, therefore--- (*Words expunged at the order of the Speaker*). I was shocked to see a mayor running a project at Kshs1.8 billion. The roads are good, the water system is working and the police officers are being paid by the mayor. I ask our governors to go to Berbera. Let them see what is happening there. These stalled projects that Hon. Khalwale is talking about are everywhere. They need to go to Berbera and see what Kshs1.8 billion is doing.

It is a learning process. I urge fellow Senators to please go to Somaliland and see what is happening there--- (*Words expunged at the order of the Speaker*).

(*Sen. Cheruiyot spoke off record*)

The Speaker (Hon. Kingi): What is your point of order?

The Senate Majority Leader (Sen. Cheruiyot): Mr. Speaker, Sir, just a few minutes ago, you have read for us a very elaborate ruling on conduct in the House, including by way of utterances. It is even more troubling because this is the Chairperson for the Senate Standing Committee on National Cohesion, Equal Opportunity and Regional Integration, who is now preaching disintegration.

Mr. Speaker, Sir, did you hear Sen. Chute urge colleagues and the rest of the country that is following, not to go to Dar es Salaam? That, there is nothing to learn in Tanzania? Tanzania, despite all these things that are being said, is a beautiful country. There is a lot that we learn from each other and they are our good neighbours. Therefore,

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Mr. Speaker, Sir, I request you to declare Sen. Chute out of order, and that the offensive comments to the people of Tanzania be struck out of the records of this House.

The Speaker (Hon. Kingi): Hon. Chute, your comments on the cities of Tanzania and Tanzania in general are uncalled for. May they be expunged from the record?

Proceed, to conclude.

Sen. Chute: Let me ask my Majority Leader, please, take a flight to Somaliland, and you will see the difference between Somaliland and Tanzania. That is what I was saying, nothing else.

Thank you.

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

Sen. Onyonka: Bw. Spika, ni heshima kubwa sana kupata hii nafasi kuzungumzia jambo ambalo nimekuwa nikilizungumzia kwa muda mrefu sana.

Swala ambalo limeletwa katika Seneti hii ni jambo ambalo Sen. (Dr.) Khalwale amelichambua sana. Ukweli ni kwamba kazi ya Seneti ni kuhakikisha kuwa sisi ni nyapara; watu ambao wamepewa jukumu na wananchi kuhakikisha kuwa pesa za wananchi wa Kenya zinazotakiwa kufanya kazi mashinani zifanye kazi hiyo. Hii ni kuhakikisha kuwa serikali kuu ikishachukua ushuru wetu, tunagawa pesa hizo halafu zinaenda mashinani.

Kulingana na vile Sen. (Dr.) Khalwale amesema, ukitembea Kenya nzima katika maeneo gatuzi 47 yote, kuna miradi ambayo haijafanyika na fedha zinafujwa. Ukiangalia miradi ile ingine ambayo imepewa fedha nyingi, hata juzi nimepata ujumbe kuwa kuna maeneo mengine ambayo miradi iko kwa karatasi ya serikali, lakini ukienda pale, miradi ile hakuna.

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

[The Deputy (Sen. Kathuri) in the Chair]

Bw. Naibu Spika ningependa kukusihi kama yule anayetusimamia katika hii Seneti kwamba ni wajibu wetu kama viongozi ambao tumepewa jukumu la kuhakikisha tumechungu na kulinda pesa za wananchi maskini katika nchi yetu, tuondoke hapa Nairobi, tuende tukatembee mashinani.

Hata kikao cha Seneti ambacho tunafanyia hapa wakati huu teknolojia inatukubalia kuenda kule Kakamega, tuketi katika *county assembly*, tuzungumzie maneno ambayo ni yetu kama Seneti na pia tutembee mashinani na tuone vile pesa za wananchi wa Kakamega zinatumiwa.

Tumetembea huko Garissa, tumeenda Wajir, na tumetembea mpaka Kisii na Marsabit. Tukifika pale tunaona ili magavana sasa wanaanza kujishughulisha, wengine wanaanza kutuzungumzia na wengine wanasema tutayafanya hayo mambo.

Ningependa kusihhi wale ambao mko hapa Seneti, mhakikishe kuwa kama tunatembea na tumeenda haswa kwa jimbo fulani, tuseme hivi juzi tulikuwa kule Machakos, tuhakikishe isizidi mwezi mmoja, tuwe tunaenda kuona yale ambayo tulikubaliana na gavana pamoja na maafisa wa kaunti yake kwamba yametendeka. Kama viongozi, ni lazima tuhakikishe hayo.

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Kwa mara ya pili, mimi ninawasihi tujiondoe hapa Nairobi na tutembe mashinani ili tusaidie viongozi wengine pamoja na wananchi.

The Deputy Speaker (Sen. Kathuri): Proceed, Sen. Eddy Oketch.

Sen. Oketch Gicheru: Mr. Deputy Speaker, Sir, I want to comment on the Statement by Sen. Cherarkey. The person that we are talking about here is a man who lived by faith. He was a man who, if you had the opportunity to grow up in a Sunday school or a Madrassa, you would know that when our kids go to these places of worship and a man of God steps in, it is like life has just arrived.

It is painful that even at times of war or at times of the violence that we have experienced in this country, for instance in 2007, the places of worship are the places that our children and ourselves run to get refuge. Today, we are in a country where men of God can be killed without any recourse to them.

The other day we saw a Member of the National Assembly faking his abduction and yet, he was in a room with a Member of the County Assembly or some random person. Within five minutes, the instruments of power in this country, the internal security and the Directorate of Criminal Investigations (DCI) were able to close that file by investigating it in the shortest time possible. Why would a reverend, Father Bett, die and days, weeks and months go by without investigations being concluded? Where are the people who we have entrusted with security in this country? Where is the Cabinet Secretary for Interior and National Administration in this country?

It is making this Government look bad because if we have a Cabinet Secretary like Hon. Murkomen, this is a place where we should have had heads rolling. Surprisingly, this is happening in Elgeyo Marakwet, where the Cabinet Secretary comes from. This is something that we cannot tolerate and this House should not just stop at the point of making a Statement to be committed to a committee. This should be something that we form a team from the Senate to do a proper inquiry into why men of God - whether they are from the Muslim faith, Christian faith, Bahai faith, or the Jewish faith - are being targeted. Can we not form a committee of the Senate to do a proper inquiry and make sure that there is justice?

We cannot allow our institutions of faith to start being targeted. As a country, we will collapse because these are the places that we run to when the country is confused. These are the places we run to when there is violence in the country. These are the places---

The Deputy Speaker (Sen. Kathuri): Now, that is enough.

(Laughter)

Proceed Sen. Mariam Omar.

Sen. Mariam Omar: Thank you, Mr. Deputy Speaker, Sir, for giving me this opportunity. I also want to comment on the Statement by Sen. Abass, on the Early Childhood Development Education Centres (ECDEs).

Our ECDEs are in a mess. The ECDEs are devolved and governors must be serious about the levels of education. Once the foundation level of a child is messed up, it will be difficult for them to catch up in the upper and university levels.

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This problem is not just in Wajir, but all over. There are no structures. Learners are learning under the trees in some counties. Learners are normally encouraged to come to the ECDE centres because of feeding programmes. Some counties do not have feeding programme budgets and one of them is Wajir. Most pastoralist children normally feel encouraged to attend school when the feeding programme is there. Overcrowding exists in each county and a timeline for the construction of permanent infrastructure must be set, so that these educational standards will be higher.

Also, as a country are we ready to accommodate Grade 9 in each public school? When it comes to Grade 9, there must be infrastructure, teachers and laboratories. Let the governors be very serious about the education standards because the largest amount of money in the budget for counties is allocated to health and the second to education. They have focused their minds on bursaries, but they are not attentive to the infrastructure or the CBC---

The Deputy Speaker (Sen. Kathuri): Proceed, Sen. Faki.

Sen. Faki: Asante Bw. Naibu Spika kwa kunipa fursa hii kuchangia Taarifa ambayo imeletwa Bungeni na Sen. (Dr.) Khalwale kuhusu kuchelesha kwa kumalizika kwa miradi kadhaa katika Kaunti ya Kakamega. Hili limekuwa donda sugu katika kaunti nyingi. Utapata Magavana wanaingia ofisini na kupuuza miradi iliyoanzishwa na magavana waliotangulia.

Kwa mfano, kule kwetu Mombasa kuna miradi ya ECDE ambayo hivi majuzi tuliizuru tukiwa na Mwenyekiti wa Kamati ya Elimu katika Seneti. Tulizuru ECDE ya Kengeleni ambayo ilianzishwa 2016, Chaani pia, 2016 na nyingine nyingi ambazo zimekwama. Hivi sasa wananchi wanalalamika kwamba hakuna huduma zinazotolewa katika majengo hayo. Wanakandarasi wanaendelea kupata shida kulipwa pesa zao kwa sababu miradi haijakamilika.

Bw. Naibu Spika, tuliona pia katika maeneo ya Likoni, Shonda kuna hospitali iliyoanzishwa na ikakamilika, lakini mpaka sasa haijatumika. Wananchi pale wanapata shida kwa sababu zahanati zilizopo pale hazitoshi. Hospitali hiyo ingetoa huduma muhimu kwa wananchi wa sehemu zile.

Hii Kamati ya Ugatuzi na Mahusiano ya Kanda isikomee Kakamega. Ivalie suala hili njuga na kutembelea kaunti zote, ili kubaini miradi iliyokwama ambapo fedha nyingi zimeingizwa wakati hakuna chochote kimepatikana kwa muda wote huu.

Sen. Cherarkey: Thank you, Mr. Deputy Speaker, Sir. Let me comment on a few things by Sen. Eddy regarding consumables under the Competition Authority of Kenya (CAK)

This is unfair competition against dairy farmers. I raised the matter that the CAK must do something because the market sharing and even unfair practices is what has caused the problems. I request Sen. Eddy through the committee to which you referred the matter, that Absa Bank and all others, including M-Pesa, must be summoned. We are aware even in Inua Jamii, where the elderly persons get their Kshs2,000 per month, there is no clarity on who the beneficiaries are or the cost of such transactions. Under the Banking Act, Absa bank officials must be prosecuted for that violation of the law.

On stalled projects, for example, Nandi Creameries, Kobujoi and Cheterwai, mother and baby in Kapsabet Hospital and Kapkiringon ECDE have stalled. Kabikwen

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ECDE is non-existent and many others stalled. I cannot name roads and vocational training centres. All ECDE centres are dysfunctional. There are stalled projects in Nyamira, Migori, Kakamega, Kericho and Taita-Taveta where they have pending bills of over Kshs1.5billion.

Is it possible, as a House, to form a select committee to audit stalled projects? Alternatively, we can allow the Committee on Finance and Budget jointly with the County Public Accounts Committee (CPAC) to look at the stalled projects, including those in Meru County. That is the only time we will get value for money.

I remember Hon. Oparanya tried to build a hospital, the Kakamega County Referral Hospital worth Kshs6 billion in 10 years and could not succeed. The national Government was supposed to pick it up. Is there a possibility of doing an audit of stalled projects, especially by county governments? I hope the Leader of Majority, who sits in the Senate Business Committee, can provide us with a way forward on how we can handle stalled projects. We also have Kidundu Stadium in Vihiga County, where the well-known Vihiga Queens are training that must be looked into.

I support.

Sen. Orogeni: Asante Bw. Naibu Spika. Nasimama kuunga mkono Taarifa iliyo wasilishwa na Sen. Eddy Oketch kuhusu visa vya ulaghai hasa katika benki ya Absa.

Ninashangaa sana kwamba kama taifa tunapea benki leseni kufanya biashara na kulinda pesa ya wananchi wa Kenya, lakini wanarudi kuwalaghai na kuwaibia pesa. Itakuwaje mama kama huyo aliyestaafu pesa yake itoke katika benki Shilingi 2,498,029 na inasemekana waliohusika ni maafisa wa benki ya Absa?

Ningeomba sisi kama Seneti inayolinda maslahi ya wananchi wa Kenya, tuite huyo mkurugenzi aje hapa atueleze kuhusu hivi visa tunavyoshuhudia, kwamba mtu akitoa pesa katika benki maafisa wanaofanya kazi pale ndio wanapigia wakora simu. Juzi nimeona katika meaneo ya magharibi mwa Kenya mtu ambaye alikuwa askari ameenda katika benki, ametoa pesa kwenda kulipa watu waliomfanyia kazi. Akitoka hivi tu, watu walio katika benki wanapigia wakora huko njiani. Hatuwezi kukubali wale ambao tumewapa jukumu la kutulindia pesa zetu wawe ndio walaghai wanaotunyang'anya pesa yetu.

Mimi ningetake nione sura ya huyo mkurugenzi mkuu wa Absa. Atasimamiaje pesa na awe katika mstari wa mbele kuhakikisha kwamba wafanyakazi aliowaajiri pale ni wakora? Tunataka kujua aliyesababisha mama Violet Akoth Nyator kunyang'anywa pesa. Je, yeye bado ni afisa kwenya ile benki ya Absa? Kama yuko pale si mwingine atanyang'anywa kesho? Kwani tutakuwa Seneti inayozungumza bila hatua yoyote kuchukuliwa?

Tumwiteni mkuu wa kitengo cha kuchunguza uhalifu, DCI, aje hapa atueleza mambo haya tunayosoma kwenye magazeti. Nina ripoti nyingi sana nimesoma kwenye magazeti kuhusu watu waliotoa pesa kwenye benki na wakitoka, wale maafisa wa benki wanapigia wakora simu. Hii idara ya DCI imefanya nini kuwatia mbaroni wanaohusika? Mkuu wa Absa amefanya nini kuwaondoa wanaohusika katika visa hivyo? Hatuwezi kukubali kwamba wizi unafanywa kutoka ndani ya benki. Nchi itakuwa imeisha.

Ninaomba kamati itakayoshughulikia suala hili ichukulie jambo hili kwa uzito sana. Tutafute suluhisho na wanaohusika katika hizi benki wafutwe kazi. Sitaki kwenda kwenye benki, nikitoa pesa niwe ninakimbia na kushangaa iwapo nitafika nyumbani.

Naunga mkono.

Sen. Veronica Maina: Thank you, Mr. Deputy Speaker, Sir for this opportunity. I support the Statement by Sen. Abass on the issue of ECDE centres in Wajir County.

Counties have been mandated to establish and set up ECDE centres across the 47 counties. One of the reasons this statement is so crucial is because it is at the stage of ECDE that children cognitive attributes are developed. Some of the ECDEs that are being put up by counties are in a pathetic state. They cannot even help any of those minors who are attending them to develop cognitive abilities they are supposed to have by the time they join the pre-primary stage of education.

While this right has been assured and resourced, such that resources have been devolved to the counties, they are doing a bad job. In fact, it is shocking that a county such as Wajir, where children are very vulnerable, the County Government has not even managed to roll out a basic feeding programme. Such a county has not even made arrangements for the porridge that counties are purporting to give children. When the child goes to school, he or she is not even able to keep tabs with what they are being instructed on.

Mr. Deputy Speaker, Sir, I urge the Committee on Education to go even beyond what is provided for in this statement and check the capacity of the instructors who are being sent to the ECDE by the county governments. Some of those instructors are not qualified to instruct in an ECDE because of their capacity. The idea should be that this capacity should be built for them to be well-resourced to deliver on the mandate they are given to handle our children at a very tender stage.

Mr. Deputy Speaker, Sir, I urge the Committee to ensure that they check the terms that are given to the instructors, the caregivers and the whole support system, which include the staff and the staff establishment that serves these ECDEs in the counties. What their capacity is and what terms they are being given.

The other day, I went to the Committee on Education as a friend of that Committee. I was shocked to hear what some of the counties are paying the ECDE teachers and yet, we expect them to deliver and give the children the rights they are supposed to have. It is shocking that for some teachers, their capacity is wanting, but the facilities that have been offered by some of the counties are only basic structures. They do not even have furniture.

(Sen. Veronica Maina spoke off record)

The Deputy Speaker (Sen. Kathuri): Thank you. I declined the same request, and I am not able to do that.

Sen. Veronica, I will give you that favour next time. I know you are my good friend.

Sen. Hezena Lemaletian, proceed.

Sen. Lemaletian: Thank you, Mr. Deputy Speaker, Sir. I rise to make my contribution on the statement on the killing of the Catholic Bishop in Elgeyo-Marakwet. First of all, I convey my condolences to the family and to the people of Elgeyo-Marakwet. I also convey my sincerest condolences to my fellow members of the Catholic Church.

I know that there is a prerequisite for Catholic priests and leaders of the church, having been proudly a member of the Catholic church. I also honour them for being responsible for my education, from attending boarding school in Standard Three up to High School, where I almost became a nun. I deeply honour them in my heart and in high regard.

Mr. Deputy Speaker, Sir, I applaud the Ministry of Interior and National Administration for trying their best to silence the guns in the valleys in the north. I know I have been a loud voice in this House as far as security is concerned in the northern parts of the country and, for once, our people are trying to sleep in peace. However, all is not done yet. There is a lot of work that still needs to be done. It must have taken them a lot to silence the guns on the side of Samburu. I have no doubt that it is the same criminals that have moved southwards. I am not asking the Ministry of Interior and National Administration to remove the security apparatus and personnel in Samburu County, but they should continue strengthening and dealing thoroughly with these criminals across every county in the northern parts of Kenya and in the northern part of the Rift Valley.

I know the security in that region is very tough business, but tough business is meant for tough people. However, we are not talking about security here. The fact that the Catholic Church was a target means that there is a team of people there who do not want to liberate their minds from the darkness. They say that education is the movement from darkness to light, as alleged by one Alan Bloom, and I, therefore, agree with that.

Mr. Deputy Speaker, Sir, we know that the Catholic Church has been one of the largest non-governmental providers of education and healthcare globally. Many humanitarian organizations are also under the Catholic Church. We know that the Catholic Church has had a reputation for giving rise to individuals and communities.

The Deputy Speaker (Sen. Kathuri): If you wait a bit longer, maybe after the next Order, you might get an opportunity to prosecute that issue, but the time was limited to three minutes.

COMMUNICATION FROM THE CHAIR

VISITING DELEGATION FROM KANYUAMBORA
BOYS HIGH SCHOOL, EMBU COUNTY

The Deputy Speaker (Sen. Kathuri): Hon. Senators, this communication was read earlier, but unfortunately, the teachers and students were not sitting in the Public Gallery at that time. I have confirmed now they are well settled, and I will acknowledge them in this manner. I can also see the hon. Senator for Embu is keen on this.

I would like to acknowledge in the Public Gallery this afternoon, the presence of visiting teachers and students from Kanyuambora Boys High School in Embu County.

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The delegation comprises four teachers and 96 students who are in the Senate for a one-day academic exposition.

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

Thank you.

Sen. Mundigi, one minute is enough.

Sen. Munyi Mundigi: Asante, Bw. Naibu wa Spika kwa kunipa ruhusu nichangie na niwakaribishe watoto wa Kanyuambora Secondary School. Hii shule iko Mbeere North katika Kaunti ya Embu. Ni pahali ningetaka kusema ya kwamba, wakati wa *by-election*, tutakua huko. Kiongozi wa Wengi alikua amewakaribisha na ningomba wakati wa siasa ukija, apitie kwa hiyo shule. Ni shule nzuri kule Embu na elimu inaendelea vizuri sana.

Bw. Naibu wa Spika, hii shule imetoka Mbeere North, pahali hakuna maji, hospitali au vitu vingine. Ndio maana tumesema kwamba pesa za *capitation* zipeanwe shule ili watoto kama hawa wajikakamue, kwa sababu huko hakuna hospitali ama dawa na wakipata zile pesa zitawasaidia.

Nikimalizia, hii shule iko pahali hakuna maendeleo. Hata walimu wakienda hiyo shule ni shida na ndio maana tukichangia tulisema *hardship allowance* isitolewe katika Kaunti ya Embu, Mbeere North na Mbeere South ili walimu washeherekee na watoto wetu waendeleo vizuri.

Bw. Naibu wa Spika, wakirudi nyumbani, ningewaomba wasijielemishe kuhusu mambo mabaya kama pombe na madawa ya kulevya, kwa sababu ni wao watakua maseneta, magavana au Spika, kama yule tuko naye siku ya leo.

The Deputy Speaker (Sen. Kathuri): Sen. Mundigi, umetangaza kwamba kuna marudio ya uchaguzi na hakuna taarifa iliyoletwa hapa kama kuna kiti ambacho kiko wazi. Umejiuzulu ama unapanga namna gani?

Sen. Munyi Mundigi: Bw. Naibu wa Spika, hakujatangazwa lakini unajua kuna Waziri alipewa kiti na ile siku *Independent Electoral and Boundaries Commission* (IEBC) itatangaza, kutakuwa na *by-election*. Ninajua Kiongozi wa Wengi atakuwa kule kwa sababu ameongea maneno ya hii shule, masaa mawili yaliyopita.

Naibu wa Spika (Sen. Kathuri): Asante, Sen. Mundigi.

Next Order, Clerk.

MOTION

ADOPTION OF REPORT ON PETITION ON DEATH OF MS. ANNITA JEPKORIR AT MTRH DUE TO ALLEGED MEDICAL NEGLIGENCE

THAT, the Senate adopts the Report of the Standing Committee on Health on a Petition to the Senate by Ms. Mercy Jepchirchir regarding alleged medical negligence and staff incompetence which led to the death of Ms. Annita Jepkorir at the Moi Teaching and Referral Hospital, laid on the Table of the Senate on Wednesday, 7th May, 2025.

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(Sen. Mandago on 27.5.2025)

(Resumption of debate interrupted on 28.5.2025 - Afternoon Sitting)

The Deputy Speaker (Sen. Kathuri): This is a resumption of debate. Sen. (Dr.) Boni Khalwale, CBS MP, has a balance of 13 minutes. If you want to utilise them, well and good. If you have exhausted your points, then we can move on to any other Senator interested to contribute.

Sen. (Dr.) Khalwale: Mr. Deputy Speaker, Sir, I thank you for that latitude. However, before I proceed from where I left, allow me to join Sen. Mundigi in welcoming these young people from Embu. It pays respect to remind these young people that they come from a unique county; the County of Jeremiah Nyaga, one of the 15 members of the Cabinet of President Kenyatta in 1963, who served this country without stealing a cent from public coffers. It was, therefore, not by accident that he was inherited by his two sons, who were my colleagues in this House; Hon. Joe Nyagah and Hon. Norman Nyagah.

Yesterday, I left when I had just begun. The difficulty I had yesterday was to convince the House that this is a delicate matter, which is going to pronounce that a doctor was negligent, thus responsible for the death of young Annita Jepkorir. It is delicate and we must understand that we do not find a doctor negligent by knee-jerk reaction. You must tick off boxes. You have to find out if there was misdiagnosis when the patient went there.

In this case, Dr. Steven made the correct diagnosis. He diagnosed that there was a foreign object in the pulmonary system. So, you cannot indict him on that. Number two, was there failure to give treatment? Again, you cannot indict Dr. Steven Ondigo on this because he gave the standard prescribed treatment for removal of a foreign body in the pulmonary system. The third one is; was there surgical or anesthetic error? This is where I agree with the Committee that the Kenya Medical Practitioners and Dentists Council (KMPDC) should establish whether the surgery that was offered by Dr. Steven Ondigo and his team was accompanied with errors.

The question one has to answer when establishing negligence is whether the surgery that was done was necessary or unnecessary. On this one, you cannot indict Dr. Steven Ondigo. This is because the bronchoscopy that he did, followed by the subsequent thoracotomy that was carried out on poor little Annita, is the prescribed procedure that doctors use in the best international practices to retrieve a foreign object in the pulmonary system.

The fifth question we must respond to before we indict the doctor is: were there any medication errors? Was a prescription made that should not have been made that could have caused the death of this child? Again, there is no evidence in this report showing that Dr. Steven Ondigo made a wrong prescription. So, you cannot indict him.

Finally, on the issue---

Sen. Mungatana, MGH: On a point of order, Mr. Deputy Speaker, Sir.

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The Deputy Speaker (Sen. Kathuri): Just a minute, Sen. (Dr.) Khalwale. Sen. Mungatana, what is your point of order?

Sen. Mungatana, MGH: Mr. Deputy Speaker, Sir, Hon. (Dr.) Khalwale and I come from very far. So, I need to be educated on this. I am not in that profession, so I need an explanation.

Is it in order and correct for him to tell this House that Dr. Steven Ondigo was competently performing these duties, yet page 14, paragraph 19, of the Report states that-

“Consequently, the KMPDC directed Moi Teaching and Referral Hospital (MTHR) and the medical doctor mentioned, with immediate effect, to mediate with the estate of the late Miss Annita Jepkorir, jointly, with a view to making restitution, and inform the Council within 90 days. Further, the MTHR Chair and Dr. Steven Ondigo are fined Kshs350,000 and Kshs200,000, respectively.”

I am listening carefully, but struggling to follow his submissions *vis-a-vis* the finding that is contained in the Report of the Committee on Health. This is because MTHR and Dr. Ondigo were fined by their own professional bodies and asked to mediate, so as to pay the estate of the child who passed away. Is it in order for Sen. (Dr.) Khalwale to assert that the doctor performed his professional duties in an appropriate way, while the Report has stated clearly the findings that are to the contrary?

I submit.

The Deputy Speaker (Sen. Kathuri): Maybe, he is disagreeing with the Report of the Committee, which is also allowable in our Standing Orders.

Sen. (Dr.) Khalwale, Sen. Mungatana wants to be educated on why you are exonerating Dr. Steven from the negligence that led to the death of Jepkorir?

Sen. (Dr.) Khalwale: Thank you, Mr. Deputy Speaker, Sir. My colleague, whom I joined this Parliament with on the same day, is running ahead of me. I am building a case of giving the Senate the stature of being a House of justice. I am showing where Dr. Steven Ondigo got it right, but he missed to hear me when I said in Bullet No.3 that the Committee questioned whether there was surgical or an anesthetic error. If he heard me, I congratulated the KMPDC for giving the answer that suggests that Dr. Steven Ondigo should be indicted on this call.

I am saying all these so that the future generations that will read what we are doing today and make it a point of reference, will not think that we are myopic academic dwarfs in this House who are not able to rise above the findings of the Committee and make it richer. So, the Senator is quite right. I have exonerated him on several boxes, but indicted him on the box of the possible surgical and anaesthetic error.

I would like to carry the distinguished Senator from the Tana River County with me. All factors remaining equal, he might be the Chief Justice in my government when I will be serving as the President of this country. So, our future is bright.

(Loud consultations)

Does somebody have any doubt about those two possibilities? I declare my presidential ambitions. Let me finish with Kakamega first. People killed Hon. Charles Were just the other day because they feared to face him for the position of Governor. You

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do not know what the cowards walking on the streets can do to a promising son of the Republic of Kenya in the name of Dr. Boni Khalwale, MB, CHB, CBS. Can I continue? I wanted to intimidate the Senate Majority Leader because he was looking at me with the Njonjo-like eyes.

(Laughter)

Thank you, Mr. Deputy Speaker, Sir. Having said this, I want to join the Committee and Parliament in general in extending my heartfelt condolences to the family of Annita. No patient should ever die in the hands of a doctor or medical practitioner. It is unfortunate that little Annita lost her life. I would be the last person to defend any medical practitioner who is incompetent.

I have personally experienced this pain. When my wife was giving birth to her first set of twins, the first twin was delivered safely. However, the second twin was mishandled due to the incompetence of the medical team. To this day, we have never taken it. Therefore, I understand what this family is going through. I thank the Committee for recommending that the family be compensated, not because compensation can bring Annita back, but because it signals that someone cares. That someone wished for this child to live on.

Having said that, allow me now to address the professional side of this hospital. Some of the recommendations made regarding this hospital are superfluous. Who told you that Moi Teaching and Referral Hospital, one of the most respected hospitals in Africa, lacks the necessary protocols you are recommending here? This gives the impression that Moi Teaching and Referral Hospital is a place of quacks, inefficiencies and incompetence. That is simply not true.

I want to defend Moi Teaching and Referral Hospital. Many of my former classmates, from Kakamega High School, the University of Nairobi, and the Medical School, are professors at this institution, including Prof. Stanley Ominde-Khainga. These individuals are highly competent, not only as professors at the university, but also as external examiners.

I can see Sen. Mungatana, Sen. Mwaruma, Sen. Omogeni and the Senate Majority Leader, Sen. Cheruiyot in the House. They are all men of academic distinction. They understand what it means for a professor to be appointed as a visiting examiner. These scholars travel to supervise exams in esteemed institutions such as Glasgow, Johns Hopkins School of Medicine in the U.S., Lagos, Makerere, and Dar es Salaam, underscoring the high academic standards. Therefore, this superfluous recommendation should be expunged to uphold the status of Moi Teaching and Referral Hospital.

Mr. Deputy Speaker, Sir, as I appeal to the family to endure their grief and bear with the medical profession, I wish to remind everyone that before doctors are released into practice, they take the Hippocratic Oath. This oath ensures that a doctor shall not knowingly cause the death of a patient. Therefore, when a patient dies, it is rarely due to malice or incompetence on the part of the doctor. As the saying goes in medical schools, "doctors treat, but the Lord Almighty cures the patient." I can tell you that in my 30-plus years of medical practice, I have witnessed many things.

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Mr. Deputy Speaker, Sir, I can see the light is on. With those remarks, I support the Report with proposals for its amendment.

The Deputy Speaker (Sen. Kathuri): Next is Sen. Mariam Sheikh Omar.

Sen. Mariam Omar: Thank you, Mr. Deputy Speaker, Sir, for giving me this opportunity. I also rise to support the Motion on the Adoption of the Report by the Standing Committee on Health regarding the Petition before the Senate by Mercy, regarding alleged medical negligence and staff incompetence, which led to the tragic death of Annita at Moi Teaching and Referral Hospital.

These are the types of Petitions we handle in the Committee, where I serve as Vice-Chair. This is an emotional petition involving a six-year-old child, Annita, who lost her life due to alleged negligence by a doctor. The key issues raised in the Petition include the failure to properly locate and remove a foreign object from her body, despite numerous procedures conducted. This is indicative of incompetence on the part of the doctors involved. As a Committee, we also undertook a thorough inquiry into the matter raised with Moi Teaching and Referral Hospital and the Kenya Medical Practitioners, Pharmacists and Dentist Union (KMPDU) to compile these reports.

During the Petition process, the Committee encountered frustrations. The petitioner informed us that she faced difficulties obtaining information from Moi Teaching and Referral Hospital regarding the procedures and the issue of the missing teeth. She narrated how she was asked to lower her tone so that the medical staff would attend to her daughter. If she did not comply, her daughter would not be attended to. This indicates a collaboration between the hospital and the KMPDU, which violates the principle of patient confidentiality. I raise this issue because the KMPDU shared the patient's information with another party, leading to further mishandling during the investigation.

We also found out that when negligence occurs, the patient normally seeks investigations from the KMPDU. However, if the KMPDU allegedly supports medical negligence, mismanages cases and fails to diligently follow up on them, it subjects victims to humiliation, harassment and intimidation by certain individuals within the KMPDU. In this case, Mama Mercy has even identified and named individuals within the KMPDU who have humiliated and harassed her. I call upon the KMPDU to address these individuals to ensure such incidents do not recur.

We also recognized the need to review our medical education system. We have encountered numerous cases of negligence, one at Mama Lucy Kibaki Hospital another in Kiambu and another at Kenyatta National Referral Hospital. There is also the tragic case in Kirinyaga involving baby Ridhwan, who was misdiagnosed, leading to the amputation of his fingers, and later, his passing. These cases underscore the urgent need to review our medical professional ethics. What is taught in medical institutions does not always align with what is happening in practice. If professional ethics and medical education were properly implemented, such kind of negligence could not have happened.

Mr. Deputy Speaker, Sir, we have many recommendations. We recommend that the family of Annita must be compensated for negligence caused by both the doctors and hospital. The Committee also recommends that MTRH should not perform any procedures without supervision by qualified medical specialists.

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We also recommend that within three months after tabling of this Report, there should be an investigation by the Kenya Medical Practitioners and Dentists Council (KMPDC), leading to untimely death of Annita. They should investigate the professional conduct of the officer whose name I cannot remember. They should do an inquiry on the mishandling that occurred.

We also recommend that KMPDC creates a formal patient advocacy programme within health facilities. If they implement this, issues of negligence will not be coming up every now and then. That will assist families on how to navigate with their complaints and grievances related to medical care.

Yesterday during the National Prayer Breakfast, we were told that we need to confess. The doctors, Kenya Medical Practitioners Pharmacists Dentists Union (KMPDU) and the hospital should confess and repent. If you not accept your negligence, you cannot be forgiven.

We have many questions regarding removal of foreign bodies that were inside Annita. The first question is; how competent are our current doctors and what value does our education system place when it comes to ethical issues of handling patients?

Mr. Deputy Speaker, Sir, we dealt with about five cases of negligence and we shall table reports. However, when it comes to follow-up, it will be very difficult for the Committee. I urge the House to form a Committee on Implementation to follow up. I am saying so because of the workload for committees to handle statements and many other matters. We should also do networking through county visits.

Going back to the issue of follow-up to see whether recommendations are implemented, that will cause a delay to petitioners. Therefore, we should have a Committee on Implementation to follow up on recommendations. There are many reports, which have been tabled here that are supposed to be implemented but all committees are committed because of the workload.

Mr. Deputy Speaker, Sir, with those many remarks, I support the Report.

I thank you.

The Deputy Speaker (Sen. Kathuri): Sen. Omogeni, you have the Floor.

Sen. Omogeni: Mr. Deputy Speaker, Sir, this is one of the sad cases that have ever landed on the Floor of the House. When you listen to the horrendous story of the six-year-old girl called Annita Jepkorir, you feel for the parents. When you go to a hospital, especially a reputable one like MTRH, you expect nothing but to receive the best professional care.

First, I would like to pass my condolences to the mother and other family members of that young girl who lost her life in circumstances that, even though I am not a doctor, should not have led to that. Since it already happened, the best we can do is to send our condolences to the family and thank Members of the committee for what they have done, at least to give some little comfort to the family. They have demonstrated that the Senate of the Republic of Kenya cares and that we have gone to the root of this matter, just to see what may have gone wrong.

I also believe that whatever may have happened, Dr. Ondigo did all he could to try and save the life of that young girl. I hope that recommendations that the committee has put forth will be followed by MTRH, so that in future we do not witness loss of life.

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I have gone through the report. At some stage, the negligence is attributed to the fact that lead consultants were not called in to assist the team of doctors who were trying to save that young girl. That hospital serves a big catchment area, including Nyamira region. Many of our patients get referrals to MTRH. That is a wakeup call to the hospital to up its game and give the best professional care it can.

Having said that, Mr. Deputy Speaker, Sir, there are a few observations I want to make. I have read the report. There is a place the Committee recommends that the family should mediate with the hospital, so that there is compensation and restitution.

If you have read through the report, the Committee has said that there was even an attempt by KMPDU to sabotage commencement of investigations. In fact, an adverse recommendation has been made that administrative and disciplinary action should be taken on some professionals in the Legal Department.

I wonder, when you compare the positions of the two parties, one is from a very weak bargaining point. The other one---

(Sen. Cherarkey spoke off record)

You want to inform me? I have no problem if the Chair allows you.

The Deputy Speaker (Sen. Kathuri): The Chair has no issue with that. It is you to accept to be informed.

Sen. Omogeni: I hope he will inform me on serious issues.

The Deputy Speaker (Sen. Kathuri): Go ahead, Sen. Cherarkey.

Sen. Cherarkey: Mr. Deputy Speaker, Sir, I heard the Senior Counsel talking about KMPDU. Under the law, the body that listens to disciplinary issues is KMPDC. The KMPDU is a union. That is the information I wanted to share with the Senator of Nyamira County.

Sen. Omogeni: Thank you for that information, though you have quoted me out of context. If I got the recommendations of the Committee rightly, they are recommending that the family should engage in mediation with the Moi Teaching and Referral Hospital (MTRH). The Chairperson is in the room, if I have read the report wrongly, he can correct me. So, why did we not come out clearly and say that the hospital is to blame, we hold it liable and make a recommendation that they should proceed to compensate the family, failure of which the family should move to court?

I know we have a limitation of how far we can go, but if we say that this poor mother should go back to Moi Teaching and Referral Hospital to mediate, we are putting her on a very weak standing to negotiate with a heavyweight. I would have loved a situation where the Committee would have come out much more strongly in making recommendations on restitution and compensation to the Moi Teaching and Referral Hospital, and also give leeway to this poor lady to proceed and seek compensation from a court of law, just in the event that the hospital does not pay.

In addition, I hope that this gives us an opportunity, so that we can amend the Medical Practitioners and Dentists Act Cap.253. The recommendations are very punitive against the doctor and the hospital, but there is no compensation that body can give direct to the victim.

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Mr. Deputy Speaker, Sir, as a lawyer, you know that under the disciplinary processes of the Law Society of Kenya (LSK), when you lodge a complaint, the committee can pass a judgment against you. It can order restitution as a body. So, the Committee should have gone further and proposed amendments to this Act, so that when you find a hospital negligent, you also move and order for compensation or restitution. What is going to happen is that this poor lady will be forced to again look for services of a lawyer and go to court. You know how long cases can drag in court before she is compensated. It should be a one-stop-shop. You fine the doctor and the institution, and then order restitution for the victim.

Secondly, Mr. Deputy Speaker, Sir, I have read the report and it seems that all that Kenya Medical Practitioners and Dentists Union (KMPDU) can order is to fine you. For us lawyers, if I am taken to the Disciplinary Committee of the LSK, it could mean me losing my license or that I am struck off the roll and I will never practice in any court of law, for my entire life. So feared is that process, that when you get summons from the Disciplinary Committee of the LSK, you take it seriously. I have nothing against the doctors, they take care of us every day. However, if at all there are a few of them who are rotten within the profession, I would propose that the Committee looks at the provisions in the Act and make a proposal to amend the law to make it more punitive to those who may be culprits.

Thirdly, Mr. Deputy Speaker, Sir, in regards to times taken for investigations, the Committee has taken issue with the duration that it took to take up this matter and commence investigations. In fact, some officers within the legal department tried to block the investigations. I hope they are not lawyers. Perhaps, this is a wake-up call that we need to provide timelines.

If somebody files a complaint with this body, they should look into the matter and close it as quickly as possible. Somebody has died and you do not want to keep the matter pending there for eternity, so that the matter is resolved quickly and there is closure. This will not make me popular with the doctors, but I hope we can find somebody like an ombudsman. The best way to regulate within a profession is to have self-regulating mechanisms, where, if you have a complaint against your colleagues, it is your peers who should pass a verdict on you.

Mr. Deputy Speaker, Sir, yesterday, you saw a speech by a Deputy Registrar of the Judiciary, writing and drawing the attention to the Senior Bar of the LSK on issues they have against a certain member of society, and also writing to the LSK, asking them to look into the conduct of a certain lawyer. I may not pass any verdict here, but what I am saying is that it shows you that the disciplinary mechanism within the LSK acknowledges that the best way to deal with any negligence or professional misconduct within a profession is to involve members of that profession themselves. So, let us strengthen the mechanism that is there for the doctors. Allow them to be in charge of the process, but make it friendly to the consumers of the services, who are we, the citizens.

Mr. Deputy Speaker, Sir, I saw the Chairperson of the Senate Standing Committee on Health mentioned continuous quality improvement for doctors. In the legal profession, in a year, for instance, 2025, if you do not attain five Continuous Professional Development (CPD) units, your license will not be renewed in the following year. I am

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now lucky, as a Senator I do not need to attain the units. You must ensure that you attend some trainings in that particular year, log in up to five units, then you will be eligible for renewal of your license the next year.

In the report, you have just mentioned that the programme for continuous quality improvement for doctors should be run efficiently. In my opinion, we should be firmer and say that the doctors should come up with a mechanism where they ensure that their doctors attend training every year, that should be a prerequisite for their license renewal in the following year.

Finally, Mr. Deputy Speaker, Sir, I hope that governors in our counties can improve facilities. If you run through this report, though it is fairly soft in terms of the equipping of our hospitals, you can see that the Committee is drawing it to attention, that perhaps if Moi Teaching and Referral Hospital had better facilities, we may not have lost this life. You can imagine, this is a county where people from Nandi and Uasin Gishu counties can reach the hospital within an hour.

Imagine a referral from Nyamira County Referral Hospital to Moi Referral Hospital, because that is the closest we have been having of a referral hospital for that region. Now, because of the broad-based Government, I am told Jaramogi Oginga Odinga Teaching and Referral Hospital (JOOTRH) is also going to be a referral. We have been pitching for Kisii Teaching and Referral Hospital to also get an upgrade, so that if you have cases like this, we do not have to travel all the way to Eldoret.

The Deputy Speaker (Sen. Kathuri): Sen. Okong'o Omogeni, there is a point of Order from Sen. Mandago.

Sen. Mandago: Mr. Deputy Speaker, Sir, it is a point of information. The Jaramogi Oginga Odinga Teaching and Referral Hospital is not being upgraded because of the Broad-based Government, but they actually made an application and this Committee, after visiting Kisumu, Vihiga, Siaya and Kisii counties, recommended on the Motion of the County Government of Kisumu. I would urge the Senator for Nyamira County to ask the governors for Kisii and Nyamira counties to actually make an application, so that Kisii Teaching and Referral Hospital can also be upgraded to a national referral hospital.

Mr. Deputy Speaker, Sir, I agree with Sen. Omogeni that Kisii Level 4 Hospital should be upgraded to a national referral facility.

The Deputy Speaker (Sen. Kathuri): Okay, Sen. Omogeni, you may proceed.

Sen. Omogeni: Mr. Deputy Speaker, Sir, that is good information from Sen. Mandago. However, he is also not well informed about the happenings. The Kisii County Government made this request ahead of the Jaramogi Oginga Odinga Teaching and Referral Hospital. I was with the Chairperson of the Standing Committee on Health when that request was made in Kisumu, but somehow, we have been bypassed. I just saw the other day that the Jaramogi Oginga Odinga Teaching and Referral Hospital has been given that status, and the Kisii region has been left behind.

I want to plead with my brothers who are in leadership from the Kisii region, Hon. Osoro, Hon. Japheth and there is hon. Zaheer Jhanda, who are very close to the president. They should also know how to talk about these things. My good friend, party leader, Baba, knows how to talk. When we were with the President in Kisii County in

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December, they did not raise these issues. I want to urge my brothers from the Kisii region to also know that as a leader, the best you can do is to pitch for some of these things to happen in your region. They are allowing Baba to go ahead of us because Baba knows that when the President comes to your place, you put development ahead.

At times, people can be mesmerized by a chopper. I think my colleagues from Kisii get into choppers and forget. You know that the people will benefit most---

The Deputy Speaker (Sen. Kathuri): Yes, Senate Majority Leader, what is your point of order?

The Senate Majority Leader (Sen. Cheruiyot): Mr. Deputy Speaker, Sir, the Speaker, earlier today gave a very strict communication on adherence to our Standing Orders. He read to us Standing Order No.101, which includes discussing the conduct of state officers in the absence of a substantial Motion.

Sen. Omogeni, my good friend and neighbour from Nyamira County, wants to discuss the conduct of our colleagues from the National Assembly, including making remarks that, in my opinion, are disparaging to them when he says they get mesmerized by choppers.

I will recall that in the days of the handshake, Sen. Omogeni had closer proximity to power, perhaps even closer than what the likes of Hon. Japheth and Hon. Osoro have. Why did he not do what he is asking them to do now during the days of the handshake, especially knowing that his friend was very powerful, a man whom he knew? He was the one chairing the Cabinet committees.

Therefore, I think before criticizing Hon. Osoro and company, you should first apologise to the Gusii nation and say that do not be like me, I forgot to do better last time. Maybe then, we can have a conversation.

Sen. Omogeni: Mr. Deputy Speaker, Sir, Sen. Cheruiyot should not---

The Deputy Speaker (Sen. Kathuri): Sen. Omogeni, there is another point of order from Sen. Cherarkey.

Sen. Cherarkey: Mr. Deputy Speaker, Sir, I rise on Standing Order No.101 of the Senate Standing Orders on the content of speech. Does hon. Sen. Okong'o Omogeni, SC, want to discuss the role of Members of Parliament from Gusii, yet he knows that he needs to come with a substantive Motion? Even if it were a fair comment, he has made it in bad faith. Even if it was a fair comment by saying they are being mesmerized by choppers or helicopters, is it fair to the Members of Parliament, and we know very well that----

The Deputy Speaker (Sen. Kathuri): Sen. Cherarkey, that is the same point of order that was raised by the Senate Majority Leader.

Sen. Cherarkey: Me. Deputy Speaker, Sir, I just want to finish. Just give me 30 seconds.

Mr. Deputy Speaker, Sir, is it fair on the accuracy of facts that development in this country is like handouts, where you go and pitch? I thought he knew that as a Member of Parliament, he is the one doing the budget. Has he done a budget under the budgeting process to allocate money for the upgrading of the Kisii Teaching and Referral Hospital? No one else will get the resources to build a hospital.

The Deputy Speaker (Sen. Kathuri): Sen. Omogeni, can you conclude your comments? You are now on the red light.

Sen. Omogeni: Mr. Deputy Speaker, Sir, first, I want to correct Sen. Cherarkey. I do not do a budget. All I do is give money to the County of Nyamira. As a lawyer, he should know that this House has no mandate to make budgets.

Secondly, Sen. Cheruiyot knows I have always been a member of the opposition. I have never been in Government. I am doing this in good faith. I am telling my colleagues, Hon. Osoro and Hon. Japheth to borrow notes from my party leader, the Rt. Hon. Raila Amolo Odinga so that, when you bring a leader to your region, before he comes, ask yourself also, what can I do to ensure that my people are benefiting.

That is why we are here. We should not make this a mourning House. We are here to challenge each other for the benefit of our people. I am sure that the people of Kisii region who are listening to me--- if I go to Suneka tomorrow, I will be given free bananas because I am saying the right thing. That hospital needs to be upgraded to be a referral hospital and that obligation is on the leaders. In fact, I am from the neighbouring county. The people who should be at the forefront in pushing for that agenda should be Hon. Osoro, Hon. Japheth, Hon. Zaheer Jhanda and Hon. Alphah Miruka.

I am just stepping in as a senior counsel to advice. I do not think any of those leaders will take offense. When I leave here, they will thank me for reminding them. I have no ill feelings. We want to see results because every time they come to Kisii, they tell us, "Now we are in Government, we are going to milk this cow." The best way to milk that cow is to show results to the people of Kisii. That is what we want to see from our leaders from the Kisii region.

Why should we be traveling to the Moi Teaching and Referral Hospital, Eldoret, when Hon. Osoro is our Whip? He can whip the Members of the National Assembly to allocate enough budget to upgrade that hospital.

Hon. Japheth Nyakundi is the treasurer of the United Democratic Alliance (UDA), a very senior position. He sits on the National Assembly Committee on Finance and Budget. So--

(Loud consultations)

The Deputy Speaker (Sen. Kathuri): His time is over. He has no more airtime. You know, it is rare for the Chair to give comments when he is chairing. However, the Chair can advise.

My good friend, Sen. Okong'o Omogeni, if you know the President is in your region, for example, and if you see him, you will ask him to make the Level 6 Hospital. If you love your people, why do you not go and ask him? Tell him, "Your Excellency, I have just come to ask you to give the Kisii Level 4 Hospital the Level 6 status," and you go away. Why do you not do that, because that is not being partisan?

Now, let us go to Sen. Mungatana.

Sen. Mungatana, MGH: Thank you, Mr. Speaker, Sir. First of all---

The Deputy Speaker (Sen. Kathuri): Sorry, just a minute, Sen. Mungatana. I wish to give a communication, but before I do, let me hear what the Senate Majority Leader wants to say in one minute, kindly.

The Senate Majority Leader (Sen. Cheruiyot): Sen. Omogeni evaded everything that I asked him. In his logic, he has denied that he was ever a prominent member of the handshake government, something that we know very well.

I know how powerful he was but then, if that is a logic, I wanted to ask him, the chairperson of the Cabinet sub-committee, the most powerful organ in the last administration, was a son of the Gusii nation, a man that Sen. Omogeni is now mesmerised about. He says he wants to bring goodies home. So, using the same logic that you want Hon. Japheth Nyakundi and Hon. Osoro to apply, why was it difficult for you not to do it at that particular time? That is a question I had asked him, but since he has chosen not to respond, I will let it slide.

The Deputy Speaker (Sen. Kathuri): Just leave it. Sen. (Dr.) Boni, you want a clarification from whom? Is it Sen. Okong'o Omogeni yet he is not on the Floor?

Sen. (Dr.) Khalwale: Mr. Deputy Speaker, Sir, it is a clarification from the Chair, not Sen. Omogeni. I would like you to clarify. I think I have lost you. I thought the highest platform of speaking to the State or to the President is Parliament. Why would you expect him to go back to some rally in the village?

The Deputy Speaker (Sen. Kathuri): Sen. (Dr.) Boni, you have just come in. You do not know where we have come from. You do not know the genesis of this, where we have come from. You have just come in. First, consult the HANSARD.

I was reminding Sen. Omogeni that the President was in Kisii region a few months ago and the leaders were there and they could not request from that rally or that meeting. That is why I was asking him, why he did not just go to that meeting and request on behalf of the Kisii Community?

Can you apologise and then we proceed.

An hon Senator: Mr. Deputy Speaker, Sir, I apologize for what?

(Laughter)

The Deputy Speaker (Sen. Kathuri): Let us proceed. This afternoon we are a bit easy, so that we can get some good business here.

(Interruption of debate on Motion)

COMMUNICATION FROM THE CHAIR

VISITING DELEGATION FROM TAITO KTGA, NANDI
HILLS SECONDARY SCHOOL, NANDI COUNTY

Hon. Senators, I would like to acknowledge the presence in the public gallery this afternoon, of visiting teachers and students from Taito KTGA, Nandi Hills Secondary

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School in Nandi County. The delegation comprises of seven teachers and 153 students who are in the Senate for a one-day academic exposition.

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

Sen. Cherarkey: Mr. Deputy Speaker, Sir, I join you and my colleagues in welcoming one of the best performing schools in Nandi Hills Sub-County, Taito KTGA Secondary School in Nandi Hills Constituency, Nandi County. I am told they are here on a one-day learning experience. I am happy that they have watched the real debate. I know sometimes they do pseudo-debates. Coincidentally, this is the school my late uncle Principal Kiriyaongi taught for very long until he passed on. So we have a special attachment to this school as a family.

I want to wish them all the best. As you go back to school continue working hard. In the near future, you will be the leaders of this country. You will be the Senators and Governors. I hope this visit will inspire them to be better leaders than all of us. I wish them a safe journey home. God bless you and say hello to your parents and teachers. Tell them I am working hard and going for bigger things in future.

The Deputy Speaker (Sen. Kathuri): Maybe you have noted the their number. It is 153. That is a very serious school that can ferry 153 students to the Senate.

(Resumption of debate on Motion)

Sen. Mungatana, MGH: Thank you, Mr. Deputy Speaker, Sir. First, I take this opportunity to thank the Chairperson of the Senate Committee on Health, Sen. Mandago, together with his team for the great work they have done in dealing with this matter that was extremely emotional to all of us.

I agree with the recommendation in support of this Motion. I give my heartfelt condolences to the family for losing their child at such a tender age. The first thing that struck me is the fact that the hospital system in Moi Teaching and Referral Hospital (MTRH) did not have psychological support for the patient and the family during their suffering and tribulations. The doctors are on this line, but there is nobody to support the family and relatives who are affected directly by decisions that you have to make at the theatre and at the hospital. I hope the Chairperson of the Committee will look into this. Something needs to be done about how patients are treated in hospitals and how people are handled especially when an emergencies exist.

Mr. Deputy Speaker, Sir, I know I am speaking for many Kenyans. Sometimes you take your loved one to the hospital, you are desperate for a solution and there is no explanation given to you. Somebody is telling you, "I think we have reached a point where you need to sign here." When you ask, you are told it is a consent form. You are not told anything about what the details of that surgery are supposed to be, the possible side effects, what can happen and what may not happen. All you are told is, "sign here, because you are the person who has come with this patient, so that we can have the consent to operate."

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No explanation is given to Kenyans that you need to know this can happen, this can go wrong, this can go right. All the time, and it is repeated. I am sure even as I am talking to you now, somebody is rushing into an emergency room. There is nobody at the reception to explain to them what the possibilities of a surgery. They are just asked to sign and then a surgery takes place. I wish that the country would adopt other types of medical procedures where patients are explained to what is supposed to happen to them in detail. This is not supposed to be done by a doctor. Most of these surgeons are very tired people.

Some of them stand for as long as seven hours performing surgeries and the only thing they have is tiredness. The same person is supposed to explain to a distraught relative that they have lost their patient. In fact, they say lost rather than died like something that just went away.

When somebody has died, there is need for a way to handle people in hospital. That is why we are saying this Annita Jepkorir should be an opportunity for us and the Ministry of Health to give guidance on what ought to happen when we lose a child or a person through medical procedure.

Some of the patients are people who have been in the hospital for a long time, so maybe you have reasonable expectation that it could go either way. Some of the people walk into hospital fine and then you are told, you have lost your relative. There is need for serious support systems within all our hospitals, including our public and private hospitals.

I think the Ministry needs to give guidance and regulations, and this should be named the Annita Jepkorir guidelines to hospitals in terms of managing situations; the psychological side of how we should treat patients and their relatives.

I remember many years ago when people were very afraid of being diagnosed with HIV/AIDS, because at that time it was like a death sentence. What used to happen, and I still think it still happens to date, is that people are taken for counselling before they the HIV/AIDS test. It is a standard guideline that was set up by the Ministry of Health and now it is normalized. It is very normal that before you do your test for HIV/AIDS, you are told, you need to be given some counseling. If you do not need it because maybe you suspect your status, you tell them that you do not need to go through counselling and you can take your test.

[The Deputy Speaker (Sen. Kathuri) left the Chair]

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

Madam Temporary Speaker, there needs to be Annita Jepkorir guidelines on how to handle patients within public and private hospitals. It is not just the doctors. The doctors should be the last people who should come to meet the patients when they have lost their loved ones and when they have to make difficult decisions. There has to be someone who is trained in counselling and psychology who can sit with the patients and advise them before they make decisions on whether a person needs to take surgery or not.

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If the surgery has been acceded to and something has gone wrong, there needs to be Annita Jepkorir guidelines in all public and private hospitals in Kenya that will be telling the doctors and the hospital management that when someone has lost someone, the relatives must be taken through a certain process. It should not be doctors who just come out and say, we have lost someone.

Madam Temporary Speaker, that is a speciality and most doctors are not trained in that speciality. Most doctors take the Hippocratic Oath to preserve life and do their best. When their best does not work, they tell you they have lost a patient or they had hoped for something but the patient is gone. They then leave you crushed right there in the hospital. They do not know how to handle the situation.

I still remember the time, very early in the morning when we had a very bad situation about my first wife. No one explained anything to me in the theatre and it was a good hospital. Nobody handles your psychology or tells you what you need to do. In fact, as soon as we saw that there was multiple organ failure, what they did in that theatre was light up and put some heavenly music; about heaven being our home and this earth is not our home. I felt like it was so premeditated. They do not know what you are going through, they put on some music to tell you that this world is not your home. Who told you I wanted to go home at that time? Who told you that we, as relatives, wanted to let go of that person, at that time?

Madam Temporary Speaker, you are a relative and you do not know how to face your children so as to tell them that mum is not coming back. You know they were going to hospital every evening to check on her. This was a good hospital, but there are no counselling procedures. There is no one to tell you how to handle yourself.

Although, in our family, we have people in the medical field and my younger brother is a serious doctor of many years and of good standing, I still think that the Ministry needs to come up with the Annita Jepkorir guidelines. This is because her parents suffered serious psychological problems when they lost their child and there was no one to talk to them. When they were struggling to find out what they could do, there was no one to help them. No one was there to advise them.

Madam Temporary Speaker, there ought to be a desk in every hospital in this country, from Tana River all the way to Nairobi that says; here is how you lodge a complaint if you feel that a nurse, doctor or a clinical officer has mishandled you. In the entire country, there is nothing like that. The boxes that are there across the country in all ministries tell you that; if you have a problem with corruption, put your complaint here anonymously. Those are things that are there. So many people suffer negligence in hospitals. Some are told, “usisumbue” yet you probably have a serious emergency like a wife who wants to give birth in a public hospital. That person is desperate and is being told that if you do not want to bring this and that, take your patient back home and help her. People have suffered in this country.

I hope the recommendations will include calling the current Cabinet Secretary for Health, for us to come up with the Annita Jepkorir guidelines. The current Cabinet Secretary for Health is proactive. He has been with us in our sister House, the National Assembly. We sat with him today when he came before the Committee on Delegated Legislation and he told us he has sat down with Aga Khan Hospital and negotiated that

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kidney transplant from the beginning, zero step to post care will only cost Kshs700,000, which will be covered by the Social Health Authority (SHA). One does not have to pay millions of shillings in hospitals.

Our women will now pay Kshs40,000 for chemotherapy when they go for cancer treatment instead of the Kshs140,000 per session. SHA was giving about Kshs540,000 to cover for that yet they have several sessions. If each session goes for Kshs140,000 it means that they will not complete the sessions. The Cabinet Secretary told us that they have negotiated it to Kshs40,000 per session. What I am saying is that we have a very proactive Cabinet Secretary.

It will not harm the Committee to make a follow-up for us not to lose what this report is all about. We should have Annita Jepkorir guidelines that will help Kenyans from all walks of life who go to hospitals and have problems in those hospitals. One, they will have psychological support. Two, under Annita Jepkorir guidelines, we will educate people in all public and private hospitals on how to fill forms if there are cases of professional negligence from any nurse or doctor. All the nurses and doctors should also have their work number just like the police. In some of these hospitals, one cannot tell who is dealing with them when they walk in. One can only know, from the way they dress, that this is the doctor and this is the nurse. They do not have tags on their clothing neither do they have work numbers on their clothing.

This is a system that needs to be looked at. Our current Cabinet Secretary has committed to working very hard on mental wellness for the Kenyan population as a whole. We must take this opportunity. I urge the Chairperson of the Committee on Health to follow on these Annita Jepkorir guidelines. If these guidelines are implemented, hospitals will have a better way to handle people who are their clients.

In my county, the medical personnel, in all cadres are few. They are overworked and they do so much work. Expecting a tired surgeon or nurse who has done morning and evening shift to explain to you that this is how your father, cousin, uncle, aunty or grandfather died when they are having their break is not easy. Therefore, we must have a policy which states that there are special people within the hospital to listen to complaints and handle those complaints. They should also guide the population, even in a place as far as Tana River, on how to file a medical negligence case against a nurse, doctor or hospital. We must have that desk.

If police centres have dedicated desks for handling women's complaints on Gender Based Violence (GBV) cases, why not also have specialized desks in hospitals where designated personnel explain procedures to patients? Patients seeking further details should then be referred to the doctor who performed the surgery.

Many years ago, when we were in university, we faced a tragic incident. One of the girls, Stella Awinja, passed away. In her memory, the University of Nairobi named a building after her. Similarly, in this case, we propose the creation of the Annita Jepkorir guidelines.

If the Committee is listening, I urge them to write to the Cabinet Secretary. I know he is proactive. If the Committee does not act, I will personally ensure the matter reaches his desk. This report, if presented to Hon. Duale, will undoubtedly be acted upon, as change is necessary.

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Additionally, the Director of Medical Services has only been in office for about a year, meaning he brings fresh energy and a drive for reform. People new to the Ministry often seek to make a mark and drive meaningful change. Now is the perfect time to establish the Annita Jepkorir guidelines, a frameworks that will help patients manage medical outcomes and lodge complaints with relevant medical bodies.

Madam Temporary Speaker, with those remarks, I support this report. Thank you.

The Temporary Speaker (Sen. Veronica Maina): Thank you, Sen. Mungatana. My condolences once again for the loss of your first wife, Mrs. Violet Wairimu Mungatana, whose mother also comes from my village. May she continue resting in peace.

Sen. Joyce Chepkoech Korir, please, proceed.

Sen. Korir: Asante sana, Mhe. Spika wa Muda, kwa kunipa fursa hii kuchangia ripoti ya Kamati ya Afya. Napongeza Kamati kwa kazi nzuri walioifanya, wakiongozwa na Mhe. Mandago ambaye amekuwa Gavana wa Kaunti ya Uasin Gishu. Yeye anaelewa kwa undani kazi ya afya kwa sababu hii ni moja ya jukumu lililohamishwa kwa ugatuzi.

Watu huenda hospitali kwa sababu ya afya yao na wana haki ya kupata matibabu yanayofaa. Wanafaa kuhudumiwa kwa njia inayofaa kwa kutumia teknolojia inayofaa. Sio haki kwa mwananchi kupoteza maisha. Jepkorir ni mmoja wa wale walipoteza maisha yao kwa njia isiyoeleweka.

Ni vizuri tuchunguze changamoto zinazokumba hospitali zetu za kaunti. Changamoto kubwa waliyonayo ni uhaba wa madaktari na ukosefu wa madawa na vifaa vinavyoweza kusaidia kuchunguza magonjwa mbalimbali. Ni kero kubwa kupoteza maisha kwa njia isiyoeleweka tunapoenda kutafuta matibabu.

Mhe. Spika wa Muda, naomba Kamati ya Afya watembelee kaunti zetu kuchunguza huduma zinazotolewa kwa hospitali za kaunti. Juzi, nimeshtuka sana kuona mwanamume mmoja kule Murang'a akiwa amebeba maiti ya mtoto kifiani huku akilia kwa uchungu. Alikuwa amekaa na huyo mtoto siku nzima bila kupata usaidizi.

Tumekuwa tukishuhudia migomo kila mara. Ni lazima kuwe na njia ya kusaidia watu wetu wanapokuwa na wagonjwa ili tuweze kuokoa maisha. Ilikuwa kero kubwa kuona mtu ameshika mtoto mdogo aliyekufa. Mtu huyo alikuwa anajua kuwa angesaidiwa lakini mtoto alikufa huku madaktari wakiangalia bila kutoa usaidizi wowote.

Naunga Sen. Mungatana mkono kuwa tunafaa kuwa na taratibu ya jinsi ya kufanya kazi. Tunafaa kuwa na sehemu za kuripoti ama kuwe na watu wa kusaidia katika hospitali hata kama kuna mgomo. Inafaa kujulikana kama mtu ni mgonjwa sana ilhali hawezi kutibiwa katika hospitali fulani ili apelekwe katika hospitali nyingine kuliko kuangalia mtu hadi apoteze maisha yake.

Ripoti hii kuhusu Annita ilitolewa kabla ya kisa kilichofanyika jana. Kuna mengine yamefanyika ambayo bado hayajawekwa kwenye mtandao. Sisi kama Seneti tunafaa kuweka taratibu za kufuatwa ili watu wetu waweze kusaidika.

Bi. Spika wa Muda, ni maajabu sana kuwa sisi ndio hupitisha pesa za mambo ya afya zinazokwenda kwenye kaunti zetu. Cha ajabu ni kuwa ukienda kule, hakuna hata dawa za kutuliza uchungu. Ni aibu sana kuwa na hospitali ambazo madaktari hawalipwi kulingana na kazi yao. Lazima tuangalie pande zote mbili. Wakati mwingine tunaegemea upande wa madaktari na kulalamika kuwa wameacha hadi mtu akafa. Pengine hakuna

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vifaa vya kusaidia madaktari kutoa huduma ama hawajalipwa mishahara yao ambayo inawapa motisha ya kuendelea kutoa huduma zao. Lazima tutilie hayo maanani. Ingawa hata kama hujalipwa vizuri, hakuna mtu anayefaa kupoteza maisha.

Nakubaliana na pendekezo kuwa familia ya mwendazake ilipwe fidhia. Hata hivyo, pesa zitakayolipwa haziwezi kulinganishwa na uhai wa binadamu. Vile vile, Kamati hiyo inapendekeza kuwa ripoti ya jinsi watakavyokubaliana na familia hiyo iletwe hapa. Hiyo pia haitoshi kwa sababu walishapoteza mtu wao. Tunafaa kuwa na njia kuhakikisha kwamba kuna utaratibu katika kaunti zetu.

Bi. Spika wa Muda, sitaki kusema mengi. Mwisho ni kuwa tunafaa kuendelea kuangalia kwa undani mambo ambayo yanakumba serikali za kaunti ili tuweze kuyashughulikia na kusaidia watu wetu wasipoteze maisha yao.

The Temporary Speaker (Sen. Veronica Sen. Maina): I now call upon Sen. Mandago, who is the Mover of this Motion, to reply.

Sen. Mandago: Madam Temporary Speaker, first, let me take this opportunity to thank colleagues who have made several comments on the recommendations and contents of this report.

The contributions that have been made on the Floor of the House have added value to this report. I want to acknowledge that because of the nature of investigations, there could have been other issues that could have been captured. However, we are happy that hon. Senators here have brought out those matters very clearly.

I am particularly pleased with the recommendation by Sen. Mungatana on sensitization of the public in terms of being given capacity to report where they feel that services have not been adequately rendered or there have been cases of negligence and the members of the public do not know exactly how to carry them forward.

Madam Temporary Speaker, in our course of investigation and looking into this matter, we realized that there is a lot to be desired in the some of our facilities. My colleague, the non-practicing gynaecologist, the Senator for Kakamega County, alluded that the Moi Teaching and Referral Hospital (MTRH) has standard protocols. The question that begs to be answered is: How then could a national referral hospital with that kind of expertise and standard protocols fail to differentiate between a black seed and teeth? How would it end up that an operation meant to remove a black seed ends up removing three teeth, the third one meant to cover up for the failure of the operation?

Therefore, Madam Temporary Speaker, when we made the recommendation, we took into consideration all the processes that already have been undertaken by the Kenya Medical Practitioners and Dentists Council (KMPDC) and MTRH. We would like the medical professionals to understand and know that, since we are all human and sometimes some of these mistakes or errors are committed not wilfully, but just mistakes that happen in the course of duty, it is extremely important that they become candid, engage their families and the hospital takes up responsibility and uses the mechanisms that have been provided for in the regulation of the profession under the Kenya Medical Practitioners and Dentists Council.

Madam Temporary Speaker, it is also good to let my colleagues know that other than the fines that are imposed by the KMPDC, there are other disciplinary measures that can also be taken, including the suspension or total cancellation of the license. All these

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procedures are in place. We urge the Kenya Medical Dentists and Practitioners Council and all other regulating agencies for medical practitioners or health workforce, to make sure that they have regular supervision and inspection to assure the quality, standards and the procedures that needs to be followed in all medical procedures.

I agree with my colleagues that, as the Senate Standing Committee on Health, we should also make follow-up with Cabinet Secretary for Health so that some of these matters can be averted.

Madam Temporary Speaker, I was so saddened to see a mother carrying a child in a hospital where she had rushed to seek medical treatment only for the doctors to ignore until we lost the child in the hands of the mother. It should also be made known to the public that, even in an event where medical workers are on strike, the law requires that they maintain a certain minimum workforce to address the emergencies that arise in those facilities. I therefore want to assure Sen. Joyce Korir and the other colleagues that as a Committee, we are going to look into that matter with a view of taking action on the minimum workforce that was supposed to be at work in that facility, to avert loss of life even as the doctors and the medical workers seek justice for fair compensation in the work they do.

Madam Temporary Speaker, even as health workers push for fair compensation for the work that they do, they must also remain true to the oath that they took in their practice so that we do not lose lives and we make sure that work continues even as we seek compensation. I would also like to let the medical workers know that the Senate Standing Committee on Health, together with the National Assembly Committee of Health, have had serious engagements on looking at the issues that touch on the human resource for the health sector. The Government is very proactive in terms of addressing all those welfare issues. We had a problem with intern doctors. That matter has now been resolved and all the other matters will be resolved progressively.

Madam Temporary Speaker, we also want to seek the indulgence of the medical workers that they also become patient with the Government, even as we address their issues and not to congest the system with so many demands every other day, but allow the processes to be concluded for every activity. This was a very unfortunate incident that should not occur again.

In our recommendation for compensation to the family, we made it very clear that there is culpability on the part of MTRH and also on the part of the doctors who were responsible during the operation.

We have also noted that all facilities in this country are required to have a medical cover that indemnifies the workers such that in case we have such incidents, the insurance should be able to compensate.

We know there are many Kenyans who have lost their lives through such processes and they have not been compensated, while the hospitals have also paid for the medical insurance. Therefore, there are insurance companies that are profiting without the insurance being functional.

With that, pursuant to Standing Order No.66(3), I request that you defer the putting of the question to a later date.

I thank you.

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The Temporary Speaker (Sen. Veronica Maina): Thank you, Hon. Senator. The putting of the question is deferred to a later session.

(Putting of the Question on the Motion deferred)

We now reorganize the Order Paper. I will ask the Clerk to call out Order No.20

BILL

Second Reading

THE BUSINESS LAWS AMENDMENT BILL, (SENATE BILLS NO.51 OF 2024)

The Senate Majority Leader (Sen. Cheruiyot): Thank you, Madam Temporary Speaker. I want to appreciate the opportunity to do this. I beg to move that the Business Laws Amendment Bill (Senate Bills No.52 of 2025) be now read a Second Time.

I have moved many Bills in this House, but none may prove to be as consequential as this particular Bill, in light of the challenges that this country continues to face today. We speak so often about the debt distress that Kenya finds itself in and the need to live within our means. One of the challenges that we have is that we can talk about the reduction of the fiscal deficit, we can ensure that we are compliant to the tax to GDP ratio, but one of the conversations that we do not have and which is the one silver bullet that can resolve all these challenges, is how to grow the national cake and ensure that there is significant growth in every sector of the economy to a point that there will be sufficient for everybody to share.

The answer to our debt problem is a strong economy that will support repayment without clouding out other development programmes. The reason for the high taxation that many members of the public continue to complain about is because we are over-reliant on a very small population. There is a very small population that carries a larger part of the tax burden in the country. Therefore, we must continue to think and find ways in which we are going to grow the national cake to make our country more competitive.

The World Bank released a report this week. I do not know how many people found time to follow that particular discussion, and this is part of the advice that they gave to Kenya: For Kenya to regain its competitiveness, we need to make amendments to ensure that where we have lost sight of growing the various sectors of our economy, we refocus and repurpose and make this country fit for purpose for the 21st century, of an economy such as the one that we run.

Madam Temporary Speaker, it will be important to note that while there is good progress and growth to be reported, real growth is yet to be measured and realized. It will only be measured and realized when the ordinary person begins to appreciate the interventions that are being made and see a direct correlation between the policies that are being made and their life.

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It is until we are able to come up with sound policies to grow our tourism numbers to a point that the communities that live around the tourism circuits, those in the coastal areas and places that have wildlife sanctuaries, are able to see significant number of tourists to a point that business bounces back to levels that actually have never been seen before. Not even to what was there previously. I do not think that was accurate, given the fact that we know we are now actually upwards of two million and above.

If we are able to grow that even by 50 percent to make it three million, then believe you me, the game drivers, the women that operate the tuck shops next to the wildlife sanctuaries and so on and so forth, those that work in the hospitality sector, those that provide food to those entities, will appreciate.

Foreign Direct Investment (FDI) is now our coffee and tea of the 80s and the 90s; the largest export of citizens that go out of the country to work in the different parts of the world to do either formal or some even informal jobs and send back to the country lots of resources, and are earning now more than our horticulture. Back in the days, that was our premium possession as a country. Now we appreciate that with interventions such as the Kazi Majuu Programme and the promotion of the Ministry of the Diaspora we have Kenyans sending in excess of a billion dollars back to this economy. People are building, setting up businesses and doing this or the other. If we are able to come up with policies that will ensure that we will grow that by an additional 100 percent, so that we make it USD two billion instead of one, that is real growth that will be realized, because that is money that has come back to this economy.

If it is on exports of the horticulture, we need ways and policies to ensure we earn more for our farmers. Be it in the beef sector, tea, coffee we need to make sure that we have progressively made policies that ensure that our farmers earn better than what they already earn. Instead of tea returning back to us upwards of a billion dollars only, we need to make it return two to three billion dollars. It is possible, because that is the intervention that we see. Therefore, that is just a lay basis of what this Business Laws Amendment Bill seeks to do. It is an amendment of various provisions of different statutes and laws in our country to make Kenya globally competitive and ensure that we conform to the global standards.

The so-called Asian tigers, for example, that have been able to grow progressively and faster than us over the last couple of decades, yet maybe at the time of independence we were at the same level, is because they were intentional. They made certain sacrifices to ensure they became competitive. That is what we seek. This is in response to what the business community is telling us. I must appreciate, because there are not many laws that we pass in this House that are actually from the private sector; the people that can help us grow the economy in this country.

We just imagine that the Government needs to do this. Many of the laws that we pass here are about regulating this and the other, making sure that somebody does not do this and the other thing. That is not what will take us to the next level. What will make us competitive as a country is if we realize what we can do to make our private sector players competitive and compete with other players from different parts of the world and earn for this country.

Think about it, Madam Temporary Speaker. We spend as a country close to Kshs500 billion importing food alone, wheat, sugar, rice and cooking oil. It is not rocket science about the countries we import from. There is Pakistan for the rice, Malaysia for the edible oil, Russia, Ukraine and those parts of the world for their wheat. It is because they have listened to their private sector and have taken time to understand what they would do for their private sector to become more competitive as well as ensure that they produce sufficiently for their country of origin and enough to export to other countries.

We must make those interventions. I am appreciative of the interventions that have been made in certain sectors. One example is the sugar sub-sector. We have read reports that for the first time, in the next one or two years, Kenya can move from being a near-net importer of sugar to an exporter, like Uganda. This is because of the privatization in that sector as well as ensuring that local farmers are encouraged to grow more. They now have mills that are working and they can be paid. Not just pay the farmers but timely payments; within seven days.

There is no other crop in the country. For tea, coffee and dairy, you have to wait for 30 days. It is only in the sugar sub-sector that farmers get paid every seven days by private millers. That is why it was important to carry out the leasing programmes, so that farmers can understand and appreciate why, if they plant because many had given up. They had left a small portion of land for subsistence but now, they see it as a business and they are sure that when they grow their crop, they will have somewhere to supply.

Out of that raw material, we can feed the market and perhaps, even import. It is a reaction to that reality that is being proposed by the various laws and amendments that are being done.

Madam Temporary Speaker, as I have mentioned, it is about occupational safety by the multinationals that have set up camp in this country. This is a difficult country to do business in. I say this because I interact with various business people and sometimes they tell you that, while the returns are good in Kenya, this is an extremely difficult market.

The Government stands in the way of business and apart from that, there is litigation. Employees always take you to court and in court, you are never heard. Nine out of 10 times, if an employee takes an employer to court, you are almost certain that you will lose. That should not be the case. There ought to be a balance and people need to realize that without the employer, there is no employee. Without the employee, there is no employer.

Therefore, you must set up laws that conform to the demands of the 21st Century. We were well in the Business Process Outsourcing (BPO) space until certain decisions were made in our courts that made people disappear from this country; people that had already projected to invest significant amounts.

Madam Temporary Speaker, you come from Murang'á. On your way home, pass by Tatu City. I forget the name of that company, but there was a BPO station that has thousands of young people working in that part of the country. This is something that can be replicated across the country if certain adjustments are made that protect both the investor and the employee. This is so that we compete with other parts of the world.

It does not make sense to many of the players in that industry. I have taken time to watch and listen to them. They tell me that Kenyans speak better English than the Indians and Filipinos who are the dominant players in that space. However, because of our laws, lack of motivation or creating an environment that motivates the multinationals that have the contracts of the companies that need these services, there is nothing that attracts them. Business is about attraction. If someone finds out that there is a country where they can make good returns, they will come and invest here.

Therefore, this is part of the reaction to what is being mentioned in many spaces on the need to respond to the needs of the private sector to make our country competitive, grow industries, create jobs for our young people and earn a good return for the Republic of Kenya. In a nutshell, that is what this Bill is about.

This Bill has various proposals. As I mentioned, it amends various existing statutes such as the Investment Promotion Act, which was passed a long time ago. It is actually Cap.485, Laws of Kenya, which means that it was amended pre-this Constitution. The Employment Act, Cap.226, Occupation and Safety Health Act, Cap.236, the Affordable Housing Act which is a 2024 law, the Land Act, Cap.280 and the Anti-Counterfeit Act, Cap. 510. These are pre-2010 statutes and many of them need to be conformed to the demands of the 21st Century.

There are various amendments being proposed. I ask Members to take time, read and understand what is being done to modernize the country's business environment. We have to make sure that the regulations for FDI, Business Process Outsourcing and information technology service providers will help them attract reputable investors to promote innovation and enhance the country's competitiveness in the global market.

We are not proposing rocket science. We are simply asking ourselves what the Philippines have done to make their BPO industry employ perhaps 10 to 15 million people while ours is a paltry 50,000, or 100,000 maximum. We are asking why India is able to employ three to four million people. We are not walking a path that others have not walked. We are simply ensuring that we conform to the demands of the market. We are listening to the market and we want to make our country as competitive as the rest.

I will next talk of investment promotion. Last year or the year before, the Permanent Secretary in charge of immigration services published a list of new charges for foreigners working in this country. There are certain industries where we must agree and accept that we do not have the requisite skills available locally. So, a multinational investor or even a local investor can make demands that they need people of a certain skill, but the charge that passed to them is not something that they can pay.

I have shared this information with the people at the Immigration Service and many others. I have told them that they could perhaps be making a similar amount to what used to be made in the past, but the compliance level is at an all-time low. If the amount for a particular class of permit was previously was Kshs50,000 and it has been grown to Kshs1 million, then the easier thing to do is to let the people work. When the immigration officers come to check, you find something out of your pocket, pay them and they will walk away. This is Kenya, anyway. Instead of making such policies, why can we not respond to the demands of the market and ensure that we come up with

amendments to the Investment Promotion Act that will make the country as competitive as other regions?

The Class G work permit is offered to any person who intends to engage, whether alone or in partnership, in prospecting for minerals or mining in Kenya. All you need to do is check, ensure and confirm that person has the expertise and has demonstrated that they have succeeded in a particular industry in their country and are now coming to invest in the country.

The other thing is the new definition of employer-employee. I had spoken to what happens in that particular space and the need to foster a good working relationship and a balance between the employer and the employee. When that is done, none will feel taken advantage of.

On occupational safety, we have to ensure that we protect our workers as well. It should not just be about protecting the investor and having them take advantage of our workers. That is important. There is an amendment to the Affordable Housing Act. I will wait to read the report of the Committee to understand the logic and whether they are sufficiently convinced of the need to do that particular Act.

The Anti-Counterfeit Act is also being revised to refine definitions of key terms, including "consumer" and "counterfeit," to better protect those in the manufacturing sector. Counterfeiting poses a significant challenge to our manufacturing industry. If Sen. Tabitha was here, an esteemed industrialist and my deputy, she would explain the difficulties manufacturers face when counterfeit products flood the market. These replicas, produced at lower costs, undercut legitimate manufacturers and drive them out of business. Strengthening regulations in this area is crucial.

Additionally, in the ICT Sector, many discussions are taking place. Therefore, this is a very interesting piece of legislation. I want to take time and listen to colleagues share their thoughts on it. They should read it and lead us into making a law that responds to the needs of the market.

Madam Temporary Speaker, with those main remarks, I beg to move. I request the Senator for Tana River County, Sen. Danson Mungatana, to second.

I thank you.

The Temporary Speaker (Sen. Veronica Maina): Thank you, Senate Majority Leader. Sen. Danson Mungatana, proceed.

Sen. Mungatana, MGH: Thank you very much, Madam Temporary Speaker, for giving me the opportunity to second this Bill. I also wish to thank the Mover of this Bill, our able Senate Majority Leader, for moving the Business Laws (Amendment) Bill (Senate Bills No52 of 2024).

I may not be the most qualified person, but I am among those well-versed in business laws, as I am a lawyer. At one point, I lectured on various business laws at the Nazarene University and the Cooperative University of Kenya. Some of the issues I will discuss here have been debated academically. I am pleased to see them now integrated into lawmaking, thereby resolving some of the academic challenges that existed before the amendment of this Bill.

This Bill intends to bring amendments to various laws that help us in business operations. Most importantly, it marks a positive step toward creating a conducive business environment for those wishing to invest in this country.

The first law addressed in this Bill is the Investment Promotion Act, which is being amended. I strongly second the proposed amendments to this Act. I also urge the Committee to carefully review these amendments, and where possible, enhance them further at the Committee of the Whole stage to make them even more effective.

One key aspect of these amendments is the introduction of Government-issued certificates for facilitators of foreign investors. Many people have lost their money after coming to this country with the intention of investing. Unfortunately, they often fall into the hands of fraudsters who mislead them, causing substantial financial losses.

These fraudulent individuals operate in coordination with certain officials, ensuring that the victims, once conned, are declared *persona non grata*. This means they lose their money and they are subsequently barred from returning to Kenya. In the meanwhile, these individuals continue living lavishly, flaunting their new cars and luxury purchases on social media yet, it is all funded by money stolen from potential investors.

Madam Temporary Speaker, with the introduction of the new proposed Section 3, which accredits individuals who present themselves as facilitators, I declare from the Floor of this Senate that any foreign investor must now seek out a properly accredited facilitator for their investment. You must go to them. Do not find anybody somewhere in the streets who tells you that they know the Cabinet Secretary or so-and-so and they ask you to give them money, so that they do the work for you. There will be people who are properly accredited. That will bring some sanity in this section of business to Kenyans.

Madam Temporary Speaker, another important thing is that after foreign investors have been protected, they must be issued with a certificate of foreign investment in Kenya. When this Bill becomes law, it will mean that a foreign investor who comes to this country will not start working before they are given a certificate of foreign investment. That certificate will protect both them and us.

I like the creativity behind the proposed clauses 5 and 6. Before that certificate is offered to a foreign investor, they must show that they are going to create employment for Kenyans. They must show that they will bring modern skills compatible with the state-of-the-art technology in Kenya. They should not bring outdated technology. They must show that their foreign investment is going to contribute to tax or other Government revenues in this country. They must show that somehow they will transfer technology to Kenya. They must show that their investment is going to bring value addition to the processes of natural agricultural resources in this country.

There are many people who have come and all they do is to steal from this country. I congratulate our Cabinet Secretary for Mining, Blue Economy and Maritime Affairs, Hon. Hassan Joho. He displayed to us some Chinese investors who were mining illegally. They were robbing this country literally. They take very expensive minerals that they mine and put them in containers. When those containers were opened, they were found to have stolen minerals from this country. If you do not have a foreign investment certificate and we find you in our counties, because that is where mining takes place, we will chase you away or have you arrested because some investors are rogue.

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In this law, as much as we protect the investors, it will also help us to deal with them because they will be given a certificate which can be withdrawn. If you have been issued a certificate by the Government, then you start doing activities outside what was allowed---

We have seen some investors who slap Kenyans. Videos are taken of them slapping Kenyans when they are working. They mistreat or pay our Kenyan people different wages from other people that they come with. They could be doing the same work but they pay them four or five times more and discriminate against our people. In that case, that certificate can quickly be revoked. We should do that to protect our businesses and the dignity of our people.

Another good invention I have found in this Bill is Clause 11(b). The law proposes that we have a centralized unit where all these people who want to be issued with certificates and have complied, also benefit from Government facilities and regulatory services that are given to them. They will be guaranteed that your business registration will be fast. They will be given tax exemption, environmental conservation and even construction approvals. All this will be done under one place, a one-stop shop.

Madam Temporary Speaker, when you think about it, some countries, even small countries within the East African Region, have overtaken us because you go there and on the same day your business is registered, you open your bank accounts and you are given work permits. So, you are bringing your people, importing and your capital comes in. Within one week, you are up and running. Your machine has come in, your tax-exempt status is approved and before long, you are able to move with your machines without any problem and you create employment. However, here in Kenya, you are told to go to this or that Ministry. Although the number of business days for registration and whatever have drastically improved from long ago, still the process is not one place. It is not a one-stop shop like the way we created for borders. We are now moving this idea from what we were doing in the borders to this place whereby, if somebody lands to create a business in Kenya, within these number of days, the Government, through this law will create one place where you will have everything - labour compliance, environmental and land administration obligations.

Madam Temporary Speaker, this authority is not just another authority. There are 15 laws that say you must collaborate with this authority. Every Government department is forced to collaborate with this authority. So, if you are told, give them this certificate, construction and business permits, all the Government authorities and agencies are supposed to work with this centralised place. Kenya will be a different place. People coming from Germany and the United States of America (USA) and they want to set up something, they can literally walk to one place, start off and before long, having met all the obligations within the country's requirements, they will be doing business without a problem. This is what we want.

Madam Temporary Speaker, I am happy with this business laws. I could say a lot, but time is running out, so, I will stop there and say that I beg to second and urge all Members to now move out of lamenting and saying other countries are overtaking us within the region. They should move out of talking and come to vote for this Bill. If there are problems within these business laws, please, come and bring amendments. Let us

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move from lamenting and make the law that will help this country move from where it is to another level.

Madam Temporary Speaker, this is probably one of the best laws that we are actualising our thinking that Kenya must industrialise. Kenya must move forward.

I beg to second.

Thank you.

(Question proposed)

ADJOURNEMENT

The Temporary Speaker (Sen. Veronica Maina): Hon. Senators, it is now 6.30 p.m., time to adjourn the House. The Senate, therefore, stands adjourned until Tuesday, 3rd June, 2025 at 2.30pm.

The Senate rose at 6.30 p.m.