

PARLIAMENT OF KENYA

THE SENATE

THE HANSARD

Thursday, 7th June, 2018

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

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

PRAYER

NOTICE OF MOTION

MANAGEMENT OF CONSTRUCTION CONTRACTORS

Sen. Kasanga: Madam Temporary Speaker, I beg to give the following Notice of Motion-

AWARE that Section 15 of the National Construction Authority (NCA) Act prescribes the requirements for registration as a contractor;

ALSO AWARE that Section 18 of the Act mandates the NCA Board to accredit firms incorporated outside Kenya to carry out construction works in Kenya for a prescribed period;

CONCERNED that a large number of registered local contractors cannot perform up to the expected standard leading to collapsed buildings, poor county roads and infrastructure and incomplete contracts;

APPRECIATING that there is still a good number of local contractors that have demonstrated capacity to perform and deliver projects as required;

DEEPLY CONCERNED that foreign contractors are now engaging in projects that local contractors have equal capacity and skill to perform, especially in the counties;

RECOGNIZING THAT there is need to grow our local industries by giving job opportunities to Kenyan citizens and building their technical capacities;

NOW THEREFORE, the Senate calls upon the Government through the NCA to-

(1) conduct a fresh registration drive of all building and infrastructure contractors in order to weed out all non-performing ones and to identify those who demonstrate compliance;

- (2) enforce strict oversight on foreign contractors and institute a mechanism to handle complaints raised against contractors;
- (3) ensure that foreign contractors are only awarded contracts that local contractors cannot handle and require them to include technology transfer to locals; and
- (4) require both local and foreign contractors to undertake corporate social responsibility activities in the counties where they operate.

I thank you.

STATEMENTS

RAMPANT ROAD ACCIDENTS AT LUNYERERE ON THE KISUMU-KAKAMEGA ROAD

Sen. Khaniri: Thank you, Madam Temporary Speaker, for this opportunity.

I rise pursuant to provisions of Standing Order No.46(2)(a) to make a statement on an issue of general topical concern. That is the recent accidents at Lunyerere on the Kisumu-Kakamega Road.

I take this opportunity to, first and foremost, register my condolences to the families who have unfortunately lost their loved ones through numerous accidents that have occurred on the stretch of Lunyerere River Bridge and most recently the one that occurred on Friday, 18th May, 2018, when an extremely overloaded matatu lost control and plunged into the riverbank.

Previously, it has been resolved in this House that the Government should publicise and clearly demarcate black spots across the country. This stretch of the road qualifies to be marked as a black spot because in the past one year, many accidents have occurred at the same spot. For instance, on Friday, 12th January, 2018, two motorbikes collided and both the riders died. In another incident, a county government vehicle knocked down two people who also lost their lives and lastly a motorbike rider and his passenger were hit from behind and unfortunately the passenger lost his life.

This is the second time in less than one year that I am rising on the Floor of this House to decry the loss of innocent lives of the people of Vihiga County due to road accidents. The other previous incident was on Monday, 11th December, 2017, where 16 people lost their lives including nine from a single family.

I then raised the issue of overloading and disregard of transport guidelines, commonly known as the “Michuki Rules.” May the Lord rest former Minister John Michuki’s soul in eternal peace. He was the only Cabinet Minister since independence who managed to bring sanity in the chaotic public service transport industry. Today, the gains brought about by the former Minister have since been long lost.

The issues I raised then concerning Kamukuywa Bridge; such as poor state of roads and lack of proper road signage; overloading of both passengers and cargo; corrupt traffic police officers, dangerous driving and undisciplined Public Service Vehicle (PSV) SACCO members are still prevalent even today. How many times will I stand in this

Senate to send my condolences and mourn the loss of my constituents? This House should never be a talking shop where Members only express concerns which are never taken seriously by the Executive and other arms of government.

Madam Temporary Speaker Sir, we cannot sit, as the Senate of the Republic of Kenya, debating and proposing legislations that are never implemented. I believe that the input of the deliberations and concerns raised in this House should prompt the national Government to take action to correct the ills affecting our people. That is our core function of representation and oversight.

We all know of the other accident that recently occurred on the same Kamukuywa Bridge involving a *matatu* and a stationary sugarcane tractor. This is exactly the same script, but different actors and time. Just like the Kamukuywa accident of Monday, 11th December, 2017, the accident at Lunyerere also claimed eight lives, including a father and a son who was a student at Chavakali Boys High School.

Madam Temporary Speaker, Article 26(1) of the Constitution provides for the fundamental right to life for every person. The state has the obligation to ensure that all Kenyans enjoy this right. The Ministry of Interior and Coordination of National Government is charged with the responsibility of ensuring the protection of the right to life directly through the police. However, as has been the norm, the traffic police in charge have ignored this core mandate and concentrated on collecting bribes from motorists and Public Service Vehicles (PSVs).

Madam Temporary Speaker, regarding the Lunyerere accident, I wish to bring to the attention of this House a number of factors that, if avoided, would have helped prevent the accident in totality or even reduce the number of fatalities. First, an eye witnesses confirmed that the 14 seater *matatu* was extremely overloaded, because it was carrying 28 passengers. Secondly, the driver of the *matatu* at the time of the accident was not the rightful driver, but the conductor. Thirdly, the vehicle passed through a county revenue collection office and left the Mbale stage dangerously overloaded.

(Loud consultations)

The Temporary Speaker (Sen. Nyamunga): Sorry, hon. Senator. I would like to request the rest of the Senators to consult in a low voice so that we concentrate on what we are doing.

Sen. Khaniri: Thank you, Madam Temporary Speaker, for that protection.

Lastly, the Lunyerere black spot had inadequate road signage and speed bumps. The Cabinet Secretary for Interior and Coordination of National Government should take charge and bring sanity, as was experienced in 2003/ 2004, during the introduction of the famous “Michuki Rules”. It is clear that a good number of public servants on the government payroll are complacent, corrupt and lack a proper, well thought out strategy to curb this road carnage. I strongly believe that county governments, through enforcement officers, have a role to ensure the compliance with not only county legislations, but also the Constitution.

Madam Temporary Speaker, on this particular accident, the Ministry of Interior and Coordination of National Government and the Inspector-General of Police should provide details on what action has been taken against:

1. The 'driver' of the vehicle at the time of the accident.
2. The SACCO in which this specific vehicle is registered and operates under.
3. The traffic police in Vihiga County, who perpetuate corruption and ignorance of traffic rules. And,
4. The responsible individuals who should have provided proper road signage and adequate speed bumps.

I thank you.

The Temporary Speaker (Sen. Nyamunga): I will allow a few comments.

Proceed, Sen. (Dr.) Musuruve.

Sen. (Dr.) Musuruve: Thank you, Madam Temporary Speaker, for giving me this opportunity to raise a few issues on Sen. Khaniri's Statement. I am humbled. First, I commend Sen. Khaniri for persistently talking about this issue and being keen about serving the people of Vihiga County. By the way, the people of Vihiga County should know that they have strong representation in this House. Sen. Khaniri talked about the Lunyerere Road in the last Parliament and nothing was done. However, he is still insisting on it until something is done. He is doing something that is commendable and, therefore, the Government needs to take action.

Madam Temporary Speaker, we are talking about people dying and a place being a black-spot, so we cannot take it for granted. If people are dying on the road in this Republic, there is need for the Government to intervene with speed and ensure that there are no black spots. Lunyerere Road serves the Kisumu/Kakamega Highway and it is a busy road. Therefore, we want our people to be economically empowered. There is no way the residents of Vihiga are going to avoid using that road because they have to earn living and they want to be economically empowered. Economical empowerment is among the Big Four Agenda that we want to achieve in this country.

Madam Temporary Speaker, students and children also use Lunyerere Road and are, therefore, vulnerable. As such, there is need to intervene with speed. I want to thank the late Hon. Michuki for what he implemented before he died. May his soul rest in peace. What he did will be remembered by all Kenyans. I remember a long time ago when I was going home for vacation, sometimes we would even stand in the Kenya Bus because there were no seats. We would stand all the way from Nairobi to Kakamega, but because of the sanity he brought on the roads of this country, there is no way you can travel to Kakamega while standing in a *matatu* or in a bus. You will travel in comfort because of what Hon. Michuki did. May God rest his soul in peace.

Madam Temporary Speaker, we are talking about overloading of vehicles. We should not take this issue for granted and the police need to do something about it. When there is an incident of overloading, the police need to ensure that the drivers and conductors are culpable. When Senators bring issues to this House, we are not joking about them. We have been elected to serve the people of this country. We have a commitment to serve the people of this country. Therefore, when we bring issues or Statements, they are taken for granted because they are not implemented.

We are doing a lot of disservice to the people of this country. I remember the President said very clearly that we must have a commitment to serve. A commitment to serve is to ensure that we deliberate on the issues that affect our people so that they are clarified and sorted out. When we do this, it is the beauty of devolution. The President reminded us that devolution is not a baby and it is supposed to work for us.

Since devolution is not a child, I suggest that all the issues that are brought on the floor of this should be sorted out with speed so that our people can see that we are working. Why are we getting paid? It is to serve our people and we want to serve our people. I, therefore, call upon the relevant Committee to intervene with speed and bring sanity to Lunyerere Road and that bumps are erected---

Sen. Kinyua: On a point of order, Madam Temporary Speaker.

The Temporary Speaker (Sen. Nyamunga): What is your point of order Sen. Kinyua?

Sen. Kinyua: Madam Temporary Speaker, I thought you said that we should just make a comment but this is now taking too long.

The Temporary Speaker (Sen. Nyamunga): Continue and wind up, please.

Sen. (Dr.) Musuruve: Madam Temporary Speaker, I am humbled. We are raising pertinent issues in this country which cannot be ignored. I suggest that the relevant agency moves in with speed and ensures that there are bumps on the Lunyerere Bridge for the black spot to become a place where people from Kisumu and Kakamega can economically empower themselves.

Thank you for the opportunity.

Sen. Outa: Thank you, Madam Temporary Speaker. This Lunyerere Bridge could be termed as a spot where the devil has camped because a number of people have lost their lives there, now and again. I want to commend the Senator for Vihiga County, who is my neighbor, because the Lunyerere Bridge is along the Kisumu-Kakamega Highway. I want to encourage the Government to take immediate measures so as to reduce the carnage that occasionally happens at the Lunyerere Bridge by initiating or demarcating clear signs for the motorists who are travelling on the Kisumu-Kakamega Highway to know that Lunyerere Bridge is a death spot. They can create some road signs to caution the drivers who are using that highway.

We want to also appeal to the County Government of Vihiga not to wait for the national Government to intervene because this bridge lies squarely on the county government. They can introduce some enforcement, more or less like the Michuki one, to save the lives of the people who are using the Kisumu-Kakamega Highway. This matter should not be taken lightly. The national Government and the County Government of Vihiga are listening to us and those who are in authority should take immediate measures.

They also need to introduce bumps. We have seen vehicles carry extra passengers and over-speed; and when they get to the death spot, they then realize that it is too late to apply the emergency brakes. When they do that, the vehicle overturns and claims lives. They are listening to us and in one month's time, we want to visit this place so as to make sure that the national Government and the County Government of Vihiga have taken the necessary action to save the lives of our people.

Sen. Shiyonga: Thank you, Madam Temporary Speaker, for giving me this opportunity---

The Temporary Speaker (Sen. Nyamunga): Sorry, Senator. I would like to urge the Senators who I am going to give the opportunity to comment on this to take as little time as possible. This is because there are other interests and I do not want to exclude some people. I would want to give everybody an opportunity to say something.

Sen. Shiyonga: Thank you, Madam Temporary Speaker, for giving me the opportunity to contribute on the Statement. I commend my fellow Senator who has come up with this Statement. This particular spot has taken a lot of precious lives because of corruption that we have been singing about. This incident could have been prevented if the police officers who were manning that road were keen and effective in the delivery of their mandate.

It is unfortunate that lives have been lost and this does not only happen on this particular road. We have lost lives on other roads in the country as well. It is a high time that the national Government, county government and other bodies are put on the spot over this issue. It is very important for them to take up their mandate and label or demarcate this particular road and the others.

It is sad to continuously see a death spot being ignored and lives being lost. The concerned parties, especially those who are supposed to take over the mandate of labeling or demarcating roads; the Kenya National Highways Authority (KeNHA), should take over their mandate. They should work on those roads by putting up the bumps that are required. They should also look for innovative ways that can prevent lives from getting lost through accidents.

I come from Vihiga County and that road serves me when I am going to Kisumu International Airport. In fact, I now fear for my life because I drive through that road almost every week. The roads of that nature should be marked and the bumps erected to save lives.

The Temporary Speaker (Sen. Nyamunga): Finally, we will hear from Sen. Cheruiyot.

Sen. Cheruiyot: Thank you, Madam Temporary Speaker. I also want---

The Temporary Speaker (Sen. Nyamunga): I will give you more opportunity if you make your contributions in form of comments but it will be difficult to do so if you want to debate. Please, make your comments.

Sen. Cheruiyot: Madam Temporary Speaker, I can assure you that mine will be comments. I want to give more strength to the Statement by my colleague, Sen. Khaniri. Last year, he stood to make this request to this August House and he said that this particular bridge has continued to take away the lives of innocent victims, the people that he represents in this House.

Unfortunately, nothing has been done up to now. While making my contribution yesterday on a totally different issue, I spoke of the need for this House to bring back the issues that matter to our electorate, which is right at the core of it. Those things that used to make one mad before they came to this House as a legislator are the things that should concern one now that they are in a position of power.

Unfortunately, many are the times when we speak and our good words fill up our HANSARD documents yet nothing is done. I want to suggest that the comments in the HANSARD that have been made this afternoon following the Statement by Sen. Khaniri, together with a copy of the HANSARD of the day that he made the request last year be bound together and sent to the Cabinet Secretary (CS) in charge of the Ministry of Transport, Infrastructure, Housing and Urban Development.

It should also be copied to the CS in charge of the Ministry of Interior and Coordination of National Government because this was a 14 seater matatu but we have been told that there were 28 passengers. You can imagine how squeezed those people were. We continue to hear about this particular bridge and other bridges such as Kamukuywa in Webuye where people get hurt yet none of us seems to get concerned. If possible, we, together with Sen. Khaniri can follow through to ensure that is done so as to win back the strength of Parliament and not make it a talk shop.

The Temporary Speaker (Sen. Nyamunga): Let us have the Senator for Machakos County.

Sen. (Dr.) Kabaka: Thank you, Madam Temporary Speaker, for the opportunity to support by brother, Sen. Khaniri. I sympathise with what is happening along that road. I want to give my comments in form of solutions to this challenge that will go a long way to ameliorate the problem of accidents in the country. I have five points:-

(1) Traffic campaigns awareness should be enhanced or revisited in all parts of the country, especially along major super highways and other active roads.

(2) There should be strict adherence to traffic laws, especially the Traffic Act and the Highway Code. These laws should be revisited to introduce punitive sanctions.

(3) The traffic police have become so corrupt. It is obvious that any time you drive on any of the roads or highways, you will see them taking money from motorists. I implore upon the Ethics and Anti-Corruption Commission (EACC) special anti-corruption unit to accelerate their investigation role by policing and arresting the corrupt police officers on duty as they have done.

(4) The fuel levy tax collected by the national Government should be effectively used to repair the potholes or areas that are damaged due to the rains over the last one month.

(5) Lastly, in this country we know that most people – some are seated here - are notorious drivers. Therefore, it is high time that intensive and continuous training of all drivers in the country, especially those who drive Public Service Vehicles (PSV) was enhanced.

If these remedies, among others, are followed to the letter, a lot of lives will be saved in areas marked as black spots.

Thank you, Madam Temporary Speaker.

The Temporary Speaker (Sen. Nyamunga): Let us have Sen. Petronila Lokorio Were.

Sen. Were: Thank you, Madam Temporary Speaker. I would like to thank Sen. Khaniri for caring about the people of Vihiga. When he came up with this Statement, I knew he was an angry man. This is because he raised a similar statement when nine members of one family in Vihiga died on the same road. So, the laxity of the Police to

enforce order and obedience should not be encouraged. If we addressed this statement last year and nothing was done, we should think about reintroducing the Implementation Committee, so that some of these issues can be followed up.

Thank you.

The Temporary Speaker (Sen. Nyamunga): Very well. Finally, let us have the Senator for Kitui County, Sen Wambua Enoch.

Sen. Wambua: Thank you, Madam Temporary Speaker. First, I want to thank the Senator for Vihiga County for this Statement. Death in a family is a painful thing. It is made more painful if sudden death is occasioned by a road accident. It would appear like Kamukuywa has become synonymous with road accidents and death.

This Statement should not only elicit debate on the Floor of this House, but it must be a statement that is a call to action by the relevant Government ministries. I would request the Chair – as the Senator for Kericho County has said – to direct that this Statement together with complete timelines and the comments by the hon. Senators, be made available not just to the Ministry of Interior and Coordination of National Government, but to the parent Ministry of Transport, Infrastructure, Housing and Urban Development. We should demand that something be done and a report brought to this House on what action the Government has taken.

Thank you, Madam Temporary Speaker.

COMMUNICATION FROM THE CHAIR

VISITING DELEGATION FROM GIKURUNE GIRLS SECONDARY SCHOOL, MERU COUNTY

The Temporary Speaker (Sen. Nyamunga): Hon. Senators, I would like to acknowledge the presence, in the Public Gallery this afternoon, of a visiting delegation of students and teachers from Gikurune Girls Secondary School, Meru County.

In our usual 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.

STATEMENT

RISE OF SEX CRIMES IN SCHOOLS

Sen. Chebeni: Thank you, Madam Temporary Speaker. I rise pursuant to Standing Order No.46 (2) (a) to make a Statement on an issue of general topical concern regarding the rise of sex crimes in schools. It is very unfortunate that schools have turned into dens of sex pests. The security of our learners is a question that is disturbing every parent or guardian now. Learners are equally traumatised.

Madam Temporary Speaker, this problem was brought into the limelight following the incident at Moi Girls' School, Nairobi, where a student was reportedly

raped. To illustrate how rampant sex crimes have become, a Principal from a secondary school in Kitui was yesterday charged with raping a Form Four student. Another case was reported at Moi Girls Kamusinga School, where a 14-year-old girl was raped just before the school morning parade.

You may recall that not so long ago, about 18 students were impregnated in a school in Mt. Elgon Constituency, Bungoma County. There have been other cases of molestation and defilement of boys and girls, alike. This begs the question as to whether our children are really secure, even as we send them to boarding schools and day schools where they walk from home to school and back.

It is reported that several teachers have been deregistered by the Teachers Service Commission (TSC) in the past years for sexually harassing students. This is a worrying trend, where persons who are entrusted with protecting our children become the perpetrators of sex crimes. This only goes to show how the morality of our nation has sunk low.

Madam Temporary Speaker, a national conversation on the safety of learners in schools is something that needs to be convened urgently and should not be overlooked because this issue signals a crisis that need to be addressed. The Ministry of Education, Science and Technology needs to be more proactive than reactive to this issue and ought to come up with effective and sustainable solutions to curb this menace. It is not sufficient for the school board to be dissolved or the teachers suspended or the surrounding area to be cleared and secured. We demand more from the Ministry, the law enforcers and the courts of law.

The Ministry of Education, Science and Technology should move with speed to ensure that:-

(1) The learners are equipped with skills that they can use to defend themselves when caught up in such a situation.

(2) CCTV and alarm systems are installed within and outside the perimeters of the school.

(3) Proper lighting is done for ease of movement during early morning or evening prep time.

(4) All security guards posted in schools should undergo vetting and mandatory training on disaster management.

(5) Regular checks on the surrounding environment should be done. The fences of a school should be managed and if possible, perimeter walls erected in all schools.

(6) The Government should provide funds to implement all the safety measures in all schools.

(7) Psychosocial structures should be put in place to ensure that learners' mental health is taken care of.

(8) The code of conduct for all staff members in learning institutions should be reviewed.

Madam Temporary Speaker, justice must be served to all victims of sex crimes. The Government should provide further training to all officers handling sex crimes to seal all loopholes that often lead to perpetrators of these heinous crimes going scot-free and, in some instances, being handed lenient sentences.

We need to relook at the Sexual Offences Act and other related laws with a view to amending them to provide more stringent punishment for sex crimes offenders, especially when they relate to minors. Our children are our heritage. If their innocent lives are destroyed by sex pests, we shall not have a Nation. Article 53(d) of the Constitution provides that every child has a right to be protected from all forms of violence, abuse, neglect and inhuman treatment. We must, therefore, stand up for our children.

I urge all the relevant authorities, including the Committee on Education, Ministry of Education, all schools administrations and all institutions in the justice system, to play their rightful role to bring an end to the sex crimes in and out of our schools.

The Temporary Speaker (Sen. Nyamunga): I will allow about two comments, please.

Sen. Farhiya: Thank you, Madam Temporary Speaker. I thank Sen. Chebeni for bringing the Statement because the number of predators on our small girls in schools has increased. This has a psychological impact on the child's life forever. It is not just something that impacts on their education and social life, but it has a far reaching bearing on them. They need to be protected in schools.

This is also against any moral standing of any community. I do not know why it continues happening in this country. It is also against any religious beliefs for most of the religions that I know. We need to train our girls on karate skills in schools, so that they can just fight off these predators. Such skills will also come in handy in future, if the men who might marry them end up abusing them.

(Laughter)

I also think that we need more investment in security in our schools. Thanks to the Jubilee Government for making education free; this has increased the number of girls in schools. Ordinarily, girls from poor backgrounds would have dropped out of schools. The more they are in schools, the more likelihood of these predators pouncing on them increasing.

We need to get the gains of free education by leaving these girls in peace to continue with their education uninterrupted and to allow them to be equal to their peers of the opposite sex.

The Temporary Speaker (Sen. Nyamunga): This topic seems to have a lot of interests. In order for me to appear to be fair, I will reduce the time to about two minutes to allow all Members to comment.

Sen. Omanga: Thank you, Madam Temporary Speaker, for allowing me to contribute to the Statement by Sen. Chebeni. I welcome the punitive action to be meted to these men going for our girls. I will not even call them men, but hyenas.

We are talking about the safety of our girls. What about our boy child? The other day, I saw in Nyandarua County, Standard One boys were being molested. This is happening day in, day out. Fathers are molesting their sons. What are we doing about it?

We are talking about girls in schools and that we should make sure there is a safe environment in school for them. What is happening in our boys' boarding schools? What

are we doing about pastoralist areas where boys go to graze while girls go to school? What are we doing about it?

It is high time we took equal measures. What we are doing with our girl child, let us also do with our boy child. We do not want 20 years down the line to start a boy child campaign. All our children are equal and they are all vulnerable.

The Temporary Speaker (Sen. Nyamunga): Thank you. Sen. Poghio, proceed.

Sen. Poghio: Thank you, Madam Temporary Speaker. I also want to thank Sen. Chebeni for her Statement. This is just to affirm that even if all of us are angry about what is happening with our children. We urge the relevant authorities in Government, beginning with the case in the Nairobi school and in other schools, to move with speed and deal with those cases.

There is something that is happening with our psyche. We need to have not only a conversation about why girls are being raped, but also why men are behaving in that manner. What kind of urge do they have to make them behave like animals? What is causing all these? Who is at fault?

Madam Temporary Speaker, there are also cases of women abusing boys, although they are not reported. All cases need to be reported and acted on. The things happening to boys being hidden and held secretly should also be reported. Let us deal with this matter, once and for all.

We do not have enough people to counsel. Let us train professionals to handle this matter. We are in a society that is changing. We must begin to handle these cases psychologically. I urge the clergy in the religious areas, psychologists and counselors to help us deal with these situations. It is very bad when you hear reports of girls being raped every day. It is very sad.

I support Sen. Chebeni and her efforts. All of us who are involved, we should help her get to the bottom of this matter.

Sen. Cherargei: Thank you, Madam Temporary Speaker. I thank Sen. Chebeni for her statement. I urge the Committee for Education led by sen. (Dr.) Langat to ensure they look into that issue.

Yesterday, the United Nations Educational, Scientific and Cultural Organisation (UNESCO) released a report on sexual abuses in our schools. It is very sad that this is happening in our schools. That is why we need to relook and encourage more day schools. According to the report, most sexual offences or abuses happen during games time and 4.30 a.m. to 5.00 a.m.

We need to encourage more day schooling to ensure parents and guardians monitor students. It is very sad because some of the perpetrators are teachers. I am not saying all teachers are perpetrators, but it is the same teachers that you need them to report to.

Lastly, it has reached a time where we need to relook into our education system and encourage life skills. I agree with Sen. Farhiya that we need to teach them karate skills. I know in slum areas they are teaching karate so that they can have self-defense skills. Even when they go to marriages, they will not be abused.

I support.

Sen. Wambua: Thank you, Madam Temporary Speaker. I thank Sen. Chebeni for bringing this Statement to the Floor of the House. All efforts must be targeted at protecting the girl child who is vulnerable in many ways. The girl child must be protected in schools, churches, homes and everywhere.

As we do so, the country must not lose site of the plight of the boy child. I urge that as we call on the relevant bodies and authorities in this country to protect our girls, our boys should also be protected. There are so many boys who are wasting away in markets and grazing fields. Most of them are losing hope and self-esteem every passing day simply because a lot of attention is focused on the girl child. It is a good thing, but it should not be done at the expense of the boy child.

I urge that the call for action be concentrated on protection of the Kenyan child; that is, both the boy child and the girl child.

Sen. (Rev.) Waqo: Thank you, Madam Temporary Speaker. I congratulate and thank Sen. Chebeni for bringing this to our attention. I support it because I am a mother and I know the pain of mothers whose daughters have gone through this, while in school. As a society, this is something that we need to give attention to and deal with because of the dilemma that our girls are going through. They are not safe at all.

When we send them to schools, we believe that they are safe. Instead, as I said yesterday, the hyenas from within and without continue to attack them. This causes psychological problems to them, affects their future and interferes with their academic performance. More than that, they are sometimes infected with Sexually Transmitted Diseases (STDs) and HIV/AIDs. Our daughters are exposed to many things that need to be stopped and condemned.

If male teachers employed in girls' schools are the problem because girls at that tender age are attracted to them----

(Sen. (Rev.) Waqo's microphone went off)

Sen. Mutula Kilonzo Jnr.: Thank you, Madam Temporary Speaker, for giving me this opportunity. I thank Sen. Mercy Chebeni for this. Last evening, I watched a Committee of the National Assembly doing an impromptu visit to Moi Girl's, Nairobi. A lot of contradictory information as to what transpired is coming out. In fact, cases of students being abused by their own teachers are coming out. As we discuss this issue, we have a girl who has been abused by 21 men. One of them gave her tablets which were supposed to cure flu but they happened to be medicine for procuring an abortion. She almost died and no action has been taken.

We should not spend a lot of time on this Floor. Action must be taken. I believe that this Senate should rise up to the occasion and start investigating these people. We should not glorify these pedophiles. The Sexual Offences Act should deny these people bail. People who defile our children, whether male or female, should be denied bail just like people who steal from us.

There is a teacher in Makueni County who defiled a boy, paid Kshs70,000 and the case disappeared. This is serious. We should call for action and use this Floor to deliberate on actions that we have taken on people who we should name and shame.

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Sen. Wario: Thank you, Madam Temporary Speaker for giving me this opportunity to add my voice.

I rise to support this Motion. We should put in place a law that will protect our girls in schools so that they can complete their studies.

The global survey shows that there are many women compared to men in the world and in Kenya, we have more women than men. I do not understand why men defile young girls. We are Africans and so, we should uphold our morals. This conduct is unbecoming. Women always say that what men can do they can do better. It is time to withdraw all the male teachers from girl's schools and leave the 'madams' to teach in the girl's schools. The night gate keepers should also be women. We should not have men working in girls' schools.

I support.

Sen. Malalah: Thank you, Mr. Temporary Speaker, Sir. I stand to support Sen. Mercy Chebeni on the issue of defilement of girls in Moi Girls' School, Nairobi. This is quite unfortunate. I call upon the relevant authorities to ensure that they carry out a speedy investigation on this matter and bring it to a close.

Madam Temporary Speaker, at the same time, I encourage the Cabinet Secretary (CS) of Education, Science and Technology, Ms Amina Mohammed to stop making blanket emotional statements on this matter. This is a matter of serious concern. The other day, she banned all citizens and everyone who has no Teachers Service Commission (TSC) number from interacting with school girls. This is not the way to go. I believe that in a school set up, we have the teaching and non-teaching fraternity. Therefore, one cannot just wake up one the morning and ban all the non-teaching members of the school communities from interacting with the girls.

This was just a unique case that unfortunately happened. Therefore, we should not use this case to come up with emotional solutions. We should have tangible solutions that will help sort out the issue of defilement of girls in schools for prosperity.

Sen. Kinyua: Ahsante sana, Bi. Spika wa Muda kwa kunipa fursa hii. Kwanza ningependa kumshukuru Sen. Mercy Chebeni kwa kuleta Mswada huu.

Wanuame ambao kazi yao ni kuwanajisi watoto sio wanaume, bali wao ni wanyama. Wanyama ni bora kuwashinda kwa sababu huweza kutofautisha kati ya watoto na watu wazima. Tabia za wanaume wanaofanya kazi hii imedorora. Mtu anapomnajisi mtoto, jambo la kwanza linalopaswa kufanywa ni kumpeleka katika hospitali inayoshughulikia walio na upungufu wa ubongo ili tuweze kuidhinisha kwamba vichwa vyao ni timamu. Tunaweza kuwa tunazungumzia watu ambao wako na akili punguani.

Tabia hii inafanyika kote nchini kama vile Nairobi na maeneo mengine. Ni jambo la kusikitisha sana kusikia kwamba wanaume zaidi ya 21 wanamnajisi mtoto mmoja. Unashindwa ni nini walichokiona na kujivunia pale. Serikali inafaa kuwachukulia hatua kali.

Sisi kama Bunge la Seneti, kazi yetu isiwe tu kuongea na kwenda nyumbani. Tunapaswa kufuatilia maneno ambayo tunayoyaongea hapa ili tuweze kujua chanzo cha matendo haya. Baada ya kujua, tuwachukulie hatua kali. Sio wazee wanaonajisiwa pekee, vijana wadogo pia wanalawitiwa. Tunapaswa kuwashughulikia pia, kwa sababu tukiwacha mambo yaendeleo hivi, nchi yetu itapotea.

Sen. Faki: Ahsante, Bi. Spika wa Muda kwa kunipa fursa hii kuchangia Mswada wa Sen. Chebeni.

Ninachukuwa fursa hii kumshukuru Sen. Chebeni kwa Mswada wake ambao umekuja katika wakati muafaka. Inaonekana kuna mmomonyoko wa maadili katika nchi yetu, ndio maana wanaume wanatembeatembea wakinajisi watoto wa shule---

Sen. Malalah: On a point of order, Madam Temporary Speaker.

The Temporary Speaker (Sen. Nyamunga): Sen. Malalah, what is your intervention?

Sen. Malala: Bi. Spika wa muda, nasimama kwa hoja ya nidhamu. Tunajua vizuri sana kwamba zile Kanuni za Kuongoza Mijadala Bungeni zinasema kwamba tusichanganye lugha. Mwenzangu ameanza kwa kutohoa jina la Mwenyekiti kwa kusema "Speaker." Ningependa abaki katika ile lugha moja; kama atachagua Kiswahili, basi abaki pale; na kama ni Kimombo vilevile abaki na kimombo bila ya kutohoa.

Asante, Bi. Spika wa muda.

(Laughter)

The Temporary Speaker (Sen. Nyamunga): Senator, please obey the rules of the House.

Proceed.

Sen. Faki: Bi. Spika wa muda, "Spika" ni neno la Kiswahili na akipenda, naweza kumpa kamusi sasa hivi ili ahakikishe kwamba hilo ni neno la Kiswahili. Kwa hivyo, kama hajui, aelezwe.

(Laughter and applause)

Kuna mmomonyoko wa maadili---

Sen. Wario: On a point of order, Madam Temporary Speaker.

The Temporary Speaker (Sen. Nyamunga): There is another point of order.

Proceed, Sen. Wario.

Sen. Wario: Bi. Spika wa Muda, ningependa kumweleza rafiki yangu Seneta Faki aseme "Bi. Spika." Angekuwa ni "Bwana Spika" kama angekuwa ni mwanamume, lakini kwa wakati huu, aliyeko ni Bi. Spika.

Asante.

(Laughter)

The Temporary Speaker (Sen. Nyamunga): Continue, Sen. Faki.

Sen. Faki: Asante, Sen. Wario. Nilikuwa nimesema "Bi. Spika." Inaonekana kwamba katika Jamhuri yetu ya Kenya, kuna mmomonyoko wa maadili. Ndipo unapata kwamba watu wako na nguvu za kwenda mpaka kuvamia shule na kuwanajisi wanafunzi wa kike katika bweni lao wakati wamelala. Hivi majuzi pia tumeona katika vyombo vya habari watoto wadogo wadogo wanajisiana na kulawitiana wenyewe kwa wenyewe. Hilo linamaanisha kwamba kuna mmomonyoko wa maadili. Wizara Ya Elimu inapaswa

ilichunguze jambo hili kwa sababau hatuwezi kuwa na watu ambao wako na tabia mbovu mbovu kama hizo.

Kwa hivyo, Bi. Spika wa Muda, namshukuru Seneta Bi. Chebeni kwa kuleta Hoja huu. Naiomba Serikali itilie nguvu na itilie mkazo suala hili, kwa sababu hatuwezi kuwapeleka watoto shuleni kusoma ilhali wanajisiwa usiku bila usalama.

Asante, Bi. Spika wa Muda.

The Temporary Speaker (Sen. Nyamunga): Proceed, Sen. Haji.

Sen. Haji: Bi. Spika wa muda, ningependa kumshukuru Sen. Mercy Chebeni. Kama vile jina lake ni “Mercy,” *she is “merciful”* ndipo akaleta Hoja hii hapa.

Bi. Spika wa Muda, nafikiri nchi hii inataka maombi katika roho zetu sote. Mambo mengi yanaenda kombo kombo kwa sababu ya watu kutojali dini wala maadili ya jamii yetu ya Kiafrika. Sio wasichana peke yao wanaoharibiwa, bali pia wavulana. Kina mama pia wanajiharibu wenyewe kwa mambo ya usagaji; ilhali wanaume wanakubali kuoana wao kwa wao. Haya ni mambo yasiyoambatana na mila za Kiafrika wala dini yoyote ile. Kwa hivyo, kuna haja ya hatua kamili kuchukuliwa. Hawa wanaume wanaowaharibu hata vijana waliowazaa wenyewe sio watu wa kufungwa wala kufungwa maisha. Napendekeza kwamba watu hawa wanafaa kupigwa mawe mpaka wafe ili kila mtu aone kwamba kufanya mambo kama hayo ni hatia mbaya sana mbele ya Mungu na mbele ya nchi.

Bi. Spika wa Muda, sidhani kwamba mambo haya yanaweza kutekelezwa na Wizara ya Elimu. Iwapo wazazi wenyewe hawafanyi wajibu wao, itakuwa vigumu kwa mambo kama haya kuisha.

Kwa hayo machache, naomba kuunga mkono Hoja ya Sen. Mercy Chebeni.

Asante, Bi. Spika wa Muda.

The Temporary Speaker (Sen. Nyamunga): Proceed, Sen. Mugo.

Sen. Mugo: Thank you, Madam Temporary Speaker, for the opportunity to also support this very important Motion. I also congratulate the Senator for this timely Motion. This is a big problem, not only in Nairobi, but all over the country. I would like to tell my friend, the Senator, that it is not only one case, but many cases. Maybe it is only that this one case of Moi Nairobi Girls Secondary School was given such publicity. We, therefore, commend the Minister for Education for the action she took immediately. That should be just the beginning; she must go deeper into this.

Madam Temporary Speaker, it is true that girls are mainly the ones who are harassed, and more care must be taken towards them. However, the boys are also affected. In boys’ boarding schools, especially the newcomers are harassed and sodomised. I remember the case of a boy who was sodomised and admitted to the Nairobi Women’s Hospital. For a long time, he could not speak because he was so traumatised.

The Ministry of Education must, therefore, look into this issue and make sure that there is proper discipline in all the schools. The male teachers who harass girls should be in prison for life. I ask the Senate Justice, Legal Affairs and Human Rights Committee to look into the law and see whether we need to strengthen it so that we can give judges a stronger hand to put these people behind bars for life. They have no right to live in the community.

The other thing that the government should look into---

The Temporary Speaker (Sen. Nyamunga): Thank you Senator, your time is up.

Finally, we give this chance to Sen. (Prof.) Ekal.

Sen. (Prof.) Ekal: Thank you, Madam Temporary Speaker, for giving me the chance to contribute to this very important Motion. I thank Sen. Chebeni for bringing it to the Floor of the House.

The question of people abusing children and causing problems to a point where they could infect them with harmful diseases, is one that the country should take very seriously. You only have such problems when there is a breakdown in law. Out there in the society, we have people who are called paedophiles; these are people who are sexually ill. Such people should be ironed out of the society and stay in jail, where they can be medicated. If there are such people in schools, they should also be brought out and put in jail, where they can be medicated.

Madam Temporary Speaker, I am a teacher, having trained at the former Kenya Science Teachers College (KSTC). In the field of education, there are ethics, which stipulate that any learner – whether in primary school or at the university – is a child to that teacher and should not be looked at in a sexual manner. I, therefore, think that this is also a question of lack of training. If the teachers do not understand the ethics of education, they should be retrained so that they understand that they should not be messing around with school girls. If that is the case, of course, they should be put in jail. The same applies to those who mess with school boys. We should, therefore, take this issue seriously as a society and as a community so that we can get those people out of the society.

Thank you very much, Madam Temporary Speaker.

COMMUNICATION FROM THE CHAIR

VISITING DELEGATION FROM SILIBWET SECONDARY SCHOOL, NYANDARUA COUNTY

The Temporary Speaker (Sen. Nyamunga): Hon. Senators, I would like to acknowledge the presence in the Public Gallery this afternoon, of visiting students and teachers from Silibwet Secondary School in Nyandarua County. In our usual tradition of receiving and welcoming visitors to Parliament, I extend a warm welcome to them. On behalf of the Senate and on my own behalf, I wish them a fruitful visit.

I thank you.

The Senate Majority Leader (Sen. Murkomen): Madam Temporary Speaker, before I issue this statement, with your permission and direction if it is possible in the next business which is The Division of Revenue (Amendment) Bill (Senate Bills No. 14 of 2018). Let us allow two or three other people to make contributions so that we can put the two Bills into Division. This is because we need The Division of Revenue (Amendment) Bill (Senate Bills No. 14 of 2018) to be completed at this stage. I am sure the two whips are going to consult on that so that you can give us direction. Thank you.

BUSINESS FOR THE WEEK COMMENCING
TUESDAY, 12TH JUNE, 2018

The Senate Majority Leader (Sen. Murkomen): Hon. Senators, pursuant to Standing Order 42 2 (c), I hereby present to the Senate the business of the House for the week commencing Tuesday, 12th June, 2018. The Senate Business Committee will meet on Tuesday, 12th June, 2018, to schedule the business of the Senate for the week. Subject to further directions by the Senate Business Committee, the Senate will on Tuesday continue with consideration of business in today's Order Paper that will not have been concluded.

Hon. Senators, on Wednesday 13th June and Thursday 14th June, 2018, the Senate will consider business that will not have been concluded on Tuesday and any other business scheduled by the Senate Business Committee.

Hon. Senators, the following Bills are at the Second Reading stage:

- a) Office of the County Attorney Bill (Senate Bills No. 3 of 2018)
- b) The County Government Retirement Scheme Bill (Senate Bills No. 6 of 2018)
- c) The Public Participation Bill (Senate Bills No. 4 of 2018)
- d) The Disaster Rescue Management Bill (Senate Bills No. 8 of 2018)
- e) The Retirement Benefits – Deputy President and Designated State Officers (Amendment) Bill (Senate Bills No. 2 of 2018)
- f) The Physical Planning Bill (National Assembly Bills No. 34 of 2017)
- g) The Irrigation Bill (National Assembly Bills No. 46 of 2017)
- h) The Kenya Roads Bill (National Assembly Bills No. 47 of 2017)
- i) The Division of Revenue (Amendment) Bill (Senate Bills No. 14 of 2018); and
- j) The County Boundaries Bill (Senate Bills No. 6 of 2017) which is scheduled for division.

There are also four Bills due for Committee of the Whole, namely:-

- a) The Assumption of Office of the County Governor Bill (Senate Bills No. 1 of 2018)
- b) The National Flags, Emblems and Names (Amendment) Bill (Senate Bills No. 8 of 2018)
- c) The Food Security Bill (Senate Bills No. 12 of 2017); and
- d) The County Government (Amendment) Bill (Senate Bills No. 7 of 2017).

There are also pending Motions and Petitions which will be scheduled for consideration.

I would like to once again remind committees to prioritize considerations of Bills and Petitions committed to them.

Thank you, Madam Temporary Speaker. I hereby lay the Statement on the Table of the House.

(Sen. Murkomen laid the document on the Table)

The Temporary Speaker (Sen. Nyamunga): Next Order.

BILLS*Second Reading*THE DIVISION OF REVENUE (AMENDMENT) BILL
(SENATE BILLS NO. 14 OF 2018)*(Sen. Mutula Kilonzo Jnr. 6.6.2018)**(Resumption of debate interrupted on 6.6.2018)*

The Temporary Speaker (Sen. Nyamunga): The last Senator who was on the Floor as we were closing business yesterday was Sen. Mwangi. You have a balance of 16 minutes. Would you want to continue? That was the balance but you can take whatever time you want, even if it is one minute.

Sen. Mwangi: Madam Temporary Speaker, I can take three minutes because of the urgency of the matter.

The Temporary Speaker (Sen. Nyamunga): That is okay.

Sen. Mwangi: Madam Temporary Speaker, when we are dealing with a Bill like this and the funds we are talking about particularly in agriculture, we should have water for the purposes of irrigation. Having said that, I am of the opinion that some of the counties in this country have been marginalized for far too long.

For a county like Nyandarua in the former Central Province, people can assume that it is developed like other counties in the nation. However, we know that we lack infrastructure in Nyandarua County. We have no roads. People can assume that because we are in the former Central Province, we are well-endowed. We have no water facilities and electricity. We are underdeveloped. We are even worse-off than Tana River and Turkana counties. It is time to think of those underdeveloped counties so that we can have roads, water and electricity like other Kenyans.

There is no county that can develop without infrastructure. Other things like industries come later when we have infrastructure. Without infrastructure, we cannot develop industries, and the residents of Nyandarua County will be relegated to poverty. We want every part of Kenya to be developed. We do not just want a few counties to be developed. The money we get for devolution is not adequate to put Nyandarua County where it is supposed to be. We need funds from the national Government so that our roads, water and electricity can be done so that we can be at par with other counties in the country.

Madam Temporary Speaker, we are elected to represent our people. If we do not represent our people in this House, then we will be relegated to bad places. We want this Government to hear. I am not fighting the Government. No, I am for the Government. However, I want the Government to also know that we are elected for the purposes of representing our people. It is time that we get development in Nyandarua County like other counties. They are getting what they want. We have those problems. I will sit down because of the urgency of this Bill so that we can vote for it.

The Temporary Speaker (Sen. Nyamunga): Finally, the Senate Majority Leader, Sen. Murkomen of Elgeyo Marakwet County, proceed.

The Senate Majority Leader (Sen. Murkomen): Thank you, Madam Temporary Speaker. I thank you for giving me this opportunity to contribute to this important Bill. It is important that I make contribution because the proposed amendments touch, among others, my county. These amendments are necessary to increase the allocation for conditional grants to our counties. It is important that these amendments were brought in good time before we start the 2018/2019 Financial Year.

Madam Temporary Speaker, these three programmes namely; the Agriculture Sector Development Support Programme, the Water Tower Protection and Climate Change Mitigation Adoption Programme, and the Kenya Urban Support Project of the World Bank are very important for devolution. To start with, insofar as agriculture is concerned, we are facing many problems in the agricultural sector at the moment. One such problem is the relationship between the national Government and county governments in giving support to the agricultural sector.

Considering that the Constitution in the Fourth Schedule has devolved agriculture almost entirely except agriculture policy at the national level, it is important that even as we give out these conditional grants - as the Senate- we need to relook at the agriculture laws and the working framework between national Government and county governments. One of the things I realised the governors raised the other day in their state of counties address was that they have a problem with Summit meetings that are not structured.

Also, the agreements and reports of the Summit are not made public. It must be remembered that under Intergovernmental Relations Act, the Summit is supposed to bring all reports and agreements made between national Government and counties to the Floor of this House for interrogation. Also, so that we can be guarantors - as the Senate - for the effective implementation of those agreements.

Madam Temporary Speaker, for the last five years, and even in the last Parliament, there were many agreements that we have seen the President with the Chair of the Council of Governors (CoG) and the governors standing behind them saying that the Summit has met and agreed on health, agriculture or matters waters. However, no report has ever been tabled in this House for us to see the contents of that agreement.

This House urges the President and the CoG to follow the law and make sure that the Summit meetings are structured and the reports from the Summit can be debated and tabled in this House. That way, by the time we are doing the Division of Revenue Bill and talking about conditional grants, we know that they are supporting a particular legal structure or agreements that have been made between the national Government and county governments.

We have been told that the Agricultural Sector Development Support Programme is supposed to support the development of sustainable value chain for agriculture, so that we can ensure that we have proper production and processing of agricultural products. We will have small factories and co-operative societies at the local level. One of the persons who spoke recently with passion about co-operative societies is the Chairperson of the Committee on Agriculture, Livestock and Fisheries who is a former Minister in

charge of co-operatives. It is important that counties begin to register co-operative societies.

For example, in Trans Nzoia, Elgeyo-Marakwet and Uasin Gishu, areas, I am familiar with because I live and operate in the three counties, maize farming can properly be protected if we can group our farmers into co-operative societies, so that they have the assurance and know what their farmers require, how much they produce, how they can approach the market with their produce and many others.

If you listen to the issues that we have in the National Cereals and Produce Board (NCPB), you will realize that one of the biggest problems is how to assist the small-scale farmers to collect their produce and take them to the NCPB. There are also questions about transport and economies of scale. That can be cured if we have working co-operative societies at the local level.

Madam Temporary Speaker, secondly, we need to reform the NCPB to work closely with the Agriculture Finance Corporation (AFC), so that we have contracted farming. This will ensure that by the time the farmers are going to farm, they already know that they have an assured market and a certificate or contract that states, for example, farmer 'X' can now produce 1,000 bags for which he has a market at the end of the season. If that farmer does not meet the 1,000 bags, then he can transfer the rest of the bags to a neighbouring farm or it can be attributed to low yield and so forth. Those are some of the things that we would like to see with the Agricultural Sector Development Support Programme, so that agriculture becomes sustainable and the subsidy programme becomes accountable and can benefit the people of Kenya.

Madam Temporary Speaker, the Water Tower Protection and Climate Change Mitigation and Adoption Programme is extremely important in protecting our water towers, one of which is Cherangany Hills. I was born and brought up in the Cherangany water tower. Embobut is one of the remaining few forests in this country that we are still protecting. Other than just the protection of the forest itself, one of the greatest challenges that we have in Cherangany water tower is settlement of various people who were removed from the forest.

I believe that this programme will be tailored in a manner that will respect the interest and the rights of the many people in Cherangany Hills that have not been settled, especially in Embobut Forest. I hope that they will get the opportunity of being settled. The reason many forests in this country have been depleted is because we protect forests, but make it look like the forest is an enemy of the local community.

We need to adopt mechanisms and ways of ensuring that local communities and people living around forests see the protection of forests as a partnership between the local community and the Government. That way, they will not think that we are protecting the forest to protect Kenya. They must also appreciate that protecting the forest protects the local community and benefits them, the current generation and future generations.

Madam Temporary Speaker, I hope that the Kshs808 million that will be spent in Elgeyo-Marakwet, Kakamega, Kisumu, Nandi, Siaya, Trans Nzoia up to West Pokot will largely go to Elgeyo-Marakwet. I am being very selfish here because the top source of all the water that goes to Turkana through Kerio Valley and Nzoia River is Cherangany

Hills. If we do not put more money to the top of the mountain itself, where the forest still exists, we will lose our water towers.

Madam Temporary Speaker, I know that you come from the neighbouring county of Siaya. Those areas are just beneficiaries, because that is where the water passes. Elgeyo-Marakwet County must be given the largest chunk of the resources to settle people. They are destroying the forests because they have not been settled. The resources will also be used to create programmes that will benefit the local community in that area, so that they can do that which is necessary to protect the rest of the community.

(Sen. Kihika whispered to Sen. Murkomen)

I see the Senate Majority Whip wants to assist me in making this important point.

(Laughter)

Madam Temporary Speaker, I have seen the senior Senator, Sen. (Prof.) Onger, has arrived and the Whips are very excited that we can now go into Division. I do not wish to say much, but I would like to say that our counties must realize that we will protect them. We will give them resources, but they must protect those resources. Article 96 of the Constitution states that the Senate shall protect counties and their governments. That includes the protection of counties from county governments.

Sometimes, the county governments can become corrupt to the extent that the counties suffer. Therefore, this House, through the Senate County Public Accounts and Investments Committee (CPAIC), must do its job to ensure that even as we devolve these large sums of money, accountability is achieved at the local level, so that our people can benefit.

Even as we fight for accountability, we the Senators of the Republic of Kenya, believe that the process of fighting corruption must also follow the law. We do not want situations where the governors will be harassed just for the purpose of showing that we are fighting corruption or where corruption will be used for purposes of witch-hunting.

I know that there is a magistrate who has made a very interesting ruling that all corruption suspects will not be given bail. I am interested because I have seen a report that says that some governors will be charged. It will be very interesting to see if a governor will be locked in for three or four years to charge them over a corruption case that is going on. What will be happening in the county whose governor is locked in?

Madam Temporary Speaker, these are serious issues of law and some of us, like Sen. Mutula Kilonzo Jnr. and the Senior Counsel here are saying that once such a process starts, if you do not follow the law in one instance, you will have a problem in the next instance. What will happen if someone accuses the governor of county 'X' maliciously and says that he stole money belonging to the country? The governor will end up being locked at the Industrial Area Remand Prison for three years. I do not think that is achievable. We must also fight corruption by fighting under the law and through a procedure that is sustainable and will see that everybody is equal under the eyes of the law.

Madam Temporary Speaker, you know that I am entitled to speak for 60 minutes, but in the interest of passing this Bill in good time, I beg to support.

Thank you, Madam Temporary Speaker.

The Temporary Speaker (Sen. Nyamunga): Hon. Senators, before I call upon the Mover to reply, I would like to plead with you to stay in the Chamber. Please do not leave because it is very important and critical this afternoon.

I now call upon the Mover to reply.

Sen. Mutula Kilonzo Jnr.: Thank you, Madam Temporary Speaker. I want to thank the Senators who have contributed to this Bill. I have heard the sentiments of Sen. (Prof.) Ongeru, Sen. (Prof.) Kindiki and others. They have raised very pertinent issues. Sen. (Prof.) Ongeru has raised the question of disposal of the medical equipment. Sen. Murkomen has asked about the water towers. Sen. M. Kajwang' spoke about fisheries and agriculture.

I would like to ask the Chairperson of the Standing Committee on Agriculture, Livestock and Fisheries, Sen. Ndwiga; the Chairperson of the Standing Committee on Health, Sen. (Dr.) Mbiti; the Chairperson of the Standing Committee on Lands, Environment and Natural Resources, Sen. Mwangi; - Sen. Mwangi is my friend and I appeared before him in 2001 when he was the Chairman of Public Accounts Committee (PAC) and he really harassed me - to seize the opportunity and interrogate these conditional grants to ascertain whether they are spent well.

We have had an opportunity of interrogating these conditional grants. I want to say that Makueni County is receiving a lot of support on health because there is a good picture that we have created. So, it is an opportunity for the Senate to make sure that these monies are used well. This is because, out there, they want to support these aspects of devolution. All these conditional grants are Schedule 4 functions.

I am requesting, through the Senate Majority Leader, whether we can find a method of interrogating these conditional grants so that we get a lot more from donors who are ready to support some aspects of devolution. This is because they will not only give funding, but also build the capacity.

Hon. Senators, what we are lacking is not equipment, but it is the capacity. I hope the Cuban doctors are not only bringing good tidings, but they are also bringing capacity to Kenyans. We need them to train our people so that they can do what other people are doing in other nations. When I speak to this, I can see Sen. Mugo is nodding in appreciation of the good comments I am making.

With those few remarks, I beg to reply.

The Temporary Speaker (Sen. Nyamunga): Hon. Senators, we shall now proceed to vote. I direct that the Division Bell be rung for at least five minutes.

(The Division Bell was rung)

Hon. Senators, I now direct that the Doors be locked and the Bar drawn

(The Doors were closed and the Bar drawn)

Hon. Senators, please, confirm you have logged in.

(Loud consultations)

Hon. Senators, you can now proceed to vote. Hon. Senators who are not able to vote may now approach the Clerk's table to record their vote.

DIVISION

ELECTRONIC VOTING

*(Question, that the Division of Revenue (Amendment) Bill
(Senate Bills No. 14 of 2018) be now read a Second Time,
put and the Senate proceeded to vote by County Delegations)*

AYES: Sen. Cherargei, Nandi County; Sen. Cheruiyot, Kericho County; Sen. (Prof.) Ekal, Turkana County; Sen. Faki, Mombasa County; Sen. Haji, Garissa County; Sen. (Dr.) Kabaka, Machakos County; Sen. M. Kajwang', Homa Bay County; Sen. Kihika, Nakuru County; Sen. Khaniri, Vihiga County; Sen. Kibiru, Kirinyaga County; Sen. Kinyua, Laikipia County; Sen. Malalah, Kakamega County; Sen. (Dr.) Mbito, Trans Nzoia County; Sen. Mugo, Nairobi County; Sen. Mutula Kilonzo Jnr., Makueni County; Sen. Murkomen, Elgeyo-Marakwet County; Sen. Mwangi, Nyandarua County; Sen. Mwaruma, Taita Taveta County; Sen. Nyamunga, Kisumu County; Sen. Omogeni, Nyamira County; Sen. (Prof.) Ongeru, Kisii County; Sen. Wambua, Kitui County; Sen. (Rev.) Waqo, Marsabit County and Sen. Wario, Tana River County.

NOES: Nil

The Temporary Speaker (Sen. Nyamunga): Hon. Senators, the results of the Division are as follows:-

AYES: 24

NOES: Nil

ABSENTIONS: Nil

(Question carried by 24 votes to 0)

*(The Bill was read a Second Time and committed
To a Committee of the Whole tomorrow)*

The Temporary Speaker (Sen. Nyamunga): Hon. Senators, I now direct that the Doors be unlocked and the Bars to be drawn. Next order!

Second Reading

**THE COUNTY BOUNDARIES BILL
(SENATE BILLS NO.6 OF 2017)**

(Sen. Mutula Kilonzo Jnr. on 1.3..2018)

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(Resumption of Debate interrupted on 6.6.2018)

The Temporary Speaker (Sen. Nyamunga): Hon. Senators, I direct that the bell be rang for three minutes.

(The Division Bell was rung)

The Temporary Speaker (Sen. Nyamunga): Hon. Senators, I direct that the Door be locked and the Bar drawn.

(The Bar was drawn and doors closed)

Hon. Senators, please confirm that you are logged in. We are now ready for voting and you may vote “yes”, “no” or “abstain”.

Hon. Senators who are not able to vote electronically may now approach the Clerks-at-the-Table for assistance.

(Several Senators approached the Clerks-at-the-Table)

DIVISION

ELECTRONIC VOTING

*(Question, that the County Boundaries Bill
(Senate Bills No.6 of 2017) be now Read a Second Time,
put and the Senate proceeded to vote by County Delegations)*

AYES: Sen. Cherargei, Nandi County; Sen. Cheruiyot, Kericho County; Sen. (Prof.) Ekal, Turkana County; Sen. Faki, Mombasa County; Sen. Haji, Garissa County; Sen. (Dr.) Kabaka, Machakos County; Sen. Kajwang’ M., Homa Bay County; Sen. Khaniri, Vihiga County; Sen. Kibiru, Kirinyaga County; Sen. Kihika, Nakuru County; Sen. Kinyua, Laikipia County; Sen. Malalah, Kakamega County; Sen. (Dr.) Mbito, Trans Nzoia County; Sen. Mugo, Nairobi County; Sen. Murkomen, Elgeyo-Marakwet County; Sen. Mutula Kilonzo Jnr., Makueni County; Sen. Mwangi, Nyandarua County; Sen. Mwaruma, Taita-Taveta County; Sen. Nyamunga, Kisumu County; Sen. Omogeni, Nyamira County; Sen. (Prof.) Ongeru, Kisii County; Sen. Wambua, Kitui County; Sen. (Rev.) Waqo, Marsabit County; and, Sen. Wario, Tana River County.

NOES: Nil

The Temporary Chairperson (Sen. Nyamunga): Hon. Members, the results of the Division are as follows:-

AYES: 24

NOES: 0

ABSTENTIONS: 0

The “Ayes” have it.

(Question carried by 24 votes to 0)

*(The Bill was read a Second Time and committed
to a Committee of the Whole tomorrow)*

The Temporary Speaker (Sen. Nyamunga): I now direct that the doors be opened and the Bar drawn.

(The doors were opened and the Bar drawn)

The Temporary Speaker (Sen. Nyamunga): Next Order.

MOTIONS

NOTING OF THE REPORT OF THE IPU HEARINGS AT THE UNITED NATIONS

Sen. Shiyonga: Madam Temporary Speaker, I beg to move:-

THAT, this House notes the Report of the proceedings of the Inter-Parliamentary Union Hearings at the United Nations, New York, USA from 22nd – 23rd February, 2018, laid on the Table of the House on Tuesday, 15th May, 2018.

The Inter-Parliamentary Union (IPU) Hearings at the United Nations took place on 22nd and 23rd February, 2018, at the UN Headquarters in New York, USA. The theme of this year's hearing was: *Towards a Global Compact for Safe, Orderly and Regular Migration; A Parliamentary Perspective*.

The meeting was opened by the President of the UN General Assembly, Mr. Miroslav Laják and the IPU President Sen. Gabriela Cuevas Barron. The UN Secretary-General, António Guterres also addressed the participants.

The Hearing allowed for a comprehensive parliamentary perspective on key questions of migration, and helped inform the UN negotiations towards a global compact on migration. This is a new framework for the practical arrangements that need to be put in place globally and nationally to ensure migration is properly managed, with due regard for the human rights of migrants and the sovereign rights of states.

During the Hearing, parliamentarians observed that while migration is a reality the world over, it is too often governed by states in an *ad hoc* and disjointed manner.

Migration is too often involuntary, caused by war, climate change, famine, natural disasters and terrorism.

Parliamentarians therefore underscored the need to address the root causes of large-scale migration and to ensure that migration is by choice rather than a necessity. They also stressed that migrants were human beings who deserve to be treated with dignity and respect, and to have their human rights recognized and enforced.

The narrative on migration should be changed to one that focuses more on good practices in communities. The MPs expressed concern that migrants frequently were the

scapegoats for their host country's own problems, and subjected, therefore, to hate and xenophobia. Parliamentarians identified ways they could contribute to curbing hate speech, including through laws and by example.

Parliamentarians were also concerned about the plight of the more vulnerable migrants, women and children, particularly those children born of irregular migrants. They recognized their responsibility as legislators to prevent suffering of all human beings.

Finally, Members of Parliament (MPs) acknowledged the importance of their role in passing laws, including budgets and in ensuring the implementation of a global motion on immigration and safe, orderly and regular immigration. In addition, they play an important part in increasing coordination among and within stages, stress and in reducing xenophobia.

Madam Temporary Speaker, the delegation from the Parliament of Kenya comprised of the following:

- (1) Hon. Jude Njomo, MP – Leader of Delegation
- (2) Sen. Naomi Shiyonga, MP
- (3) Hon. (Dr.) John Mutunga, MP
- (4) Hon. Eve Obara, MP
- (5) Mrs. Serah Kioko – Director Legislative and Procedural Services, Senate
- (6) Mr. Charles Munyua – Delegation Secretary (Senate); and,
- (7) Mr. Moses Lemula – Delegation Secretary (National Assembly)

The Kenyan delegation participated actively in the deliberations and robustly presented our country position during the various sessions, which fed into the final report of the Hearings of the Global Compact for Migration.

Madam Temporary Speaker, the delegation is grateful to the Speakers of the two Houses for allowing them to attend the sessions, for facilitating travel and accommodation as well as providing logistical and technical support in liaison with the offices of the clerks from the two Houses.

Madam Temporary Speaker, I shall now proceed to give a few highlights from the various Sessions held during this Meeting. This particular Meeting that I was privileged to attend, is one of the sessions that touched on the lives of our immigrants. It is important that these particular hearings touched on the budget, which was a key function that the delegates discussed in this particular conference.

When it comes to sharing of budgets and immigrants, it is import that the host country has laws that will assist it in enacting and reinforcing it so as to take care of these immigrants. If you look at the whole essence of immigrants, it is important to note that they are human beings. They need to be taken care of, especially the vulnerable children who are born from this state. Children and women suffer a lot under such circumstances. It is important that they took into consideration laws and the special needs of these particular generation or category of people.

Madam Temporary Speaker, globally, nobody chooses to be an immigrant, but it comes by nature. It is, therefore, important for states or countries to have a budget that will actually look after these people because of their human and sovereign needs in specific countries that are affected. Good examples are the ones we have in Kenya,

Dadaab and Kakuma refugee camps. We have hosted and we are still hosting immigrants in these particular camps.

It is, therefore, important that these people are treated with the dignity they deserve and are taken care of well by getting their basic needs, just like other human beings. I realise that in this particular assembly, it is a concern for us, legislators, to come up with laws so that we can be responsible for the people that we are hosting.

Madam Temporary Speaker, there were various concerns in this particular conference. It is important that most of the issues that were raised there are articulated to people and not just to specific countries. It is going to be a global concern where all states come together and decide on these particular individuals, who find themselves in the situations they are in. Otherwise, it is good that people are concerned about immigrants.

Madam Temporary Speaker, in conclusion, I request the Senate Minority Whip to second.

Thank you.

(Applause)

Sen. Mutula Kilonzo Jnr.: Thank you, Madam Temporary Speaker. I rise to support this Motion. The Inter-Parliamentary Union (IPU) is a very important platform and I am happy that the Speaker was kind enough to send Sen. Shiyonga to the IPU platform. I was concerned at the beginning of this session because we were represented by nominated Sen. Mukite in the forum for women. I have acted as a Rapporteur from Kenya for the 162 Parliaments on gender parity issues and I can confirm that the input and quality of legislators you find at the IPU is beyond question.

Madam Temporary Speaker, this question that was being addressed in the programme in the United Nations (UN) in New York is really boring. There is the issue in Manama and, in particular Reijer, where over 600,000 people have been moved in the whole of Europe because of the war in Syria. The realisation by the world of the problems that we have had in Kenya for the last several years because of the war in Somalia has now come to pass.

When we were asking all these nations to support us because of the two camps that we have in Dadaab and Kakuma, people thought it was a joke. But when they started closing boundaries in Europe because of immigrants, the influx was unbelievable. It became a humanitarian crisis when children were washed ashore from the sea and families were destroyed. The orders that are being given by the President of the United States of America, Donald Trump, to the effect that people should go back to their countries like Mexico, is splitting families.

This question has come because the world did not realise that in any situation where there is a war – whether you are deposing Muammar Gaddafi, whether you are unhappy with Saddam Hussein or whether you are unhappy with Bashar al Assad – the resultant crisis is immigration. This immigration has caused immeasurable problems all over Europe and I am glad that it became a topic for concern for the IPU Parliament. I participated in a session where one MP from Maldives and another one from Bolivia were exiled by their own governments and attacked in Parliament.

One of the reasons as to why I was unhappy about the ruling on the immunity by Parliament was that in Maldives, one Member of Parliament was attacked by police inside the building. Therefore, it becomes a problem when parliaments are not protected. It is through this initiative of the Inter-Parliamentary Union (IPU) that Members of Parliament from Bolivia passed a good Bill on protection of women parliamentarians against violence. You find all these platforms at IPU. It is in IPU that I found the name of Sen. Beth Mugo for her contributions on gender parity, which is an acknowledgement on the atlas of women in the world and it has a Kenyan by the name Sen. Beth Mugo.

I am glad that Sen. Naomi Shiyonga is participating in this. I urge her to collect as much information as possible so as to advance the causes of IPU. On this particular one, I will be very happy to see more resolutions about Kenyans getting support for they now realize where it is pinching the most. They are now worried about their population and whether they will be able to cater for these people. You wonder what Kenya has been doing for so long.

I was a little uncomfortable with the directive by the President to close the refugee camps. There are people who have grown up in Kenya because of the Somalia war and they do not even know a place called home in Somalia. They are over 20 years old and Kenya has become their home. When we send them back to Somalia, a place they do not know and it has no peace, it is also a problem. I thought that we would use a better humanitarian method of dealing with people who have come to Kenya for a safe haven. We should give them accommodation and assimilate them in a better way instead of ostracizing them and telling them that they are the ones who are causing radicalization.

One of the reasons as to why Australia is a nice place to be is because they have a better immigration policy. I found Kenyans in Australia who have become naturalized Australians after four years and have a right to vote and have jobs. That is why the deportation of Miguna Miguna was something that we cannot celebrate in this country. We must continue talking about it because countries are welcoming foreigners yet we are chasing Kenyans and deporting them to the point where they say that “they are not boarding”.

These stories can only be told when you read the stories of immigrants, people who have been moved out of their countries because of war and a situation of not having peace. We must continue talking about it. I hope that the Kenya Platform of the IPU is going to use this platform to speak about Somalis’ and Sudanese’ situation because those people are still in the country. We want the United Nations High Commissioner for Refugees (UNHCR) to lay more emphasis on what we have as we celebrate those people and those countries, including Hungary which did not close its borders because they thought that those people would not ordinarily leave their countries to migrate to foreign lands.

I beg to support.

(Question proposed)

Sen. (Prof.) Ongeri: Thank you Madam Temporary Speaker. Migration has a very painful feeling to those who are involved in the exercise. It either means

displacement from your normal surroundings and locality that you have been used to for a very long time because you are either going for green pastures elsewhere where you want to eke a living or you are looking for survival in the area where you reside.

We have seen it over a period of time and it varies from one country to another. Africa is one place where migration can only be remembered for its painful effect. People lose their loved ones, close relatives and longtime friends either because of wrong governance structures that exist in that country or because of the vendetta that has been created against those people.

The IPU in its own mandate through the General Assembly in New York is able to put together these experiences. There are a number of people who have perished in their small boats in North Africa when trying to migrate through the sea to Europe to look for jobs and opportunities or even run away from the tyrants of the governance structure that has created mayhem in their home countries. People perish, disappear and even become moribund. Their human rights elements are destroyed and they do not look like human beings. I read today that a boat that had people from the border of Somalia who were crossing over to Yemen capsized and killed many people. This is part of the population of that migration group that is going across.

I have always found the amount of budget being availed to tackle this problem difficult. I want to thank our team that went there. IPU has always been in the United Nation's (UN) system, and I understand how these things operate. The IPU is a union of parliamentarians from respective countries who in one way or the other have had an experience on this issue of migration. One of the things that we want to be firm on as a Government is that we want to return the dignity of the human race to where it belongs. Therefore, enough resources must be put in place to bring back the dignity of the human race to where it belongs.

Secondly, there should be a legal framework that is able to foresee or husband the process of how these individuals move from one country to another so as to see that they are treated in a humane manner in the country where they have sought refuge.

That is an important part of it and they should not be treated as another lot of people without concern as to whether they survive or not. It is very depressing when you see the enforcement group of people coming to do what they do and trying to create difficulties for people to survive in some of these areas. I want to commend the IPU delegation.

One area where we can strengthen the international oversight over this migration issue is through our parliamentary systems. Therefore, once the message of governance and the bill of rights of the people are recognized, we must put in place sanctions that will deal firmly with the people who have gone against the norms that are required internationally. There is no better place to do that other than through this consultative process at the IPU and the UN system because we have a full-fledged department of migration in the UN system which has a clear budget. Every country contributes to that budget through their nominal contribution to UN activities and it is important that we do this.

People move or migrate from one country to another because the conditions are very awkward in the country where they are migrating from. We need to rein in on

tyrants who make our populations desire to move away. Every human being must be respected and given the dignity that he requires where he stays within that country so as to enhance the human capital because we are the people who create the wealth of this world. Therefore, the resource spread throughout the whole world is as a result of people either working in Africa, Europe, America or anywhere else.

This monopolistic tendency of people thinking that this resource belongs only to them and not anybody else is wrong and we must disabuse it. When it comes to generation of wealth worldwide, everybody has an input into it. If it is raw materials, they come from Africa but we are denied the right of value addition to our products. As a result, the prices reigning in the countries of origin are peanuts. Therefore, people move elsewhere where wealth creation and social welfare is better in pursuit of wealth and jobs. However, if we were to do value addition from where the raw materials come from, there will be no need for migration at any given moment.

The political climate that must reign in our country, particularly during the election period is critical. When we handle elections poorly, we run into problems and people become refugees out of their own making and migrations are bound to happen. When there is some level of discrimination, relegation and ignorance of people within a given society and country, people tend to migrate looking for greener pastures.

This migration looks like a simple matter, but when looked at in its full complexity, one will appreciate that it means human beings with families and children, moving from point A to point B, with all their needs and requirements, whether social, economic or political in terms of recognition. So, it is an important area that we need to look at. Therefore, we need an international body that will police, as it were. Policing is not the right choice of word at this stage, but for want of any descriptive word, it is a body that is able to monitor – that sounds better – the movement of people and how they finally settle. The bottom line is that the dignity of the human race must at all times be upheld.

On resources, when it comes to the United Nations (UN) system of budgeting, some of the money, if you have noticed, has gone towards war-torn countries. Some of it has gone towards the aftereffects of bad governance and some towards acts of terrorism that have occurred in a given county. Therefore, I thank our representatives. We are represented by the female gender and that is a good thing. Normally, they are the ones who summarize the feelings of a human being because they are part and parcel of us coming into this world.

I have a lot of respect for this organisation. The migration in this world, particularly to Europe, is worrisome. The dignity that ought to be given to the migrants and their health status is also worrisome. Some of them die in undignified circumstances. These are the things we must avoid and stop in a civilized world. The only way we can do that is through engagement where our people take part in Inter-Parliamentary Union (IPU) and give us full reports of where these malpractices are taking place, so that we can take a world audit of those countries that are showing impunity in terms of handling humanitarian crisis. People do not move just for the sake of moving; it is because something has bothered them.

Without much ado, I am happy to contribute to this Report. The Report should form part of our archives, so that at any given time we are challenged with this kind of issues, we have something that we can draw back to and make reference to.

Thank you, Madam Temporary.

The Temporary Speaker (Sen. Nyamunga): That is a good contribution.

Let us have, Sen. Kajwang Moses Otieno, the Senator for Homa Bay County.

Sen. M. Kajwang’: Thank you, Madam Temporary Speaker. I rise to support this Motion. The IPU is one of the ways through which parliament engages in diplomacy; something called Parliamentary diplomacy that people do not take seriously. We believe that diplomacy is only when a Cabinet Secretary and other state officials engage with foreign nations. It needs to be said that Parliament also carries out its diplomacy through organisations like the IPU, the Commonwealth Parliamentary Association (CPA) and other different parliamentary groupings that this Parliament has subscribed to.

When this Motion was moved, I was not sure whether we would talk about migration or immigration, but because this is a kind of dissection of English that lands me in trouble, I will migration and immigration as being close. However, strictly speaking, migration is temporary movement of persons from one country to another, necessitated by natural disasters like drought, famine or war. They get back to their home countries at some point, whereas immigration tends to be permanent.

We are all products of immigration and many countries are products of human migration. For example, it is difficult to say who the indigenous people are in Homa Bay County. Perhaps, it was the Maasai or the group that we called the Lang’o, who today we call the Nandi, but definitely, it is not the group we call the Luo or the Abasuba that inhabit those areas.

We moved from all corners of Africa. Some people came from Uganda, others from Tanganyika, Sudan and Congo. So, migration and immigration has been a human activity for a long period of time. Many communities in this country, in their folklores and historical stories, talk about their ancestors from a migratory perspective; how people left Sudan, the Congo and Egypt to get to where they are today. This is something that has been going on with human beings for a long time as it has been going on even with animals for a long time.

Many modern nation states, as I said earlier, are products of migration and immigration. In the United States of America (USA) it is easy to forget that there were indigenous people. We ended up calling them Red Indians, but those were the original inhabitants of the land that we now call the USA. The USA is a melting pot of cultures as a result of migration and immigration. You will find the Irish, Germans, British and people from all over the world there. You will even find Africans who went to the USA, not out of choice but because they were carted in slave ships and had no option but to labour in the USA as slaves. It is a good thing that issues of slavery were dealt with in that country in the 1960s and 1970s.

If you go to Canada, it is said that someone discovered Canada, yet there were indigenous people in Canada. It is said that somebody discovered Australia, yet there were the Aborigines in Australia who today live on the fringes of society. In fact, it is said that in Australia, the Aborigines live in near third world conditions while the

immigrants live in first world conditions. So, immigration has created many nations. You hear of Christopher Columbus who is said to have discovered certain lands that people were living in.

Madam Temporary Speaker, immigration has been there in the past, but still remains a key global issue. In modern political trends, immigration is top of it. Indeed, when President Donald Trump became President, beyond all expectations, his first Executive Order had to do with issues of immigration. We all remember that out of the blues after taking over the presidency, he decided to use Executive Orders, which had been used a little bit sparingly in the past, to address issues of immigration. The target was immigrants from Muslim countries. It has remained a very live and painful issue in the United States of America (USA).

In Europe, debate is being shaped by policies on immigration. Brexit, to a great extent, was a reaction to the perception by the British that opening up to the European Union (EU), would be opening their borders, not just to products from Europe, but people with skilled and unskilled labour from Europe and beyond. There was concern that certain members of the European Union like Spain, Germany and Portugal were already allowing African migrants to settle in.

At some point, we went to Spain as a Parliamentary delegation. When we visited a public library in Madrid, we were impressed by a huge banner written: “Refugees are welcome.” That banner attracted a lot of love and wrath in equal measure. There are those who believed that Spain should remain pure without immigrants coming in from Africa. Sometimes we forget that even some of those wonderful buildings we see in Spain and the whole of Europe were built with the resources and wealth coming out of Africa. They were built on the backs of labourers and slaves from Africa, Asia and other parts of the world.

Madam Temporary Speaker, when other European countries opened up their borders and took in immigrants, it had a ripple effect. Some British were saying that if they allow them in through other partner States, then they will come in and take over their jobs. Despite the suspicion around Brexit, it is interesting to note that the leadership of London – Britain’s most important city – has been taken over by people who are first or second generation immigrants. They are doing an excellent job.

In Germany, for example, debate and the continuation of Chancellor Merkel’s term was characterised by serious debate on immigration and her policy on opening up German borders for migrants from other countries to come in. Here in Kenya, migration and immigration is an issue. The Somali conflict has resulted in the joke that the Somali capital is now Eastleigh. Indeed, if you walk around some hotels in Nairobi, for example, Intercontinental Hotel next door, you might think that it ought to have been in Mogadishu rather than Nairobi. This is because of conflict and instability that have forced innocent men and women from Somalia to come and make a living in Kenya.

As for the South Sudan conflict, we grew up with many South Sudanese people in Nairobi City estates. Due to the conflict in Uganda; a good number of Senators here were taught by teachers who were Ugandans. In fact, Uganda had very well trained civil service – teachers and doctors – and many of us could have passed through the hands of Ugandan doctors who migrated to Kenya as they waited for their country to stabilize.

Due to the conflict in Eritrea; we find many Eritreans in this country and they stay in certain pockets.

Madam Temporary Speaker, the good thing is that Kenya has always been welcoming to neighbours and has always had a liberal policy on migration and immigration. I think that is something that should not change. We should never get to a level of xenophobia where we rise up against fellow Africans or human beings, simply because their fathers were born in countries different from Kenya. We saw such xenophobia in South Africa and we pray that, that will never happen in Kenya.

Madam Temporary Speaker, why would an African leave beautiful Africa and go on a rickety boat to cross oceans and rivers to Europe with all the cold? Allow me to paraphrase Samuel Jackson who said something of London. He said: "When a man is tired of London, he is tired of life; for there is in London all that life can afford." I thought that quotation should have applied to Africa. I am convinced that when a man is tired of Africa, he is tired of life; for in Africa, there is all that life can afford.

Africa is beautiful. It has very good weather, the people the productivity, the potential and everything about Africa is great. Why do our young boys and girls cross oceans so that they can reach Spain or Turkey to die? Why are Syrians dying so that they can go to European countries? This is simply because of lack of proper leadership and corruption; the things that are capturing headlines today.

It is because of kleptocracy and autocracy that people like Miguna Miguna find they are more useful in Canada than Kenya. I hope that now that the President of the Republic of Kenya is in Canada for some global mission, he will also reach out to Miguna Miguna, have a handshake, travel together in "Air Force One" and that he will bring Miguna Miguna back home to take over his duty as the Deputy Governor for Nairobi City County.

If Hon. Raila Odinga and President Uhuru Kenyatta can shake hands, why can Miguna Miguna not shake hands with President Uhuru Kenyatta? I suspect that President Uhuru Kenyatta is willing. However, I am not sure about the man from Nyando; the proximate area where the Temporary Speaker comes from.

Madam Temporary Speaker, nobody in their right mind wants to leave Africa for Europe. They say: "A bad day in Africa is better than a bad day elsewhere." I will personally stick to Africa and Kenya. However, we must fix our leadership and systems so that we provide incentives for Africans to stay in Africa and for the Africans who are lost in Europe to come back to African. If we do not do that, immigration, migration and civil strife will continue.

Finally, I am one of those who believe that the self-imposed borders that give rise to this discussion on migration and immigration are against the wills and desires of God. God created human beings and this world for human beings to roam, multiply and control. He did not put us in the small boxes called Kenya, Uganda, Tanzania, Sudan and USA. We all have a legitimate right and duty to live on this earth, irrespective of the man-made boundaries and borders. It is a platonic kind of wish, but our immigration policies should ensure that there is free movement.

I am glad that the African Continental Free Trade Area (ACFTA) has been agreed on. I hope it will go beyond trade. At some point, it will be possible for Africans to move

freely in Africa. We have tried to achieve that within the East African Community (EAC). To a great extent, Kenya has been very flexible in terms of allowing others to come and get work permits. Other nations should also reciprocate so that we look at Africa as for Africans rather than Africa that is splintered into 52 or 53 countries.

I support.

Sen. (Rev.) Waqo: Thank you, Madam Temporary Speaker. I rise to support this Motion because it touches on human life which is very important to each one of us. As an individual, I am deeply concerned with anything that touches on the life and dignity of human beings.

The Inter-Parliamentary Union (IPU) is an important body that exists to protect and build global democracy through political dialogue and concentrate on actions. It is a body that we all need to support and stand with because of what it stands for.

We also know that migration is a global phenomenon that requires global action. As the Senate, we have to play a major leadership role simply because these people depend on us. I come from the northern part of Kenya and as I was growing up, we used to receive many refugees from Ethiopia, Somalia, Uganda and other places. I remember we used to say that they carried a lot of things as they came. Sometimes, they are labeled as people who bring diseases. We do not give them the opportunity when we know the dilemma they go through at that particular time.

Recently, towards the beginning of this year, I visited Moyale which is on the border of Kenya and Ethiopia. When I met the refugees, I was deeply touched by the expectant mothers and young people who were suffering in different ways. My mind went back to the image I used to have while growing up. We need to protect these people.

Madam Temporary Speaker, every year, millions of children, women and men become victims of human trafficking and criminals earn an estimated \$32 billion out of it. Many young people are also sexually abused. When that happens, we know the challenges that come with it. As the Senate, we need to rally behind this and put into consideration the social cohesion and integration of this part. We need to accommodate them and work towards their relationships with the people.

With those few remarks, I support.

Sen. Were: Thank you, Madam Temporary Speaker. I applaud the Kenyan delegation that went for the IPU hearings to discuss the issue on the impact of safe, orderly and regular migration. These migration laws have come at the right time when we are having a crisis of refugees from Syria heading towards Europe.

Coming closer home in Kenya, we also have the same issue because we are the hub of economic progress in this region. Every time our neighbours are in some unstable state, we receive these immigrants. So, it is crucial to have a law that will guide on how to deal with these immigrants globally.

I have seen immigrants who are looking for work permits queue for so many days at Nyayo House. Under what law are we dealing with them especially when they come to look for jobs that Kenyans can do? These laws are also important to protect immigrants socially and economically. It will cure the issue of professionals, for example, engineers who go to western countries and engage in “funny” jobs like becoming petrol station

attendants. There must be some law to assist professionals who go to countries as immigrants. With global education, we will, therefore, set global standards of work and jobs.

I beg to support this Motion.

The Temporary Speaker (Sen. Nyamunga): I will now call upon the Mover to reply.

Sen. Shiyonga: Thank you, Madam Temporary Speaker. I thank those that have contributed to this Motion. All contributions, inputs and sentiments that have been discussed in this House will be taken into consideration to enrich this report. It is to an extent of this that we take up these contributions seriously to make sure that they are implemented as deserved.

The Temporary Speaker (Sen. Nyamunga): Thank you. I will now put the question.

(Question put and agreed to)

Let us move on to the next Order.

MOTION

REGISTRATION OF PERSONS WITH DISABILITIES

Sen. Khaniri: Thank you, Madam Temporary Speaker, for granting me this opportunity to move this important Motion.

I beg to move the following Motion-

THAT, AWARE that the National Council for Persons with Disabilities was established through the Persons with Disabilities Act, 2003;

FURTHER AWARE that registration of persons living with disabilities is a function of the National Council for Persons with Disabilities;

ALSO AWARE that persons living with disabilities are estimated to be about 10 per cent of any given population;

COGNIZANT that for purposes of registration of persons living with disability, it is a mandatory requirement for one to undergo medical examination by a registered medical officer in a registered and certified health facility;

CONCERNED that of the nearly four million Kenyans living with disabilities who reside in Kenya, there is a very small fraction of the number which is duly registered;

AWARE that medical services are now a devolved function;

FURTHER CONCERNED that without proper registration, many persons living with disabilities are denied services because they lack the necessary proof of disability;

ALSO CONCERNED that owing to lack of accurate data on persons living with disabilities, the government at both levels cannot plan properly for this category of people;

NOW THEREFORE, the Senate calls upon the National Council for Persons with Disabilities in collaboration with Ministry of East African Community, Labour and Social Protection and county governments, to carry out a nationwide registration of all persons living with disabilities in order to determine their exact population to facilitate effective service for this marginalized group of our society.

Madam Temporary Speaker, this Motion is as straightforward and self-explanatory as I have read. With this Motion, I want us to have a proper census of Person with Disabilities (PWDs) so that we can establish exactly how many they are in Kenya. This is to enable them to be catered for by both the national and county Governments. An exercise meant to conduct a census and ensure due registration of PWDs will go a long way in ensuring that this vulnerable group in our country is taken care of through proper planning, policy formulation and service delivery. It is painful and unfortunate that a good number of PWDs, some with severe disabilities, are always on the streets with begging bowls. Most of Government support and funding is pegged on successful registration. The availability and distribution of approved schools for the disabled is insufficient. This is unfair and, in my opinion, it is discrimination against this group of people.

Why am I asking the Government to take over this responsibility? Yes, it is a responsibility that is bestowed on the National Council for Persons with Disabilities (NCPWDs). However, the NCPWDs has stated that they are unable to carry out this exercise. When I was researching on this, they gave me various reasons they are unable to do so. Some of the reasons included inadequate funding from the national Government, lack of sufficient personnel such as clerks to carry out registration in the NCPWD; lack of facilitation for registration in terms of doctors, who are supposed to carry out medical examinations to certify the disability and transport logistics to remote areas. The other reason given was poor coordination and working relations between different stakeholders such as hospitals, donor organisations, county and national Governments. There is, therefore, the need for the Government to step in strongly and ensure that these people are registered.

According to the World Health Organisation (WHO), as I read in the Motion, 10 per cent of any given population is comprised of PWDs. When you look at statistics in Kenya, that percentage should be over four million PWDs living amidst us. However, when you look at the statistics, I think they have registered up to just about one million, which is 25 per cent of this category of people. There is, therefore, need for the remaining 75 per cent to be registered so that they can enjoy the privileges that are given to them under Article 54 of our Constitution, which is very explicit and makes provisions for these kinds of people. However, you can only enjoy those privileges if you are registered yet they cannot afford to register themselves because for one to be registered, they need to go to a registered health facility and be examined by a registered doctor. As you know,

most of these people live below the poverty line, which is below a dollar a day. This makes it virtually impossible for them to afford that exercise on their own.

Madam Temporary Speaker, I, therefore, plead with this House that we look at this Motion very positively and pass it. Once it is passed, I will personally make a follow-up to ensure that the Government implements it. I know we used to have the Senate Committee on Implementation in the last Senate, which I think was abolished for reasons I have never known. That, therefore, leaves us Members on our own. Sometimes we pass these Motions here and nobody bothers. They are just put on the shelves and they continue gathering dust.

In conclusion, Madam Temporary Speaker, in most African traditional setups, disability is frowned upon and treated as a curse to the individual, to the family and even to the community. Children born with disabilities are usually either hidden from the community, abandoned and in some cases, even killed. This should not be the case; it is very unfortunate. These are people who must be supported because they are just human beings. They did not choose to be born that way and they must get their support. I believe it is that reason which informed the inclusion of Article 54 in our Constitution, so that this category of people can be properly catered for.

Madam Temporary Speaker, I beg to move and call upon Sen. (Dr.) Musuruve to second this Motion.

Sen. (Dr.) Musuruve: Thank you, Madam Temporary Speaker, for the opportunity to second this Motion. I want to say clearly – and this must be known by all Kenyans – that we have Senators in this House who have a strong desire and a passion to front issues of disability and to support them. I, therefore, commend Sen. Khaniri for coming up with this Motion. It has come at the right time and I thank him for the passion he has for PWDs. He has even mentioned pertinent issues and societal perceptions concerning PWDs that are critical and I want to commend him for that. As a leader, he is showing that he is ready to take the mainstream approach in leadership. I encourage other Senators to also take the mainstream approach in their leadership. In such an approach, it means that PWDs will be included in everything that is happening, even in the counties and they will not be left behind in development.

Madam Temporary Speaker, issues of disability affect all of us because as long we are living in this world, we are all candidates for disability. No one can be put in isolation. You can wake up one morning only to find that you have a disability. You could be walking along the streets, a tree falls on you and you lose a leg, an arm or an eye. That way, you will end up being on the other side of disability. Therefore, whatever we pass in this House will affect us and benefit us as long as we are living in this universe.

When you look at the Constitution, it says that power belongs to everyone. When we are talking about power belonging to the people of this country, Persons with Disabilities (PWDs) are not excluded. They are part of the people of this country, and so, power belongs to them.

Madam Temporary Speaker, there is need for a census on PWDs to be done because we need to have desegregated data concerning PWDs. This will enable us know their specific disabilities and how to intervene. Intervention cannot be done if a census

has not been done. A census is important because it will help us, as a country, to know how to intervene.

Kenya is among the nations that ratified the convention on the rise of PWDs. By doing so, we affirmed that we were going to comply like other state parties, intervene and ensure that PWDs get their rights, live and get an equal benefit like any other person. Even as the National Council for Persons with Disabilities (NCPWDs) is doing the census, the Kenya National Bureau of Statistics (KNBS) needs to come in to give the technical support needed for a census. The NCPWDs may not have the capacity to do all this. The NCPWDs has to do that, but the KNBS and the Ministry of East African Community, Labour and Social Security need to also come in. The statistics should be done per county so that all counties get to know the number of PWDs in their counties and how to intervene to support them.

Madam Temporary Speaker, when we are talking of issues of disability, we need to know that if a country cannot help its PWDs, it means that they are leaving a big section of their citizens behind. We are talking of leaving no one behind. It is a slogan that we are moving with up to Vision 2030. We cannot live with this slogan and fulfill it if we are not attending to about four million people of this country.

When you read most literature, most scholars estimate that 10 per cent of the nation has PWDs. That is just an estimate. However, as my fellow Senator mentioned, there is need for proper statistics so that we know exactly the number of persons having disabilities. Even from the PWDs, we need to know the number of people having physical disability, for example, blindness and so on. Only a pocket full of PWDs are duly registered. It means that a huge chunk of PWDs are not benefiting from what they are supposed to benefit from even from the NCPWD.

When it comes to registration, there are PWDs who would want to be registered, but they may not afford the protocol and finances involved to allow them to be registered. When you are told to give evidence that you have a disability, sometimes it worries me. If you see someone is blind, do you need evidence to see that the person has a visual impairment? If you see someone on a wheelchair, do you need evidence to show that the person has a disability? If you see someone on crutches and he is not even able to move, do you need evidence? If you see a child with Down Syndrome, do you need evidence to say that this is a child with Down Syndrome?

The Government should make sure that PWDs go through the assessment without paying a fee. When you are going for assessment, you are not going because you are happy but because you have a permanent disability and you want to be attended to and get the services like anybody else. PWDs should go through assessments without having to pay a fee.

When it comes to PWDs, you find some of them in the streets begging. They are not getting the services because they have not proved that they have a disability yet if they got the registration, they would benefit from the funds that the Government disburses to the NCPWD. This means that they will be empowered economically. When you look at Article 43 of the Constitution, PWDs are not able to enjoy their socio-economic rights especially when they have not been identified. We even have children on the streets begging yet they could be taken to school through free education. They can

benefit from the education, get out of the streets and even help their families including their mothers and fathers who are also begging in the streets.

Madam Temporary Speaker, there is need for PWDs, especially children, to be helped so that they are economically empowered. They will pull their families away from begging and the cyclic nature of poverty. The issue of poverty is cyclic in the families of PWDs. There is need for the Government to intervene because we should not leave PWDs behind. We should not leave the children and these families behind. They are part of this nation and they need to be part of the economic development in this nation. There is need for the Government to intervene with speed and prioritize registration of PWDs. There is need for funds to be set aside for PWDs. If the funds are set aside, let them be duly directed to doing a census on PWDs.

Article 43 of the Constitution gives provision for free education. Even among persons who have not been identified and those living in the rural areas, there are some children with disabilities who are not mobile. They are hidden somewhere in the houses because of societal perception on PWDs. Societal perception on PWDs is still negative. I agree that there are people who are beginning to accept PWDs. However, majority of people still look at PWDs from a different angle of pity paradigm. As a nation, we cannot continue with the pity paradigm. It is time that we registered PWDs, identified them and placed them where they are supposed to be so that eventually they can participate in the economy of this country.

Madam Temporary Speaker, when it comes to the special secondary schools, you will realize that in the whole Republic, there are only 17 secondary schools. This is painful. It means that there are many PWDs who are educable and have not been identified. They are not being brought into the school setup so that they benefit. The PWDs are constitutionally entitled and they have rights under Article 54. These rights should not be taken for granted.

Once the census has been done, it will be possible for us, as a country, to know the number of people who have hearing impairment and the services they need, for example, hearing aids, crutches, and wheelchairs so that they are able to walk. It will be possible to know the number of people with certificates who can be placed in white collar jobs. When it comes to jobs, it does not mean that PWDs should always beg. They can also be in offices like anybody else, have big jobs and be productive in this country. The PWDs are not glued to blue collar. There are those who can do vocational jobs, but there are also those who can do any other job like anyone else.

There is need for every environment to be disability-friendly in terms of accessibility. This can only be done when this matter comes out clearly. As a nation, we need to recognize and help them.

Madam Temporary Speaker, I strongly support this Motion. This Motion should go to the relevant Committee and offices. The nation should come out with speed and save the situation so that we do not leave PWDs behind.

Thank you, Madam Temporary Speaker, for according me the opportunity.

(Question proposed)

Sen. Mwangi: Madam Temporary Speaker, thank you for giving me this opportunity to add my voice on this Motion. This is a self-explanatory Motion. It is not one that we should belabour to pursue to the Government to register those living with disabilities. Disability is not inability. If this Government can register 45 million Kenyans, why is it not able to register about 20 per cent or 30 per cent, out of the 45 million people who are living with disabilities?

This is an exercise that should be done. I thank Sen. Khaniri for bringing this Motion to this House. We have heard the Senator from Kakamega articulating these issues because she knows them. These people should not be given conditions to be registered. They are human beings and Kenyans. They should just be registered. If the Government was waiting for a Motion like this one, it has come. They should now go ahead and register the people living with disabilities.

Madam Temporary Speaker, PWDs are normally forgotten in some areas. Last year, 15 counties did not have a list of people living with disabilities nominated as MCAs. Some of us had to go to court. I went to court in Nyahururu because there was no PWD who was nominated as an MCA. This should not be repeated. These people are supposed to get the same advantages as those living without disability. Nobody chooses to be a PWD. It is a situation that just happens. Some people are born as PWDs, while some end up as PWDs by virtue of what happens to them in life.

We should not discriminate against those living with disability. In my view, registration should not be a big issue. The Kenya National Bureau of Statistics (KNBS) should undertake to ensure that they know all those who are living with disability. These people are very able. Some of them can go a long way to develop the economy of this country more than those not living with disability. We should have a record of the PWDs. That is the only way forward. Some of us without disability assume that there are no PWDs amongst us. That is why we have this problem. Some selfish offices think that they can only deal with those who are able. The time has come when the PWDs should be recognized, their location and type of disability known by the Government.

Madam Temporary Speaker, there should also be a fund to assist those who cannot participate so much in building the economy of this country. There should be a fund to assist those who cannot make money themselves or get involved in gainful employment. In some of the countries like the United States of America (USA), even the able people who are unable to earn a living are given money by the Government. I am not saying that we should go to that extent, but can we handle the issue of the PWDs and see to it that nobody goes hungry because of a disability. Nobody should go without shelter or clothing because they are living with a disability. Those who are able should pay taxes to cover the PWDs.

It would not be a big deal to register about 40,000 to 50,000 people who are living with disability. The Government should have commitment to ensure that they are all registered. We should create offices for them, which will see to it that the PWDs are registered, just like we have registered 40 million people. I do not see the big deal in registering these people. Most of the PWDs live in abject poverty. While we enjoy our lives in Kenya, some of those living with disability are unable to enjoy life because they cannot afford to work and earn a living due to disability. Knowing that there are such

people living amongst us, it is incumbent upon us to ensure that they do not suffer. The Government should create a way of ensuring that these people have a means of living.

Madam Temporary Speaker, these people are all over the country. If you go to any county, you will get PWDs. Therefore, if their record was for some reason required by Government, we do not even need to go very far. The administrators in the counties, such as the regional commissioners, should set up offices to register the PWDs. That is an exercise that will not even take six months. I do not see why we have to belabour saying that the PWDs should be registered. It is in the Government's interest to ensure that they have a record of the PWDs, for purposes of identifying how the Government will assist them. There are many ways in which these people can be assisted.

Madam Temporary Speaker, you heard our lady Senator who is living with disability say that there are only 17 schools in Kenya for PWDs. I am sure that they cannot fit in those schools. More schools should be built. However, they cannot be built without proper statistics. We should have these statistics so that we can know how to take care of those PWDs.

Some of the PWDs who have been employed in various institutions do very well. Many of them do better than those living without disabilities. It is an important exercise for the Government to ensure that there is a record of the PWDs. We expect to see the records of those who are blind, deaf, *et cetera* in Mombasa or any other town. We should have all those records straight so that we do not give an excuse that we do not know who is living with disability and who is not. That is why we have not even been able to identify activities that they can be involved in. For instance, if there is a job that a blind or deaf person can do, without a proper record, it will not be easy for the Government or any other institution to engage them.

Madam Temporary Speaker, I am calling upon this Government to be serious once and for all and address the issues of PWDs. This is because some of them really support the Government when it comes to voting. If the Government can be supported by the PWDs, it should also have time to know what they are suffering from and the areas that they can be assisted in.

As I said before, at the risk of repeating myself, the PWDs who teach in secondary schools and those who engaged in other activities in this country do very well. Even those without hands, you will see them using their legs to do their activities very well just like normal persons or person without disability. Therefore, we should not be told that these people cannot participate in contributing to the economy of this country. They can. It is only that they have not been given chances to do so. In some cases, it is not even known where they are. Their abilities have also not been recorded so nobody can give them assignments.

Madam Temporary Speaker, we do not have to belabour a lot on this issue because the Government needs to do what it is supposed to do. In any case, if the Government had forgotten that there are PWDs, they now need to know where they are, how many they are and their areas of incapacity. Now they have been reminded by this Motion that has been moved by Sen. Khaniri. Such Motions are useful to this country because some areas have been forgotten and it is incumbent upon the Government to act.

We have heard of a lot of money being lost through corruption in this country. Therefore, when we say there is no money to identify the PWDs, it is a big joke. If a sum of Kshs9 billion was stolen unnoticed by individuals who were later arrested after the event, nobody can tell us there no money to register the PWDs in our counties. They need to be registered so that they can be identified according to their areas of capacity and be given tasks to enable them become productive for themselves and the nation.

I see them quite often in our counties. We have some of them in my county. As I said, they are in every county. These are people who are really active. They have very good brains and they want to be involved in the development of this great nation. However, that cannot be done until and unless they have been identified wherever they are.

Madam Temporary Speaker, I support this Motion.

The Temporary Speaker (Sen. Nyamunga): Thank you very much, Senator. Proceed, Sen. Were.

Sen. Were: Thank you, Madam Temporary Speaker. I would like to thank the Mover of this Motion, Sen. Khaniri. The Motion is on Registration of PWDs. It is crucial for these people to be known. This is because some of the special children with disabilities are locked up in homes. So, mandatory registration will force parents to bring these children out and the Government can assist them to go to school. Article 54 of the Constitution provides that no one should be left behind, especially the PWDs. They also have rights like everyone else. We should know where they are, so that we can reach to them at their point of need.

The other reason why it is important that we register the PWDs is the issue of the political parties' nomination lists. In the counties, we expect the PWDs, women and youth, to be among the people who are nominated into the county assemblies. However, only 17 counties have nominated Members of the County Assemblies (MCAs) who are PWDs. When you ask political parties about this issue, they will answer: "Where are these PWDs? *Tutawapata wapi?* Where will we get them to put them on the party nomination list?"

I do not want get into a language that I will not finish with. So, I will continue in English.

The Temporary Speaker (Sen. Nyamunga): Hon. Senator, you know very well that you cannot mix the languages. So, you better just concentrate where you are best in.

Sen. Were: Thank you, Madam Temporary Speaker. I will speak using the English language. However, they usually ask that question in Kiswahili and that is why I was tempted to say it in that language. They will ask, "Where do we get these PWDs to put them on the party nomination list?" The law requires that these people are put on the party list for nominations. However, we do not know, as political parties, where to find them.

With registration of these PWDs, we will be able to get them. Some of them with capabilities will be nominated to serve in county assemblies, the Senate and the National Assembly. They should also serve in other areas in building this nation.

People also take advantage of a *lacuna* in the law which does not force political parties or the Independent Electoral and Boundaries Commission (IEBC) to have PWDs

nominated. Maybe it is simply because they are also asking themselves: “Where will we find these PWDs?”

With those few remarks, I support the Motion.

The Temporary Speaker (Sen. Nyamunga): Proceed, Sen. (Rev.) Waqo.

Sen. (Rev.) Waqo: Madam Temporary Speaker, thank you for giving me this opportunity to add my voice to this important Motion on registration of Persons with Disabilities (PWDs). It is 55 years since Kenya got Independence. Talking about this and stating that we do not have the data that can guide the nation shows that we have not played our role well. That is why I support this and I urge the relevant institution to take necessary action and do the proper finding.

We all know that PWDs have been neglected in the past. In fact, in the African context, when a child is born with disability the child is known to be the mother’s while all the bright, strong and the beautiful girls and handsome boys belong to the father. Most of the time, it is the women who suffer, they go through a lot of negligence and trauma. They suffer in many ways simply because our country has not given them any opportunity. I know women in my village who have tried to hide their children who are born with disabilities and do not want to talk about this because they do not want to disclose the shame related to disability.

It is high time for us, as a nation, to give this the attention it deserves and request our Government to fund the necessary institutions so as to get the data that can guide us. Many PWDs have been exploited and misused in many ways. When we get to know the data the whole nation will be guided. They deserve education; many of them have been denied that opportunity. They also need proper shelter because the houses or the small huts they live in are not conducive enough. It is high time the Government considered giving them proper bedding, clothing and anything they need to be comfortable as long as they are here on earth.

In fact, as a Government, we should plan for their basic needs. As a result, these people can sit as their mothers fetch firewood, feed other children and engage in other chores. Even for the ladies who are employed, it is not easy to take care of their disabled children. It is known that the people living in the cities are given attention while the others in the villages are neglected.

My request is that even as we give attention to the people who live in towns or the people who are known to the politicians, we should give the same attention to the people who live in the rural areas, who nobody thinks or talks about.

With those few remarks, I support the Motion and congratulate the Mover.

The Temporary Speaker (Sen. Nyamunga): Well spoken. Sen. (Prof.) Onger, proceed.

Sen. (Prof.) Onger: Madam Temporary Speaker, it is actually very painful for me to contribute on this Motion on the question of requesting or calling upon the National Council of Persons with Disabilities (NCPWDs) in collaboration with the Ministry of East African Community, Labour and Social Protection to carry out nationwide registration of persons living with disabilities.

I will expect that this Motion should find a Bill that will be supportive in the form of a legal framework, in order to operationalise and create action on how we need to treat people with disabilities in this country.

From my own professional angle, there are various types of disabilities that we see in the country. It is important for any nation that wants to make meaningful development to enumerate and know the number of people with disability and the types of disabilities. There are those disabilities that one can live with and the ones that require a caretaker to take care of them. That is why you have heard some of the Members contributing saying that the category of people who cannot take care of themselves efficiently and effectively are prone to abuse. You have heard stories where particularly the female PWDs are abused. Since they do not understand what is happening and they are put in such agony and pain should they get pregnant because they do not know how to handle the pregnancy with its own social consequences as a result of that abuse.

Therefore, we need to know where they are; literally locating where they are and putting complete ownership to the county governments because the health services and social services have been devolved to the county level. Every country must plan for PWDs. If we do not plan, this can turn out to be a disaster.

Human rights of the disabled are very well engraved in our Constitution. Leave no one behind; everybody is entitled to that service. I am always worried about the National Council for Persons with Disabilities (NCPWDs) dealing with disabilities. They have resources and they tell us that their offices are open throughout the year. How can their offices be open throughout the year and they do not know whom they are serving? That is why I said maybe we should look at the Persons with Disabilities Act, 2003 and see whether there are any areas that require amendments to reinforce.

First, every county must know how many PWDs are living within their county.

Second, enumerate the types of disabilities; whether they are mental disabilities, visual and albinism with consequences of the kind of sorcerers who go around thinking that by doing the social marketing of body parts that there is a 'magic healing' in those body parts. This is total nonsense. We need to protect our population particularly people with albinism, people who are totally displaced who require care. Being taken to the toilet is itself a major agony.

There are circumstances where you are in a public place and you want to go to a toilet and it completely disorients you. If that can happen to us, you can imagine the scenario of a PWD who may want to go for a short call. Imagine those people who have to contain their urine and fecal matter all the time and there is nobody to take care of them. That is why one of the speakers here said that they are forced to become housewives who also become tied. Therefore, the issue of torture comes in because they get tied looking after the children. They cannot advance.

The state has an obligation to its citizens; whatever level they are and whatever they do. It is important that we look at this Council and see how their functions are detailed and what they do.

There is a programme on cash transfer particularly to give full support to those with severe disabilities. As I mentioned earlier, it is about feeding, toiletry and protection from danger by other persons and particularly predators that may cause mischief to such

kind of people. However, the cash transfers are sometimes abused. The people who are supposed to benefit from the cash transfers do not because the money goes to the other normal individuals who have no disability whatsoever but you will hear people saying they have taken care of many people with disabilities. We need to take care and ensure that the money meant for those people goes for the kinds of services that are required for them.

I have talked about job placements. There are those who may not be physically disabled to the extent that they cannot go to jobs. I have seen some of the people who are visually impaired and deaf. If such people use their brain, they are the most brilliant people. Some of them have gone up to the level of doing PhDs. Some of them are resource persons in some areas of science and technology, something that some of the normal people are unable to achieve. Therefore, we must preserve such kinds of people and give them proper jobs where they can withstand.

Secondly there are the legal advisory services that are required for such people. Their rights are abused and they have no recourse to legal services. How do you integrate? The only way a county or a national government will be able to provide legal services is by knowing the number of people who are disabled in the nation or within a county. Then, they need to know the types of disabilities that may require particularly the legal services when their privileges and rights are trampled upon. It is important that we create total awareness for everybody who has these issues at hand.

The PWDs have numerous problems and difficulties. As a medical doctor, I know that majority of them do not want to disclose because they are suspicious of anybody whom they do not understand and know. So, they will not disclose to you the full circle of problems that they go through.

We need to embrace them and bring them on board. One way of bringing them on board is by recognising that they exist. The only way to know that they exist is to look for them and get to where they are hidden in homes. The only people who can do that are the people at the grassroots such as the chiefs, assistant chiefs, and village elders.

Every time we conduct a census, like we are likely to do next year, let us seize that opportunity and incorporate the census for the PWDs. That will give us a ground survey; the level at which we are able to know who among us have disabilities. I dare say that one of the surveys in the census that we are going to carry out in 2019 should be that element. How many people within a given area are PWDs? That will give us the national figure and we will then segregate that figure to the county level. Thereafter, whatever services we offer will be commensurate with the number of people who are there. Some may need schools, others hospital attention, others legal services, while others may need to attend to their normal needs of life. As a society, we must be in a position to be conscious and know whom we are treating.

Madam Temporary Speaker, I thank the Mover of this Motion, Sen. Khaniri, for being conscious of PWDs because more often than not, they are ignored, they are not embraced, their rights are trampled upon and they are never known. Even when they have property, they never get those properties.

Madam Temporary Speaker, I can see that time is running out. I would have contributed more on a much more expansive manner. But suffice it to say, this Motion is

timely and we should take advantage of the census next year to include this as one of the questions to be included in the census. This will help give us a global figure nationally on how many PWDs we have with us.

I beg to support.

The Temporary Speaker (Sen. Nyamunga): The Senator's suggestion that it should be incorporated in the next census will be a good shortcut for us to know the number of PWDs we have in this country.

Proceed, Sen. Shiyonga.

Sen. Shiyonga: Thank you, Madam Temporary Speaker, for giving me this opportunity to contribute to this Motion of Registration of PWDs. This registration is long overdue in our country. I know that this particular exercise comes with its own expenses, but it is the right of PWDs to be accounted for, wherever they are in this country. These people, just like any other person, need to enjoy the rights of being educated, owning properties and basic rights as a whole.

Madam Temporary Speaker, it is very disappointing to see that most of PWDs are not accounted for. The data given of slightly above 10 per cent is not accurate. There is, therefore, the need for these people to be accounted for one by one, until we get the approximate, if not their actual number.

Madam Temporary Speaker, most PWDs live in terrible poverty and they are hidden. We sometimes see them on television when someone has tried to highlight their issues. Some are even kept in cowsheds, are tied with chains and are frustrated. PWDs are human beings who need to be respected and they need their rights, just like any other person in this country. It is high time that PWDs, both at the national and county levels are accounted for so that they can be incorporated into different programmes and projects that favour their disability needs. When we have accurate statistics on the same, we can align them with a budget and be able to meet all the needs. If not so, we can meet some important things that they need in this country.

That category of people think that they are a bother to those who are well but these statistics will enable us to make them not feel that they are a bother or parasites to people who do not care for them. It is the high time that we put the exercise in place and account for these people as well as look at how best we come up with a programme or bring their needs on board so as to help them. Having been born with some, I can say that these people are vulnerable in our communities as alluded to by some of my colleagues and some of them, especially women, are abused.

As women, we go through a lot when we are well and you can imagine what happens when one has an extra problem, especially on their physique and they are abused. It becomes so demonizing that one cannot take account of their life. Considering how some of these people are handled in our communities, this is the best time for us to account for these people so as to have the Government take portion of their needs at the national level, for them to be assisted so as to prevent them from being embarrassed or frustrated.

With those remarks, I beg to support the Motion.

Sen. Chebeni: Thank you, Madam Temporary Speaker, for giving me the opportunity to contribute to this important Motion of registration of persons living with

disabilities. From the outset, I want to say that I support this Motion and thank Sen. Khaniri for it.

Registration of persons living with disabilities is an important thing in this country and we should have done it a long time ago. Registration will allow them to push for their agenda such as having a disability-friendly environment within our country. You will realize that most buildings do not have a disability-friendly environment but when they are registered, they can push for this agenda. They will also be able to push for accessibility to health facilities in the counties and the places where they stay.

Once registered, they will be able to enjoy the privileges that should be given to them rightfully according to Article 56(c) of the Constitution of Kenya 2010 that says that they need to access employment equally. Access to information is a right to every Kenyan and once registered and when they have a group that fights for them, they will get the information in good time which they can use to become important people in this country.

I hope that the NCPWDs will reach the people living in rural areas because most of them are probably born in town but they are taken to the rural areas. I hope that once the registration of persons living with disabilities takes place, they will reach the people in the county, ward level and even rural areas. There are youths living with disabilities who are energetic and creative. I believe that they should be empowered and equipped with necessary skills that can be used to develop and grow the economy of this country. You will realize that without us knowing the exact number, we will not be able to incorporate them in our development agenda.

Currently in this country, we are talking about achieving the Big Four Agenda. This can only be realised once we integrate all groups in the development agenda. Persons living with disabilities should never be marginalized; they should be recognized and included in the development process.

With those few remarks, I wish to support this Motion.

Thank you.

The Temporary Speaker (Sen. Nyamunga): Sen. Kasanga Sylvia Mueni.

Sen. Kasanga: Thank you, Madam Temporary Speaker. I rise to support this Motion. I want to thank Sen. Khaniri and Sen. (Dr.) Musuruve because they continue to enlighten me on the plight of Persons with Disabilities (PWDs). If I am being enlightened, I am sure other Kenyans are also being enlightened. As I said last time, we tend to live in a bubble; unless you are directly affected, you do not get to think about the other people.

It is shocking that the PWDs go through this registration challenge. In fact, it is unbelievable that we have Kenyans in our new constitutional dispensation having a challenge in registration. I cannot believe it. We have four million PWDs; actually, if they came together as a voting bloc, they would sway the election outcomes. Maybe we should think of them that way so that we take everything about them seriously. It is shocking that in a country that prides itself as being advanced we lag behind in some basic things like recognition of human rights, which is in the heart of our new Constitution.

The County of Makueni invited me at one time when they were doing their planning process, because they want to build schools for PWDs. The most critical thing when you are designing an institution is that you need to know the numbers. More importantly, besides the numbers I asked them: “What are the specifics of the disabilities?” The way you design a built environment for someone who is visually challenged is different from someone who has a mobility challenge. So, even as we ask that the registration should happen, I concur with one of the Senators who said that we need to know the specifics of the disabilities as part of the registration process. Besides that, all these need to be catered for, from county to county because each county has its own plan for their disabled. So, they need their numbers with this kind of clarity.

It is sad that in the built environments we have to be challenged all the time when we are designing to remember about the PWDs. If we knew, as consultants, that we have 10 per cent of our population living with disabilities, we would be approaching our design activities differently. Today I took a walk from Parliament to Kenyatta Avenue to have a cup of tea. It hit me that somebody who has a challenge either in mobility, visually or any other type, will have a challenge to cover that short distance. So, definitely, as Kenyans and consultants, we have a challenge in recognising that PWDs are people living amongst us and need to be embraced in our everyday life. They should not be discriminated against the way we tend to do.

I look forward to the passage of this Motion and further contributions from the Senators if the opportunity will be there. It is sad that these people are being discriminated against in this day and age in this wonderful country.

Madam Temporary Speaker, I support this Motion and request that Sen. Khaniri makes sure what has been proposed by several Senators who spoke is done.

Thank you.

The Temporary Speaker (Sen. Nyamunga): Hon. Senators, this Motion still has a balance of one hour and 48 minutes when debate resumes. So, next time it is scheduled to appear on the Order paper it will be accorded that balance of time.

ADJOURNMENT

The Temporary Speaker (Sen. Nyamunga): Hon. Senators, it is now 6.30 p.m., time to interrupt the business of the Senate. The House, therefore, stands adjourned until Tuesday, 12th June, 2018, at 2.30 p.m.

The Senate rose at 6.30 p.m.