

**NATIONAL ASSEMBLY****OFFICIAL REPORT****Wednesday, 17<sup>th</sup> June 2015**

The House met at 9.30 a.m.

*[The Temporary Deputy Speaker  
(Hon. Cheboi) in the Chair]*

PRAYERS

QUORUM

**The Temporary Deputy Speaker** (Hon. Cheboi): Hon. Members, I can see that there is no quorum in the House. Therefore, I order that the Quorum Bell be rung for 10 minutes.

*(The Quorum Bell was rung)*

Order, Hon. Members! No Member is allowed to leave other than the party Whips for purposes of whipping Members. The rest of the Members who have come in will remain until we have the requisite quorum.

Order, Hon. Members! I think we now have the requisite quorum and we will start immediately.

*First Reading*THE HEALTH RECORDS AND  
INFORMATION MANAGERS BILL*(Order for First Reading read – Read the First Time and ordered  
to be referred to the relevant Departmental Committee)***MOTION**

DECENTRALIZATION OF MARRIAGE SERVICES

THAT, aware that the Marriage Act, 2014 was assented to by H.E the President on 29th April, 2014 and commenced on the 20th of May, 2014; noting that the act was by and large an amalgamation of the previous Acts, thus amendments relating to the regulations were minimal in effect; deeply concerned

that there are only twelve offices for the registrar of marriages in the whole country, making it difficult for the hopefuls to issue notice of marriages; mindful of the fact that the upward revision of the marriage certificate acquisition fee is not affordable to many Kenyans, thus inhibiting them from registering marriages as envisaged by the new Act; this House urges the Government to review the procedure and the cost of marriage registration, and to decentralize the offices of the registrar of marriages to a minimum of all sub-counties so as to reduce bureaucracy and enhance accessibility.

*(Hon. Injendi on 10.6.2015)*

*(Resumption of Debate interrupted on 10.6.2015 – Morning Sitting)*

**The Temporary Deputy Speaker:** Hon. Members, I am informed that Hon. Aburi had finalized his contribution. Before I give the next Hon. Member on the list a chance, I want to take this opportunity to recognize Sachangwan Primary School from Kuresoi North Constituency. The pupils are led by their teachers Angeline and Rachael. They are welcomed to the august House.

I now give this opportunity to the Member for Ugunja to contribute on the Motion.

**Hon. Wandayi:** Thank you, Hon. Temporary Deputy Speaker for giving me the opportunity to contribute to this very important Motion that was moved by my friend, Hon. Injendi.

Hon. Temporary Deputy Speaker, the importance of the family unit cannot be overemphasised. The family, as a unit, plays a very critical role in the socio-economic development of any nation. The fact that the Act has imposed some obstacles on those intending to register their marriages is a matter that should concern all of us, as leaders of this country. The fact that the cost of acquiring a marriage certificate has gone beyond the reach of an ordinary Kenyan is something that should of serious concern to all of us. I come from the Ugunja community, which is largely religious. Marriage is taken very seriously, and everyone getting married aspires to acquire a marriage certificate.

Hon. Temporary Deputy Speaker, church weddings are ultimate aspirations of every single Christian but it is now very difficult for poor church goers to imagine that they cannot get this valuable document because the cost has become prohibitive. The intention of the Act could have been good but the implications are becoming a problem to Kenyans, who are supposed to be the target of this noble Act. Something needs to be done but more importantly is the matter of decentralising services to the people.

In the new dispensation, the most important thing is devolution. We cannot be talking about devolution when a very basic service like issuance of marriage certificate is centralised in Nairobi or at best only available in 12 locations. We need to, at least, have marriage offices distributed across the country up to the sub-county or constituency level. If we allow the family unit to disintegrate by making marriage unaffordable to majority of Kenyans, because of these restrictions we shall be digging our own graves as a country.

This is a very serious Motion that needs to be supported by all of us. In many cases, Christians and Muslims have gone through the process of marrying officially and getting marriage certificates. This has enabled members of the society to lead upright lives. If we deny Kenyans this very vital document, we shall be eroding the values that we, as a nation, are supposed to uphold.

Hon. Temporary Deputy Speaker, I cannot talk about marriage certificates without a mention of national identity (ID) cards. This is because the two are related. We are saying that acquiring a marriage certificate is becoming difficult. It is even more difficult for Kenyans to acquire ID cards. As we all know, an ID card is a very vital document that every Kenyan need for every official transaction, including official business in this country. What is worrying Kenyans more is the fact that in order for one to register as a voter, which is a constitutional right

---

**The Temporary Deputy Speaker** (Hon. Cheboi): Hon. Wandayi, when you raise the issue of an ID card in relation to the vote rather than marriage, you are digressing. I want you to restrict yourself to the relevant issue.

**Hon. Wandayi:** Hon. Temporary Deputy Speaker, once you marry, you aspire to vote so as to contribute to the country's development. That is why these things are related. I am very clear on the issue of relevance.

The Government needs to take drastic steps to address this issue because denying Kenyans ID cards is disenfranchising them. They cannot acquire voters' cards and, therefore, cannot vote. So, this is a wake up call---

**The Temporary Deputy Speaker** (Hon. Cheboi): Hon. Wandayi, I would rather you talk about consummation of marriages and other issues of that nature. We can bring a Bill later on, to address the other issue. I am sure that you can do so. I know you are political but let us restrict ourselves to the relevant issues.

**Hon. Wandayi:** Hon. Temporary Deputy Speaker, I will limit my contribution to the matter of ID cards and not voters' cards.

**The Temporary Deputy Speaker** (Hon. Cheboi): Please, proceed.

**Hon. Wandayi:** Thank you, Hon. Temporary Deputy Speaker.

I want to urge the Government to take drastic measures to ensure that every Kenyan who has attained the age of 18 is issued with an ID card as a matter of right. Kenyans cannot keep on applying for ID cards and wait for years to get them. I am aware that ID cards of Kenyans from specific regions are being hoarded at Nyayo House so that they can be disenfranchised at the end of the day. This is a wake up call. This Motion has come at the right time. We cannot talk about marriage without mentioning ID cards because the two are related. In my view, we should look at all these issues in a holistic manner.

Hon. Temporary Deputy Speaker, I support the Motion wholeheartedly because if we pass it and develop some mechanism to ensure that the proposals contained therein are implemented, we will have done this country a great service.

**The Temporary Deputy Speaker** (Hon. Cheboi): Member for Kipkelion East.

**Hon. Limo:** Thank you, Hon. Temporary Deputy Speaker for giving me the chance to contribute to this very important Motion. Before I continue, I would like to bring to the attention of the House to the fact that one of the biggest problems we have in Kenya is bureaucracy. It is

difficult to implement anything because we are trying as much as possible to ensure that everything we do becomes very punitive. An example is the difficult and punitive provision for payment of fines – which is counterproductive.

Therefore, as we make very good laws to govern marriage, we must not introduce rules that make the processes difficult. As they are, the rules are counterproductive. We have made it difficult to implement the law. Advising people against entering into come-we-stay kind of marriage and, again, telling them that they have to travel long distances to get married does not make sense. For instance, if you are from Turkana County, you are supposed to travel to Nakuru or Eldoret in order to get married. If you are from Namanga or Kajiado, you are supposed to travel all the way to Nakuru to get married and be issued with a certificate. This arrangement will only encourage people to get married in the bush. No one will get married officially because people will look at the cost involved, which is prohibitive. Other than the direct costs of a marriage, there are the indirect costs of travelling and waiting. I can imagine people travelling all the way from Mandera to Garissa, and from Ukambani to Embu. It is punitive.

We should make everything easy so that people can appreciate. If we make the process difficult in the hope of collecting more revenue, for instance, by saying that you must pay Kshs3,000 in order to get married, then there will be the problem of not attaining the numbers. Therefore, it will not work. If we have to collect revenue, we must look at the turnover. We should collect very little money from 1,000 people instead of collecting a lot of money from three people. At the end of the day, it will not be working for anybody. So, there is need to reduce the cost.

We will even have to consider amending this Motion. When we say we are urging the Government, it is not effective. We should not be urging the Government. We should be saying that “This House has resolved” so that immediately we pass this Motion, it becomes effective. If we say we are urging, it is going nowhere. You know the people we are dealing with. The people who are going to implement this are the same people we were rejecting the other day for not respecting this House. So, do you expect anything from this Motion? No, because we are urging. We are simply begging. Can we ask you? Sincerely, can we ask them to implement when we know the people who are going to implement this are unwilling? They are unwilling not because it is not a good idea, but because they are people who are sitting in the high offices who have a very serious disconnect with the ground. They do not know what the people of Kenya need. They just sit in the office from 8.00a.m to 5.00 p.m. and then go home. They do not know what Mr. Kamau, Mr. Chelugoi or Mr. Ouma who are suffering in the village need. So, by urging that the Government should move registration of marriages to the sub-county level and that the cost of marriage should be lowered, we are not resolving anything. We must stamp our authority by saying that: “This House resolves that the cost of marriage should come down.” Secondly, we should also resolve that the registration of marriages should be based at the sub-county.

The spirit of the new Constitution is to move services closer to the people. However, what is happening now is that the implementers are moving services away from the people. That is why most of the time I respect our friends, the Senators. However, when they also campaign and say we should move services away from the people by saying, for example, that the implementation of the Constituencies Development Fund (CDF) should be moved away from the sub-county to the county, what are we saying?

Everybody is in his or her own world. These people do not even know what the people at home want. The people want the services to move to the sub-location level because they are not interested in going to the sub-county. We should empower the Assistant Chief to register marriages. After all, what we want is to witness that these two people have agreed to stay together and it is legal. When it is legal, then it is implemented by somebody who is representing the Registrar of Marriages and it can even be done by the Assistant Chief. However, we are saying it should be done by the Regional Commissioner. Therefore, the people at home are just going to conduct customary marriages and shy away when we start telling them to be Christians. I do not know what Muslims preach, but I am speaking from the perspective I know. We are telling people to be Christians.

In Christianity, you get married through the Registrar, which means you must again go to the sub-county office. When we tell people that it is very expensive and they should go back to customary marriage, we are encouraging them to go back to the dark days. So, I urge that this Motion be---

**The Temporary Deputy Speaker** (Hon. Cheboi): I would not really want to intervene, but remember that as per the law that we have passed in this House even customary marriages are registered. So, even if they were to go to customary marriage, they would also be registered. Proceed, Hon. Limo.

**Hon. Limo:** Hon. Temporary Deputy Speaker, I stand guided. However, how can they register when we make the registration process very difficult? They will just get married. In fact, they will not even call the *wazee* to witness their customary marriage. They will just adopt come-we-stay. That is going to be counterproductive and that is what I mean. We need to make the process very easy for it to be implemented.

With those many remarks, I urge this House to support this Motion. I have not consulted the Mover of this Motion, but soon, I am going to find out if there is a way we can amend it to resolve that we are going to lower the cost of marriage and at the same time move the registration of marriages to the sub-county level.

I support the Motion.

Thank you.

**The Temporary Deputy Speaker** (Hon. Cheboi): Very well. I want to give an opportunity to the Member for Kathiani, but as he prepares himself, I want to recognise the presence, in the Speaker's Gallery, of:

- (i) Sammy Kipsiele Kirui – Member of the Bomet County Assembly;
- (ii) Mr. Issac Kitur – a Clerk with the Bomet County Assembly; and,
- (iii) Mr. Gideon Terer – a member of staff of the Bomet County Assembly.

Feel welcome.

*(Applause)*

The Member for Kathiani, Hon. Mbui.

**Hon. Mbui:** Thank you, Hon. Temporary Deputy Speaker for this opportunity. I want to first thank the Mover of this Motion. From last week, I have realised how important the

institution of marriage is to our people. We have a lot of information on what is affecting young people who want to get married.

The laws that we make in this House are meant to assist the people that we represent. So, as we make laws, we must be very alive to the fact that the laws are supposed to benefit the people and not to punish them. There are several laws that have passed in this House, but later on we find a lot of complaints from members of the public. The Marriage Act of 2014 is one such law. Eventually what has happened is that the cost of marriage has gone up. I shared some information with one of the bishops of the Africa Inland Church (AIC) and he told me that there are very many complications and bureaucracies that they have to follow in order for one to get married. He said, first and foremost, the bishops or officers conducting marriages have to be registered and it costs them money to get registered. Then he talked about the marriage certificate booklets that cost a lot of money; that is over Kshs20,000.

For any couple to get married, both the man and the woman have to get the certificate from the officer who will conduct the marriage then travel to the registration centre to get accredited and be allowed to start the process.

Hon. Temporary Deputy Speaker, the cost of marriage, of course, as my colleagues have said, is quite high because we are talking about 14 centres for registration of marriage in the country. We have 47 counties and that means, basically, that it is one centre for three counties. So, if a man and a woman want to get married and they have to cross two counties to get to the centre, it is very expensive. It also means they may have to stay overnight. After they get permission to start the process, they also have to give notice of a certain number of days after which they will get married. After this is done, they will go back and seek for the certificate of marriage. So, it is a very complex process and quite discouraging. If we continue this way, then marriage will become the preserve of the rich and that is not what we want.

Marriage is a holy union for many of us but if it becomes complicated to get married in the church, what is likely to happen is that more and more young people will go into the unions we call “come-we-stay”. That obviously is going to erode the moral fibre of the nation and it is something we will not be proud of.

I support this Motion and add that it is important that we do away with this bureaucracy. Let us ensure that these centres are brought closer to the people and we ensure that the laws we make in this House favour our people.

Before I finish, there is one other marriage that seems to be affected very seriously by laws that are not very clear. This is the marriage between the National Assembly and the Senate. This marriage is failing because there seem to be problems in the law; the interpretation of the Constitution and who is supposed to do what. That marriage can be good if we improve the laws.

**The Temporary Deputy Speaker** (Hon. Cheboi): But Hon. Mbui, and I do not want to interrupt you, that marriage is definitely not going to be governed by this particular Motion or even a Bill that will come thereafter. That is a totally different sort of marriage which is not recognised in our statutes.

**Hon. Mbui:** Thank you, Hon. Temporary Deputy Speaker. I stand guided. That one is probably headed for divorce.

Finally, I support my colleague who said that we should resolve that the Government reviews the procedures and cost of marriage, registration and decentralises the offices to a minimum of all sub-counties so that we call “kill” bureaucracy.

I support the Motion.

Thank you.

**The Temporary Deputy Speaker** (Hon. Cheboi): We will have Hon. Rasso. You will put your card at the intervention slot because I accidentally struck you off the list so that we can have you speak.

**Hon. Dido:** Thank you, Hon. Temporary Deputy Speaker. I pray that you remain on that seat.

I rise to support this Motion with the understanding that marriage is the most important human institution. In our country, marriage is governed. It is clearly stated in the Constitution, under Article 45, that the family is the natural and fundamental unit of society and the necessary basis of social order. So, if individuals are asked whether they are married, they are being asked a very fundamental question.

Marriage is also about human liberties and strengths of society. This Motion brings to light the difficulties that we are facing as a country in the institution of marriage, education and land. There are too many Acts which are out there and unless they are amalgamated, they are very confusing to the citizenry. One wonders whether to refer to an Act of 2005, 2013 or 2014.

I recognise the effort that Hon. Injendi has made to bring this Motion before this House. If we remain within the confines of the current Acts, which are many, then we will give power to lawyers and the corridors of justice to be litigants to be peddling and resolving marriage issues through the process of courts.

The cost of marriage should be zero-rated just like issuing Kenyans with IDs, Police Abstracts or Birth and Death certificates. This is because if we make it expensive, citizens will resort to other recourse particularly by having marriages of convenience which you call “come-we-stay”.

Over the weekend, I lost one of my constituents, a lady who was married to somebody in Meru. That marriage was not registered and they have a child. One of the many questions we were asking ourselves is where the lady should be buried. What would you do to the child? Does she belong to the mother’s family or the father’s family? What about the benefits to the woman because she was working. If we do not make it easy, particularly in obtaining marriage certificates, then we may as well be saying that the citizenry go into marriage in a way that will make the family unit very difficult to manage.

Again, in Article 45(2) of our Constitution, every adult has the right to marry a person of the opposite sex based on the free consent of the parties. There is almost the limitation to individuals that they must either go to Imams or to church to solemnise marriage but if the law is enacted in such a way that it is made simple for individuals to approach even magistrates or sub-county administrators, they will register their marriages in an easy way.

The other matter which this Motion raises is in the area of decentralisation. What we are seeing even in the current constitutional dispensation of devolution is that you have decentralised from Nairobi but you have actually centralised in Marsabit, Bomet and Nandi. So, the citizenry are still waiting for those services. Are the services coming closer or they are still far away?

Through this Motion, this House must exert its powers so that the citizenry can afford services which are in close reach so that the society can live in harmony. As it were, there are many obstacles placed before the citizenry particularly in getting these services which should be free to them.

I beg to support.

**The Temporary Deputy Speaker** (Hon. Cheboi): Very well. I notice that in the list of 22 requests that we have now, we only have two Members from the other gender. That puts me in a very difficult situation. I will give the first chance, because marriage is something important, to the Kajiado County Women Representative, Hon. Mary Seneta to try and balance.

**Hon. (Ms.) Seneta:** Thank you, Hon. Temporary Deputy Speaker for giving me this opportunity. You are aware that marriage mostly affects women and families. It is a very important aspect in life. I want to support the Motion by saying that the procedure of getting marriage certificates should not only be cheap, but should also be a bit faster so that you can easily apply for a certificate and get it immediately rather than moving across two counties to get it.

As we talk about devolution, these are some of the things that should be devolved. The process of getting a marriage certificate, a birth certificate, an identification card and other important documents should be devolved to the village level. It should not even be handled at the sub-county level, but at the village level. We should also look into ways of digitizing the process so that you can apply for these documents from the Huduma Centre. I do not know why we should go to a Registrar of Marriages to get a certificate. We should make sure that people can get it from the Huduma Centres. One should apply for it and pick it later. Kenyans have suffered in the processes of getting these documents. They pay fare to and fro certain offices several times.

**The Temporary Deputy Speaker** (Hon. Cheboi): What is it, the Hon. Member for Turkana Central?

**Hon. Nakara:** On a point of order, Hon. Temporary Deputy Speaker. Marriage must be public and official. Two people going to a Huduma Centre without a witness is not marriage. Is the Member in order to say that only the two people should go to Huduma Centre to pick a marriage certificate? Where are the parents, witnesses and the marriage officer?

**Hon. (Ms.) Seneta:** Hon. Temporary Deputy Speaker, I stand to be corrected. I am not saying that you should be given a marriage certificate at the Huduma Centre without a witness. I am saying that the process should be made easier. The certificate can be applied for and then you can go and pick it when you have a witness or it can be picked for you by a certain institution like a church. Here, we want to reduce the cost of getting the certificates. You will get a lady or a man moving across two counties just to get a certificate. We are saying that the process should be devolved. The process of applying for the certificate should be brought to a level where every mwananchi can reach.

Therefore, I support this Motion. Getting a marriage certificate should be made easier by reducing the time and the cost that is involved. We should also reduce the movement from one place to another in search of marriage certificate. This should be devolved to the village level so that everyone can get it. The process of who should issue the certificate should be shortened such that a pastor, for example, can issue it. Making it look like only a very special person can issue



this certificate makes our young men and women believe that it is a very costly process. That is why many of them are going for the better option of “come-we-stay”. They fear the cost and the whole process. Some of them do not go to church and when they want a marriage certificate, they are subjected to a lot of problems. They are told that they must go to a certain pastor because the pastor in the village is not qualified to issue a marriage certificate. We must make this process easier for our young people.

I support the Motion.

**The Temporary Deputy Speaker** (Hon. Cheboi): We will proceed. I will give an opportunity to the Member for Makueni Constituency.

**Hon. Maanzo:** Thank you, Hon. Temporary Deputy Speaker for giving me this opportunity. I want to support this Motion. It is true that what happened with the recent Marriage Act was an amalgamation of several Acts of Parliament. I have had opportunity to practise law in this area as a lawyer and after the amalgamation of the Acts, it was not automatic that the regulations were also amalgamated. Therefore, there is need for regulations to be made under this new Act by the relevant body, which, in this case, is the Attorney-General’s Office. When these regulations are made, they will come to the Committee on Delegated Legislation to counter check and make sure they are correct.

The issue of regulation is good. There should be minimal trouble in getting these certificates. There are only twelve stations in the country where you can get a marriage certificate although I am aware that some bishops and pastors have been given authority and have been issued with the certificates. After they give us the certificates in church and after a wedding has been solemnised, the newly wedded couple has to move around to get the marriage registered. This is because other than having a marriage certificate, it must be registered. There is a process which begins from giving a notice in the stations. Trouble begins when somebody has to move to where the offices are no matter how far they are, first of all, to give notice. Notices are also announced in the local churches. As the Hon. Member has said, not everybody is a Christian or a Muslim. The Islamic Law has its own system of handling this. Many marriages under the Customary Law and Civil Marriages are conducted by people who do not necessarily attend church. Therefore, this is an issue.

On top of this, there are also marriages which are conducted abroad. Somebody in South Africa, Egypt or a Kenyan living in West Africa who wants to conduct a marriage has to give an international notice from the country of origin. Once it gets to Kenya, it has to be processed. Again, this is a procedure which this Motion seeks to make simpler and better for everybody, so that we can achieve the goal of devolution which is the main theme in our new Constitution. Services should be brought nearer people. What happens is that one has to go through a process of issuing notice and that is where it begins. A certain number of days must expire before that marriage is conducted.

The issue of upward revision of the marriage certificate acquisition fee has been occasioned by the new Act. Conducting a marriage now becomes a more expensive affair and may not be affordable to many Kenyans hence the easier options.

As you know, a nation begins with a family and this is very important. A strong nation is founded on strong families. Therefore, this particular bond is good and cannot afford to be

weakened by the laws that we make. Again, the acquisition fee has to be checked under the regulations, so that the locality and what one has to go through is checked.

The other issue that is raised here is that there have been inhibitions in registering marriages because of those challenges. That is why I agree with the Member who talked about a resolution and not urging the Government to come up with these procedures, which as a House, we have to look at again to make sure they are correct.

There is also the issue of the Registrar of Marriages being in the sub-counties or the constituencies. There should be a Registrar in each one of them because weddings take place almost every weekend. The process before that will sufficiently keep this particular Registrar busy. Therefore, there will be no harm taking this to the constituency level, which is actually a unit of devolution. A lot of activities take place at the constituency level, which is what Kenyans are used to for a long time.

I agree with the proposal that all sub-counties should have a centre with an officer who will also conduct civil marriages, which can happen on any day of the week. Those officers should also be booked to visit areas where civil weddings are being conducted over the weekends.

Therefore, this will make the law we have made much better. I therefore support.

Thank you.

**The Temporary Deputy Speaker** (Hon. Cheboi): Let us have the Member for Nakuru Town East.

**Hon. Gikaria:** Thank you, hon. Temporary Deputy Speaker for giving me this opportunity to contribute. I take this opportunity to thank Hon. Injendi for taking his time to do research on the Motion he has brought. I totally agree with Hon. Limo who has said---

I am a member of the Committee on Implementation. The reason we find it very difficult to do the implementation aspect of anything that has been brought, including Motions and Executive commitments, is because of the word "urging". It is an issue we really need to resolve. As a Committee, we will propose through the Liaison Committee that they should check some of these Motions before they are brought for debate so that they can align them with the standards that are required.

Hon. Injendi has made a very good research. I had an opportunity to look at what he has done. From Hon. Injendi's remarks, it shows that these regulations were gazetted in May last year. It is important for us to start thinking again. When we have regulations like the ones from the Ministry of Education, Science and Technology that have not gone through the relevant parliamentary committee like the Committee on Delegated Legislation, then we have an issue. Maybe, this Committee could have looked at these regulations had they been taken before it.

The Motion says very clearly that it is to review the procedure and the cost of marriages. So, according to Hon. Injendi, the law itself has no problem. He has made a conclusion that the law has no problem but it is only the procedure and the cost of marriage which have a problem. If you look at some of the issues that have been brought up, you will find that Hon. Injendi had an opportunity to look at the old and the new charges.

We expected that in his wisdom, he would give the moderate charges so that by the time we resolve, for example, on the issuance of marriage certificates which cost Kshs200 before but now cost Kshs600, then we say that Kshs300 would be a moderate figure. As a Committee, these

are the things we would like people who move their Motions to do. They need to give suggestions so that as we make our resolutions, we make resolutions which are---

As Hon. Injendi has put it, the Attorney-General was trying to formulate this to try and protect that institution. This is because people will come with some flimsy issues claiming that they got married and claim for inheritance yet they do not have certificates. So, this aspect of the regulation will stop the abuse of this institution in future by people who have ill motive. I totally agree with hon. Injendi that this is a very important issue.

One of the issues raised in this Motion is the marriage notice that is given. These are the 21 days. After the notice, one is supposed to get married within three months and pay Kshs1,500. Assuming that, for any reason, you do not get married before the three months elapse, what happens to the Kshs1,500? Are you supposed to pay another Ksh1,500? You know some of these issues could come out of the couple that wants to get married. Even if you do not get married within the stipulated period of time for whatever reason, it should be indicated that if it is for this reason and it was beyond your control, then if in future you want to get married, you can use the same receipt for the payment.

The special fine of Kshs50,000 that is charged if you do not want to go to the Registrar of Marriages or church but you want go to a garden, a park or wherever you want, is exorbitant. You are only supposed to pay Kshs1,000 to formalise your marriage in other countries. It will make people who live around the borders to cross over and do their marriages in other countries, come and solemnise their marriages in the country. However, the law in the other countries says that the couple must also be in conformity with the laws of this country.

So, it is important that we indicate the exact fees. Hon. Injendi should have come up with the exact fees. The issue of decentralising the places is also important. Hon. Injendi ought to have said that the Deputy County Commissioners and the Assistant County Commissioners can be indicated as Registrars of Marriages so that that will go down to the lowest level. The village level might be a little bit costly. The chief is at the lowest level of the village. It is acceptable for the Assistant County Commissioner or the County Commissioner to take that office.

I agree that the procedure ought to have been brought back to Parliament so that we can deal with it. At the same time, we needed to have moved some amendments to the Motion much earlier. We should have indicate, in Parliament's opinion, which should be the lowest level as a Registrar of Societies and the amount based on what was there before.

The churches used to get a booklet of 100 certificates at Kshs20,000 but now they get 150 certificates at Kshs25,000. It is now cheaper for the churches unlike before. I agree that this is a timely Motion. However, for purposes of implementation, it needs to have some proposals which will be implementable in future so that when we take it up as a Committee on Implementation, we will go for specific issues instead of not knowing what to do.

With those few remarks, I support the Motion.

**The Temporary Deputy Speaker** (Hon. Cheboi): For purposes of balancing, I will skip the first two Members here so that I can get a Member to the left of the Speaker. That is the hon. Member for Kwanza.

**Hon. F. K. Wanyonyi:** Hon. Temporary Deputy Speaker, I want to take a very short time to thank my brother Hon. Injendi for coming up with this Motion. The family unit is very important. It is the strength of the society. The value of society is based on the family.

Therefore, it is important that the procedure and the cost of having a family are reduced. I also want to say that it is good to have this decentralized to the sub-county level since it will be cheaper.

A marriage certificate binds two people together and if we make it difficult, as most Members have said, people will find an easier way of getting married; the “come-we-stay” way. After that, you will find people having problems in marriage and fighting day and night because there is nothing binding them. You also have the risk of people moving from one partner to the other. In Kiswahili we call it *mpango wa kando*. *Mpango wa kando* is encouraged because people move from one partner to the other because they have nothing that binds them. The other effect of *mpango wa kando* is the spread of diseases. It is important to have the procedure and the cost reduced so that we can do that at the sub-county level.

I also know that certificates are normally issued by mainstream churches. Much as we want to have this at the sub-county and district levels, we could have marriage certificates being availed at mainstream churches like the Catholic Church, the Anglican Church, the Pentecostal Assemblies of God (PAG) and the rest. They can issue the certificates instead of having to go to the county level because they issue them after all. Most of these marriage announcements are made in the respective churches, therefore they can be given the certificates so that once one gets married, he is given the certificate and the returns are sent to the Registrar.

The biggest problem we have had in the past, particularly in my area is where you find that either the husband or the wife has died. If it is husband, you find more than 10 ladies claiming that they are the official wives married to the deceased. We have had very embarrassing situations where you find that before a man is buried, more than five women coming and say they are the official wives and such like things. I remember seeing a drama recently in Western Kenya, where a prominent person died and more than three women came forward, each one of them claiming to be the rightful wife of the deceased. It was very embarrassing. The burial was delayed since the family members did not know who of the three was the rightful wife. So, it is important to have procedures and costs reduced in marriages so that we can have disciplined families and Kenyans particularly the youths. That will stop people from moving from one partner to another.

Hon. Temporary Deputy Speaker, I support the Motion.

**The Temporary Deputy Speaker** (Hon. Cheboi): Very well, I will give the hon. Member for Aldai this chance. Ordinarily, I would have given the hon. Member for Imenti but he removed his card. Hon. Member, you will have to wait a little bit longer; probably after one or two Members, before you are given an opportunity.

**Hon. Serem:** Thank you, Hon. Temporary Deputy Speaker. I want to thank Hon. Injendi for coming up with this Motion so that we can look into ways that we can make marriage easier for our young Kenyans who want to engage themselves in this meaningful institution. We have designed a law that allow those who are privileged in the society to get married. Very many people in the villages cannot get an opportunity to formalise and have this very important institution.

I do not know made us come up with the punitive measures of penalizing an individual from getting married in the village. We should allow the district or the deputy county

commissioners to handle issues in the villages. None should be compelled to come to Nairobi for the purpose of---

*(Loud consultations)*

Hon. Speaker, the consultations are too high.

**The Temporary Deputy Speaker** (Hon. Cheboi): That is right. Hon. Members, the decibels are getting a little higher. Let us give an opportunity to the Hon. Member for Aldai to prosecute his case. Proceed, Hon. Member.

**Hon. Serem:** Hon. Temporary Deputy Speaker, we are hearing cases of individuals not getting married. If anyone had an opportunity yesterday to listen to a candidate who is vying to be the Governor of Central Bank, he or she will find that the candidate was not given an opportunity to explain to us why he does not have a family. If we could have gone deeper, maybe this could have been another factor why he is not married.

*(The Temporary Deputy Speaker  
(Hon. Cheboi) left the Chair)*

*(The Temporary Deputy Speaker  
(Hon. (Ms.) Shebesh took the Chair)*

The chiefs and assistant chiefs have responsibilities of registering deaths and births in the community. I do not see any reason whatsoever why we cannot allow the same personnel to handle the same. As we are looking into ways of reducing costs, there is no need to engage a registrar in the counties or sub counties to increase wage bill in this country. The district or the sub county commissioners can handle the same with no cost. The best guideline in my view is to have the same process as it was in the beginning.

Hon. Temporary Deputy Speaker, very many children suffer out there in an event that one parent is lost. Members of other families tend to appear and claim that they are the actual beneficiaries of the property that one of the family members left.

In my view, marriage is a proof of ownership. We should allow the process to be very easy for anyone who wants to engage in marriage. Have it as it was before rather than having a situation where one has to travel to Nairobi or move to the former provincial headquarters. The issue of making payments; it should be free. I do not think anyone pays to look for a girlfriend or a wife. If it is free, then the process of acquiring a wife should be free. Why should you be penalised?

I support the Motion.

Thank you.

**The Temporary Deputy Speaker** (Hon. (Ms.) Shebesh): I now give the Floor to Hon. Christopher Nakuleu.

**Hon. Nakuleu:** Thank you, Hon. Temporary Deputy Speaker. At the outset, I wish to support the Motion by Hon. Injendi. First, we all know that the family is the basic unit of any society. The stability of the family has a direct bearing on the stability of the entire society.

*(Loud consultations)*

There are loud consultations! Members are consulting in high tones.

**The Temporary Deputy Speaker** (Hon. (Ms.) Shebesh): Hon. Members, please lower your levels of consultation so that the speaker on the Floor can be heard.

**Hon. Nakuleu:** Hon. Temporary Deputy Speaker, with regard to the cost of executing marriages, as it is now, it is extremely exorbitant. It limits and discourages people from formalizing their marriages. It makes marriages very expensive and only a preserve of the rich. Therefore, there should be every effort to amend the Act to make marriages affordable.

With regard to the level of decentralization, there is every need to decentralize those units or centres for conducting marriages to every sub-location or even location. Government officers who are presiding over those institutions should also be devolved. We cannot devolve funds without devolving services. Marriage services should be done well. To facilitate marriages, we need to come up with a scheme to facilitate issuance of identity cards so as to ensure that the people who are wedding are of the right legal age. That is meant to avoid incidences where people wed minors.

The use of *Huduma* Centres for marriage applications should be enhanced. There was an argument by one of the Members that a marriage must have a witness. The *Huduma* Centres can act as registration centres. Then there will be institutions to assign where you will go and partake of your marriage. However, the *Huduma* Centres can act as the central place where registration is done. Then the ceremony is assigned to various churches or institutions in various parts of the country. Therefore, to facilitate or fast-track marriages, it must be made voluntary, easy and affordable. That will enhance the stability of the family unit, society and the country at large. I wish to register my support for the Motion, but with an amendment that we should not urge. Rather, we should “resolve”. That is because the institutions that implement those things are the core rivals of this House. Therefore, if we give an exit point where they interpret our communication in a very terse manner, then they will have every opportunity to evade implementing our directive.

With those few remarks, I wish to support.

**The Temporary Deputy Speaker** (Hon. (Ms.) Shebesh): I now give the Floor to Hon. Kathuri Murungi.

**Hon. Murungi:** Thank you, Hon. Temporary Deputy Speaker, for giving me this opportunity to contribute to this Motion as moved by our colleague Hon. Injendi. I want to support this Motion. I would like to indicate that according to Marriage Act, 2014, all marriages must be registered. They include customary marriages, civil marriages, Christian marriages, Islamic marriages and Hindu marriages. The Act does not favour customary marriage. Before that marriage is given a certificate, the people who go through the route of customary marriage must take six months to complete the rituals and to convince the marriage officer or the registrar that they are up to task. The Mover has articulated that marriage services should be decentralized to even sub-county levels. According to the Act, the Registrar of Marriages, who is an appointee of the Cabinet Secretary (CS), has been given leeway because he can as well appoint marriage officers at either national, county or sub-county levels. This is just a matter of regulations. As the

hon. member for Makueni has indicated, those regulations should now be done by the Attorney-General (AG), so that we can have a good law in place.

We also need to note that the Act also recognizes foreign marriages. Such marriages can be conducted at our embassies and consulates abroad. The Registrar of Marriages can appoint officers even in those embassies who can issue marriage certificates without any hindrances.

Many Members have also talked about the fees charged for marriage certificates. For sure, getting a wife should not be just a walk in the park. The fee, which is almost Kshs1,000 is reasonable depending on where people come from. Some of us pay up to 50 head of cattle to get a wife. Therefore, to get a certificate worth Kshs1,000 is not expensive. In order to get a good wife, you must be ready to pay the price. Actually, that is the sweetness of any marriage. If you are given those people free of charge, you would really abuse them. The certificate, according to me, should be made as dear as the wife. So, I might differ on that.

Hon. Temporary Deputy Speaker, this House has urged the Government in so many circumstances. In so many cases, we have been urging the Government. We have been urging and begging the Government. Urging is actually like begging. Therefore, in this Motion as indicated by my colleagues, we should ask the House to come up with a resolution so that we do not waste a lot of time doing talk-shows. The result is that the implementation of the Motions will become a problem. We know that there are many under-currents in the systems which are looking down upon this House. Therefore, we need to pass laws which can stand the test of time. We should pass laws which, when they go to the mandarins of the Executive and people who are out there to frustrate this House, they are implemented.

With those few remarks, I want to support this Motion. Thank you.

**The Temporary Deputy Speaker** (Hon. (Ms.) Shebesh): I now give the Floor to Hon. Hellen Chepkwony.

**Hon. (Ms.) Chepkwony:** Thank you, Hon. Temporary Deputy Speaker. I want to support this Motion. The reasoning is that it will help many people to register their marriages. This will only happen if the Government decides to decentralize those services to the sub-counties. We know that in Kenya now, we have devolved most of the activities of the national Government to the counties. If those services are decentralized, we shall get more people getting married. By that, we shall get more revenue because many people will be registering their marriages. According to me, the services should be decentralized because the distance from the homes to the headquarters is very far for some people. Those people need money for travelling there and also for registration. If there will be no decentralization of the services, most of them will just stay without getting married. If they stay like that, we shall have more people staying without getting married. The problem is that in case of death, the spouses are bound to lose their benefits. For example, if a woman dies, she will not be entitled to be buried in the precincts of the husband's home because they were not legally married.

So, Hon. Temporary Deputy Speaker, if the services are decentralised, it will allow us to have more marriages and very few "come we stay" issues. Again, the Government will get more revenue from that because more people will register. We need to have people who are legally married to avoid disputes. They should get their certificates. We want to "resolve", and not to "urge" the Government to decentralise the issuance of marriage certificates. It is not a matter of

urging, rather, it is a matter of resolving. As Parliament, we have to resolve issues. It is not a matter of urging another body to do things for us. We need to resolve.

With that, I support the Bill. Thank you.

**The Temporary Deputy Speaker** (Hon. (Ms.) Shebesh): I now give the Floor to Hon. James Nyikal.

**An Hon. Member:** He is not here.

**The Temporary Deputy Speaker** (Hon. (Ms.) Shebesh): Okay. I give the Floor to Hon. Geoffrey Odanga.

**Hon. Odanga:** Thank you, Hon. Temporary Deputy Speaker. I also want to support the Motion as brought by Hon. Malulu Injendi. I will be very brief because many issues have already been talked about. We have said that marriage is a very important and sacred institution. It was created by God when he created a woman for Adam. That is because Adam would not live alone. Therefore, it is an important institution.

It is only through marriage that we can get a family, which is the basic social unit. Therefore, because of our requirements of the day as human beings and the complications, the certificate and registration of marriage has become important. In case of succession, the children or the spouse of the deceased would require a document to attest to the fact that they were actually married. The fact that it takes too long, the red tape involved and the process being costly, it has been prohibitive for some people who intend to have the certificate to have their marriages sanctified. Therefore, I want to support the Hon. Member for proposing to this House that the registration and certification of marriages should be decentralised to the counties and sub-counties for ease of the would-be married people.

I support.

**The Temporary Deputy Speaker** (Hon. (Ms.) Shebesh): I now give the Floor to the Chief Whip of the Minority Party.

**Hon. Mwadeghu:** Ahsante, Mheshimiwa Naibu Spika wa Muda. Naomba nami nichangie Hoja hii kuhusu gharama za ndoa na vile ndoa zimekuwa haziwezi kufanyika hivi sasa kwa sababu ya matatizo ambayo yameletwa hasa na Serikali. Tulipopitisha Mswada wa Ndoa wakati mwingine, hatukutarajia kuwa baadaye Serikali itageuka iseme kuwa itaweka sheria ya kusema kuwa yule ambaye anataka kufunga ndoa lazima asafiri hadi makao makuu ambayo yamepangwa na Serikali. Nikitoa mfano, watu wangu wa Taita watoke Taita waende Mombasa ama waje Nairobi ndio waweze kupata cheti cha ndoa.

Utakubaliana nami kuwa cheti cha ndoa ni muhimu na kila mtu anakihitaji ili kuthibitisha kuwa amefunga ndoa na mtu na kuwa wale watoto ambao Mungu amewajalia mkapata wametokana na ile ndoa mliofunga. Tatu, mmoja wenu akiwa hayupo na ameaga ndunia, mali mtaigawanya namna gani ama ni nani ataachiwa mali? Mkiwa mnamiliki mali, nani ataweza kumiliki hiyo mali? Lakini hivi sasa, imekuwa ni kero kubwa kwa mtu yeyote anayetaka kuoana mwenzake ama kuolewa na mwenzake. Inambidi, licha ya kutoa mahari, agharamie usafiri kwenda kutafuta cheti na asajiliwe. Baadaye, ndio arudi tena kanisani kuja kufunga ndoa. Swali tunalouliza ni: Kwa nini tumeweka sheria kama hizi ambazo zinafanya watu washindwe kufunga ndoa ama kuoana? Je, nia yetu tulipokuwa tunapitisha Sheria ya kuoana ilikuwa kuleta gharama ambazo binadamu ama wananchi hawawezi kuzigharamia na baadaye kuanzisha mipango ya watu tu kuungana? Binti atoke nyumbani kwao aende akae na mwanaume. Wazungu wanasema



ni “*Come, let us stay*” Hiyo sio nia yetu. Nia ilikuwa kutafuta taratibu ambazo zinaweza kukubaliwa ili watu wakiamua wakae pamoja, waweze kuenda pahali ambapo wanahitaji wapatiwe cheti na mtu ambaye amethibitishwa kuwa amehitimu kufunganisha ndoa. Hivi sasa, tumeshindwa kuheshimu kanuni za ndoa kwa sababu tumeifanya iwe ghali mno. Watu wameamua tu wataondoka manyumbani mwao waje wakae kwa sababu wanaogopa zile gharama.

Ombi letu ni hili: Katika kila kaunti, kuwe na ofisi ambayo imesajiliwa na ina msajili ambaye anaweza kuandikisha, kufunga ndoa na kupeana cheti. Nakubaliana na mawazo ambayo yalitolewa hapo awali kuwa mara nyingine, kulikuwa na watu bandia ambao walijitokeza wakaanza kufunga watu ndoa na kuwapatia vyeti. Lakini hilo halimaanishi watu wote waadhibiwe kwa ujumla. Tunaomba irudishwe pale ilipokuwa na makanisa yakubaliwe kutoa vyeti vya ndoa pale pale ambapo watu wanaamua waoane ama wafunge ndoa.

Ndugu zetu waislamu wana bahati. Hawakuhusishwa na sheria hii kwa sababu makadhi kokote walipo wanaweza kufungisha ndoa zao. Lakini sisi wakristo tuna shida kubwa sana kwa vile watu lazima wasafiri ndio waende kupata vyeti. Halafu ile ilani ambayo inahitajika ni kubwa. Unatakiwa kutoa ilani siku 21. Katika wakati huo, hauwezi kupanga kitu chochote kwa sababu haujui ikiwa ilani italeti kero na mtu mwingine ataenda asimamishe hiyo ndoa.

Kwa hivyo, tunaomba kuwa gharama za ndoa zirudi chini. Tuhakikishe kuwa ofisi zimetengwa katika kila sehemu ya kaunti. Watu waweze kufungishwa ndoa na wale ambao watasajiliwa kuweza kupeana vyeti wawe ni watu wa kuaminika, wamehitimu na wanaheshimika.

Kwa haya machache, naomba kuunga mkono Hoja hii. Asante, Mheshimiwa Naibu Spika wa Muda.

**The Temporary Deputy Speaker** (Hon. (Ms.) Shebesh): I now give the Floor to Hon. Robert Pukose.

**Hon. (Dr.) Pukose:** Thank you, Hon. Temporary Deputy Speaker. I want to support this Motion by Hon. Injendi Malulu. It is a very important Motion considering that we only have 12 centres that issue marriage certificates in the whole country. This is hardly devolved. This Motion is urging the Government to open such centres within the sub-counties or, in essence, at the constituency level. This will make it much easier for the public to access that very important document. It will make it both accessible and affordable.

In this country, there are areas where people have difficulties to reach in terms of terrain and transportation. It is very difficult for people to get such services when we have not devolved them. Currently, considering that we passed the Marriage Bill in April, 2014, which was assented to by the President in May, we want to make sure that, that service is much accessible, whether under the customary law, the church, civil marriage or Islamic law. This is a very important Motion that needs to be supported, so that we can make the marriage certificates much accessible to our constituents. They can do it at the constituency level. We can walk there and have it done in a proper way.

It will also make it much easier for the community to raise whatever issues that they would like to raise. More often, if you are going to do it in a distance place, you may find that, for example, somebody is marrying somebody else’s wife. So, it makes it more difficult for somebody to know what is happening if it is done at a faraway place where there are no means of communication. Even if the notice is put on the notice board at the headquarters where the

marriage is being done, people cannot access the headquarters. More often, if the marriage is being done in a church, the notice is announced in the church. If it is civil marriage and it is put on a notice board far away from the people, the people will not get the information. It is much easier at the constituency level because somebody can read and inform the other people of the marriage and they can raise any issue. We should make it accessible so that people can even raise objections, if there are any.

I want to support this important Motion. The issuance of national identity cards should also be devolved to the constituency level. As much as we talk about devolving those services to the sub-county level, we should also look at it in terms of how soon the documents can be processed. The processing of the certificates should also be hastened to make it much quicker. Similarly, in terms of the national identity cards, we should hasten the process.

Yesterday, there was a group of people who were transporting my constituents to a different constituency so that they could access national identity cards. The acquisition of identity cards has been made difficult by people making allegations that foreigners are getting identity cards from there. Yesterday, the same people were claiming that foreigners have been ferrying people to get identity cards at a different constituency. You make it difficult for people to access the document in their own constituency and then you take them to a different constituency. These are issues that need to be addressed very seriously. The Government must look into some of these issues, so that some people do not commit fraud in terms of disenfranchising people. We should urge the Independent Elections and Boundaries Commission (IEBC) that when it comes to registration, people should register where they took their identity cards.

With those few remarks, I support this Motion.

**The Temporary Deputy Speaker** (Hon. (Ms.) Shebesh): I want to give the Floor to Wesley Korir, the Member for Cherangany.

**Hon. Korir:** Thank you, Hon. Temporary Deputy Speaker, for giving me this opportunity to support this Motion. When I look at the Jubilee Manifesto, it really focuses on the family. One of the things that it said was that the family will be the cornerstone of the society. That is very factual everywhere in the world. Without a strong family foundation, there is no strong society. Without a strong society, there is no strong nation. We have to ensure that our families are strong. The way to do that is through marriage. There is no family without marriage, otherwise, it will be just “come-we-stay” and you leave whenever you want. When you have a concrete marriage which is sealed by a marriage certificate, it shows that you have stood together and have declared your interest and commitment to stay together for life. That is where everything starts.

It beats logic when the Jubilee Government’s Manifesto focuses on a strong family and yet, we are trying to make it really difficult for our young men and women to declare their interest and seal their unity through marriage. We should not make marriage a privilege for a few. This has been a problem in this country. Instead of looking at the 80 per cent of the people who are poor in this nation, we are looking at the 20 per cent who are rich. Marriage has become a privilege. When young men want to get married, they are already worried about where they will get the dowry. They are already worried about how to please a woman for her to see that they have money. If you do not have money right now, nobody will marry you. After all that, the

Government has made it very difficult for the young men to get marriage certificates. We need to do everything possible to make it as simple as possible so that when it is time for people to get married, they can get the marriage certificates. That way, we can have strong families that stand, stay and do their things together.

Another issue that is of concern to me is the fact that we, as the Government or the leaders in this country, are not working hard to make sure that we bring our families together. For example, when you look at the issue of empowerment, we are focusing on women empowerment and leaving out men empowerment. The women have all those opportunities to get money. But the men do not have any opportunities or resources to build themselves. We need to start empowering the family as a unit. We should not only empower women and the youth, leaving out the men who are becoming disadvantaged in this society. If our goal is to make sure that we have a strong nation, a strong family is the way to go. That should start by making it easy for our people to access marriage certificates. We should also look at ways of empowering the family as a unit and not empowering individuals as women and youth. If we do that, we will be building a strong family.

For that, I strongly support this Motion. I also want to add my voice on the issue of us, as Members of Parliament, demeaning our status. When you say “urge”, you are begging the same people that we gave the job to implement what we want. We need to start looking for other ways of putting these things down. When you say “urge”, you are begging them to do our mandate as the representatives of the people. We are here to represent the interests of the people. When we speak here, we do not speak for ourselves. We speak for the millions of Kenyans who sent us here.

They should do exactly what we want them to do. By urging them, we will not be doing anything. This will influence the counties. We are decentralising this service to the counties. We should bring amendments. The senators are the ones who deal with county governments and they should work. They should bring amendments to ensure that this is implemented at the county level, so that we do not have to worry about talking and eventually having nothing done.

With those few remarks, I support the Motion, which should be implemented as soon as possible.

**The Temporary Deputy Speaker (Hon. (Ms.) Shebesh):** I now give the Floor to Hon. Maison Leshoomo. Come and speak from the Dispatch Box.

**Hon. (Ms.) Leshoomo:** Ahsante sana, Naibu Spika wa Muda, kwa kunipa nafasi hii ili nichangie Hoja hii ya ndoa.

Nafikiria sheria za zamani na za sasa haziwezi kulinganishwa kwa sababu mambo ya ndoa ni muhimu sana kwa wananchi na familia. Sijui ikiwa ni sheria haikutengenezwa vizuri kwa sababu, watu wanafunga ndoa lakini haimaliziki mwezi au mwaka kabla ya ndoa hiyo kuvunjika.

Mara nyingi, wananchi uhangaika kwa sababu ya sheria hiyo. Mwanaume anaweza kuoza wanawake wawili ama watatu, na wote wawe na vyeti. Ndiyo watu wanashangaa ikiwa sheria hiyo ni timilifu. Kuna ndoa ya kitamaduni, ambayo ningependa kuizungumzia. Katika jamii ya Wasamburu, unapofunga ndoa, hakuna mtu ambaye anaweza kuisimamisha. Hata uende wapi, hautaweza kuisimamisha. Jamii zote nchini zilikuwa namna hiyo. Hiyo ndiyo maana ya ndoa za

kitamaduni. Zinatambulika zaidi tukizilinganisha na ndoa za namna nyingine, zikiwemo za kikristo na za kortini.

Katika jamii hiyo, ukifunga ndoa bila ya ng'ombe ndume kuchinjwa asubuhi, wewe bado hujaolewa! Ukiwambia Wasamburu eti uko na cheti cha ndoa kutoka kortini ama kwa DC, hawatakitambua cheti hicho. Sheria za ndoa zitakuwa muhimu sana ikiwa zitashikanishwa na sheria za ndoa za kitamaduni. Hiyo ni kwa sababu katika jamii, kuna watu ambao wanaamini kwamba ndoa za kitamaduni ni bora kuliko ndoa za Serikali. Kwa hivyo, inafaa ndoa zote zishikanishwe, na kila mtu ajue kwamba aina zote za ndoa zimeshikanishwa. Hatufai kutupilia mbali ndoa za kitamaduni na kufuata ndoa aina nyingine. Kulingana na sheria hii, tunafaa kujua watu wataenda wapi kuoana. Watu wanaenda kuoana kwenye chumba, halafu wanabeba cheti na kusema wameoana, ilhali familia zao hazina habari kuhusu ndoa hiyo.

Kwa hivyo, ningependa tuiunge mkono sheria hii na tuiunganishe na sheria za kitamaduni kwa sababu watu wanafurahia ndoa za kitamaduni zaidi. Kwa hivyo, naunga mkono Hoja hii ili tuweze kuingalia sheria hii vizuri ili watu waache kuoana kwa njia ambazo hazieleweki.

Ahsante sana, Bi. Naibu Spika wa Muda.

**The Temporary Deputy Speaker** (Hon. (Ms.) Shebesh): I now give the floor to Hon. Gunga Mwinga of Kaloleni.

**Hon. Chea:** Thank you, Hon. Temporary Deputy Speaker, for giving me this opportunity. I rise to support the Motion and thank Hon. Injendi for this very important idea.

I must say at the outset that the institution of marriage and by extension, the family, is very important. Therefore, it should not be frustrated by issues of procedure, bureaucracy and expenses. In this regard, we should decentralise the function of issuance of marriage certificates, so that the ordinary *wananchi* can access those services.

Hon. Temporary Deputy Speaker, I would like to point out three very important issues. The first one is the issue of accessibility. For so many years, people have avoided travelling long distances to what used to be district headquarters to be issued with marriage certificates. With devolution in place, it is quite easy. That is why I support the case for decentralising those services to the sub-county level. I am sure that, subsequently, they will be devolved further to the ward level. If that happens, it will take care of the costs. It is quite expensive for people to travel long distances in search of marriage certificates.

Secondly, I would like to point out the fact that immediately we decentralize that function, job opportunities will emerge for professionals and the youth in the counties. We have been told that currently, there are only 14 registrars dealing with issues of marriage.

In conclusion, I would like us to look at devolution with services of this nature in mind. There are many offices in the counties. We have the sub-county, the ward and village administrators in place. Of course, the county commissioners and the deputy county commissioners are also there. Some of those services can be provided through those particular officers. If that happens, it will reduce costs and the bureaucracy that has affected the marriage institution.

With those remarks, I beg to support.

**The Temporary Deputy Speaker** (Hon. (Ms.) Shebesh): I now give the Floor to the Member for Laikipia East.

**Hon. Kimaru:** Thank you, Hon. Temporary Deputy Speaker. I stand to support the Motion, given the importance of the institution of marriage.

We all know the importance of the institution of marriage and, more so, when marriages are registered. Registration serves as proof that one is married to one person. One may get married to a person but if that marriage is not registered, there will be many problems when it comes to succession and other matters. In case of a dispute about the property of a deceased person, without the particular certificate, it may become very difficult for one to prove that, indeed, they were married during their lifetime.

I attended a funeral last weekend. Immediately after the burial, people started fighting over the property of the deceased person. The good thing is that the good lady had a marriage certificate. When her in-laws tried to tell her that they must start distributing the property there and then, she stood firm and told them that they should meet in court. If the lady did not have that important document, it would have been very hard for her.

We have seen how important that institution is to us. We all know how it is with the current nominee for Governor of the Central Bank of Kenya (CBK). It becomes a big issue that nobody can understand why he does not have a wife. I had a similar predicament when I was vying to be a Member of Parliament and, at that time, I had no one on my side. It became a very big issue. It is important that, that documentation becomes available at the nearest station.

Previously, before the enactment of the Act, the assistant county commissioners were able to issue certificates of marriage. They were agents of the Registrar. Priests were agents of the Registrar as well. I cannot understand why, now, when we should be having services much closer to us, in the whole country, we only have 12 centres that can certify marriages whereas they should be even much closer. If there was an abuse on the issuance of those licences by priests or assistant county commissioners, it is not good to throw out the child with the bath water. If there were weaknesses in the structures, it is those weaknesses that should be removed and certification be made possible at the lowest level.

It is amazing that even priests today have shortages of certificates. I would urge that the same priests who have been given licences to issue marriage certificates on behalf of the Registrar of Marriages, be reinstated. When people want to get into marriage and they want to go a step further to prove that, indeed, they are married, they have to take a bold step. A number of times I have heard people referring to marriage as a life sentence. It should, maybe, be referred to as a life engagement. If people are ready to take that life engagement or sentence depending on how you look at it, they should be allowed to do that easily and at the nearest level possible. The sub-county level is important to me.

When you look at other countries where people have been married before, for you to be married, you have to go through the church. Going through the church has become quite expensive because you have to do a ceremony. Many of the young people who are in the institution of marriage cannot afford the largesse of a wedding, although they want to be in marriage. That is why they look at the civil marriage as an alternative. I am glad that some churches even have the wholesale marriages where you have so many people coming together to take their vows, instead of each person taking their vows at their own time. With such devices, where people are ready to come together in a group and get married - although each to their own spouses - this should be made easy. It should not be made too difficult. When it is made difficult

and expensive, the long and short of it is that not many people are going to acquire those certificates. That is because it will become increasingly difficult to get them.

For those people who are married abroad, it would also be prudent to have the embassies or consulates abroad act as agencies of the Registrar of Marriages. If two Kenyans are married abroad, they do not have to come to Kenya to register their marriage. This can be done in the consulates and embassies abroad. It will make it easier for them to do that. For marriages that are done in gardens and outside the churches, the charge of Kshs50,000 is very exorbitant. But the people would have the option of going to church to do the same.

I support this Motion and I wish the Mover of the Motion would even go further to bring an amendment to the Marriage Act. That would be more compelling. If in the Act, for example, we provided for agencies or Registrar of Persons at the local and sub-constituency levels, that would be more effective. Whenever you move a Motion, it does not compel. It only urges. However, if we were to amend the real statute which is the Marriage Act, this would go a long way in correcting the anomaly that is there. I urge the Member who has moved the Motion to go a step further and have such amendments made in the parent Act itself.

I support the Motion.

**The Temporary Deputy Speaker** (Hon. (Ms.) Shebesh): I now give the Floor to Hon. Rachel Amolo.

**Hon. (Ms.) Amolo:** Ahsante sana, Naibu Spika wa Muda. Nasimama kuchangia Hoja hii kuhusu ndoa. Ndoa ni jambo takatifu kama sisi sote tunavyofahamu. Ndoa hutoka kwa Mwenyezi Mungu. Yeye ndiye hupeana vitu vizuri kwa viumbe vyake. Katika Hoja hii, tunaangalia gharama ya ndoa na vile tunaweza kupanga mambo haya ili yaweze kuwa sambamba kwa watu wetu kule mashinani.

Kwa mfano, kule magharibi mwa Kenya ambapo tuna majimbo matano na watu karibu milioni sita, tunategemea msajili mmoja ambaye yupo pale Kakamega. Kwa hivyo, inakuwa ni gharama sana kwa mtu kutoka kule Busia, Vihiga, Trans-Nzoia na Bungoma kwenda Kakamega kwa sababu ya ndoa tu. Inawatia vijana wetu uvivu wa kutafuta nauli ili wafike kule Kakamega kumtafuta msajili huyo. Ingekuwa ni jambo nzuri kama tungekuwa na hao wasajili katika kila jimbo ili vijana wetu katika mashinani, ambao kazi wanazopata ni vibarua vya hapa na pale, waweze kuchangia wafike pale Kakamega kuangalia namna watapata kuoja bibi watakaishi nao. Lazima tuwape vijana wetu nguvu ili waoe katika ile njia itakayowafaidi siku zao za usoni. Tunapowatia uvivu bila kuwapatia ile nguvu, ule muda ambao wamepewa kungoja mpaka vile vyeti vipitishwe huwa mrefu sana. Inawafanya wale vijana wakose hamu ya kuoja kwa sababu wanaona kuwa itawachukua muda mrefu. Mbali na hayo, itachukua senti zao nyingi. Afadhali atafute msichana ambaye anaweza kuishi naye. Yule atakayemkubali bila gharama yoyote.

Kama vile kuchukua kipande ni bure na akina mama wanapojifungua watoto wanapata kile cheti bure, ningeomba Serikali ifanye hivyo hivyo ili unapooa, pasiwe na yale malipo. Wewe mwenyewe umempenda yule msichana na yeye pia amekupenda. Sioni kwa nini kuwe na gharama kubwa sana ya kuwafanya watu hao wawili wasiishi pamoja na wajenge nchi yetu ya Kenya. Sheria itabaki vile vile. Tunaangalia gharama tu na vile tunaweza kuwa na hao wasajili karibu na watu wetu ili mambo yetu ya ndoa yawe sambamba. Tungeomba irudishwe vile ilivyokuwa pale mbeleni ili unapoingia kanisani na kufunga ndoa, upewe kile cheti mara moja. Usiwe tena na kazi ya kuenda kukitafuta hapa na pale.

Pia imekuwa gharama kwa wale wachungaji au wale wanaosimamia hizo ndoa kutoka kule mashinani tena kuja Nairobi kuwatafutia watu vyeti hivyo. Tungeomba gharama hii iondolewe kabisa. Sioni kwa nini gharama iwe pale kama mimi mwenyewe nimekubali kuolewa ama nimetoshia kile kiwango cha kuolewa.

Namuomba ndugu yangu, Mhe. Injendi, ambaye ameileta Hoja hii muhimu sana, aendelee zaidi ili tuondoe gharama inayowakabili watu wawili wanapokubaliana kuoana.

Kwa hayo machache, naunga mkono Hoja hii.

**The Temporary Deputy Speaker** (Hon. (Ms.) Shebesh): Hon. Members, I now call upon the Mover to reply. Hon. Injendi, you have 10 minutes.

**Hon. Injendi:** Thank you, Hon. Temporary Deputy Speaker. I would like to donate two minutes to each of the following Members: Hon. M’uthari, Hon. Busienei, Hon. Dawood and Hon. (Ms.) Emasse.

**The Temporary Deputy Speaker** (Hon. (Ms.) Shebesh): Proceed, Hon. M’uthari.

**Hon. M’uthari:** Thank you, Hon. Injendi, for giving me the opportunity. I would like to thank you for bringing this particular Motion to the House. The marriage institution is very important; it is the basic unit of the family. The way these regulations were made, where we have only 12 marriage centres in the country, is discouraging people to have proper marriages. I, therefore, would like this to be reverted to not only the sub-county level, but also where pastors and priests will access the necessary documents, as it had been the case previously.

Hon. Temporary Deputy Speaker, whatever is done should be done with good intentions and for the good of the citizens. As they are, these regulations are discouraging the establishment of families as the basic unit of our society.

**The Temporary Deputy Speaker** (Hon. (Ms.) Shebesh): Your time is up! Proceed, hon. Dawood.

**Hon. Dawood:** Thank you, Hon. Temporary Deputy Speaker. First of all, I would like to thank Hon. Injendi for bringing this Motion. We have a problem in this country, in terms of where the registrars are located. In my case, the Registrar is located in Embu. It is not right. We want people to get married. The Bible, in the Book of Matthew, Chapter 19, verses 4 to 6 states that a man and a woman were created and a man has to leave his father to become one flesh with his lady. The Book of Proverbs, Chapter 18, verse 22, goes further to say that a man who finds a wife, finds a good thing and obtains favour.

Hon. Temporary Deputy Speaker, we need to devolve the services not just to the counties, but also to the constituencies. That is because our people cannot be travelling all the way to the county headquarters to have their marriages registered. The cost is prohibitive because it is Kshs25,000 per booklet. That is very expensive. It should be made cheaper so that we do not have “*mpango wa kando*” but rather, proper wives who can---

**The Temporary Deputy Speaker** (Hon. (Ms.) Shebesh): Your time is up! Proceed, Hon. Busienei.

**Hon. Busienei:** Thank you, Hon. Temporary Deputy Speaker, for giving me this opportunity. Allow me to thank Hon. Injendi, my neighbour, for coming up with this noble Motion. To avoid the “come-we-stay” kind of marriages, it is better if those offices are decentralised to the sub-county level, so that couples who want to marry can reach the registrars’ offices easily. Decentralisation will also reduce the cost in terms of financial resources and time.

Most couples today are in un-registered marriages. I am sure that most of them will legalise their unions, and the Government will raise quite some revenue. This will also create employment by opening offices in a number of sub-counties.

**The Temporary Deputy Speaker** (Hon. (Ms.) Shebesh): Hon. (Ms.) Emaase!

**Hon. (Ms.) Otucho:** Thank you, Hon. Temporary Deputy Speaker. I would also like to congratulate Hon. Injendi.

One of the reasons why Kenyans supported devolution was that services will be closer to them. It was not the intention of the Marriage Act, 2014 that the people of Teso South Constituency, Busia County, have to travel all the way to Kakamega County to get a marriage certificate. The fact that somebody has to pay more than Kshs3,000 to get a marriage certificate makes it difficult for them to solemnize their marriages. Some people marry on credit because they can hardly afford the dowry. They now have to pay for transport to travel all the way to another county and pay Kshs3,000 to get a marriage certificate. We need to review that Act and lower the charges as well as simplify the marriage process.

Thank you, Hon. Temporary Deputy Speaker.

**The Temporary Deputy Speaker** (Hon. (Ms.) Shebesh): Hon. Members, I will now give opportunity to Hon. Injendi to wind up.

**Hon. Injendi:** Thank you, Hon. Temporary Deputy Speaker.

I want to thank all the hon. Members who have made their contribution to this Motion. We urge the Government to consider the contribution of hon. Members as it implements the Motion.

Hon. Temporary Deputy Speaker, the other people who were not mentioned during our discussions are persons living with disabilities, who have been suffering because of this Motion. The moment we implement what we are saying, everyone in Kenya will enjoy the institution of marriage.

With those remarks, I beg to reply.

**The Temporary Deputy Speaker** (Hon. (Ms.) Shebesh): Thank you. Hon. Members, before I go on, I want to do some housekeeping. In the Speaker's Gallery, we have students from Ntugi Secondary School from Buuri Constituency, Meru County, and Moi Forces Academy from Starehe Constituency, Nairobi County. In the Public Gallery, we have students from Tseikuru Secondary School from Mwingi North Constituency, Kitui County.

Hon. Members, for obvious reasons, I will not be putting the Question right now. So, we will proceed to the next Order.

## BILL

### *Second Reading*

#### THE NATIONAL YOUTH EMPLOYMENT AUTHORITY BILL

**Hon. Sakaja:** Hon. Temporary Deputy Speaker, I am very excited to take this opportunity to move that the National Youth Employment Authority Bill of 2015 be now read a Second time.

Hon. Temporary Deputy Speaker, it is very interesting that you have---



**The Temporary Deputy Speaker** (Hon. (Ms.) Shebesh): Hon. Sakaja, could you, please, raise your voice?

**Hon. Sakaja:** Hon. Temporary Deputy Speaker, it is very exciting because you have just recognized very beautiful and handsome young people seated on the Speaker's Gallery. My eyesight is good and if you can see their faces, these are young people who are eager to eke out something for themselves. They want to finish their education, get a career and contribute to nation building. This Bill seeks to address the concerns of these young people and millions of other young people across the country.

Hon. Temporary Deputy Speaker, I will quote Wangari Maathai's acceptance speech of the Nobel Prize in 2004. She said:-

“If young people are gifts to the community and the world, then Africa is a continent rich in gifts.”

This is, indeed, true because Africa, as a Continent, has a huge youth population. But one of the startling things is that once those young people finish schools, as they have seen with their elder siblings, sometimes that hope is diminished. In fact, too many times, their hopes are diminished because they cannot get jobs. As a country, we have had several policies trying to address the issue of unemployment, currently standing at over 40 per cent. It is startling despite the fact that our economy is emerging and is one of the biggest in Africa.

If you look at different countries within the Continent - and I will mention a few - Benin has an unemployment rate of 1 per cent and Botswana is at 20 per cent. The other day we were looking at the events that are happening in Burundi and we were feeling that it is a country that is a bit behind us. But their unemployment rate is at 35 per cent. Ours is worse. Guinea's unemployment rate is 22 per cent and Lesotho is at 25 per cent. Unemployment is the next greatest danger in this country. Unless this honourable House takes deliberate efforts and measures to address the issue of unemployment, we will be staring at a ticking time bomb.

The United Nations Department of Economic and Social Affairs (UNDESA) released a report in January 2013 entitled “Kenya's Youth Unemployment Challenge.” It said that in Kenya, indeed, unemployment is a youth problem. In as much as people of many ages are unemployed, 60 per cent of those unemployed are our young people. We have seen them all over in the jobless corners. The Report said:-

“In this section, we confirm that youth unemployment in Kenya is a pressing problem, youth unemployment rate is high and youth represent, by far, the bulk of unemployed people. The employment problem in Kenya is, to a large degree, thus a youth problem. The most pressing challenge is to provide jobs for young people within the definition of youth.”

The report goes on to say:-

“A well-educated and guided youth population will be instrumental to the country's emergence as a middle-income country.”

Everything we are trying to do in this country, be it in regard to security, health or improving the economic rating of our country, can never be fully addressed until we look at the issue of youth unemployment. Despite all of this, if you look at the young people in your constituencies, instead of what would be despair, they are resilient, hardworking and trying to do businesses. We must play our part on this side of the divide.

At the outset, I want to state very clearly that this Bill, by itself, will not create jobs. The purpose of this Bill is to reform the labour market so that every young person in our country has an equal opportunity to access existing opportunities. Through this authority and by organizing employment in this country, we can look for many of these opportunities for our young people in other parts of the world.

There are certain strategies that have been set out by the Ministry of Labour, Social Security and Services to address the issue of unemployment. There is Sessional Paper No. 4 of 2013 that is currently before the Departmental Committee on Labour and Social Welfare. I can see my good friend, Hon. Were, is here. He is the Chairperson of the Committee. Some of the strategies are to accelerate and sustain high rates of economic growth, to re-energize sectoral growth by focusing on the agriculture, industries and service sectors and to establish special economic zones. This is a matter that is currently before the Departmental Committee on Finance, Planning and Trade, where I sit. All that is well and good, but even as that happens--- I will quote the same Report:-

“A key component of any employment strategy is solid economic growth, but the foreseeable macro-economic context does not, however, inspire highly optimistic views about economic prospects. As such, employment promotion policies should concentrate on increasing the capacity of the economy to enhance the efficient and sustainable creation of jobs of any given economic growth rate.”

As that is going on, it is good to make it clear that we need concerted efforts to address this problem. However, right now, let me give you two examples.

A young man named Ekomwa graduates with a First Class Honours Degree at the University of Nairobi. However, he is from a very poor family. Young Ekomwa has to go back to Lokichar because he has to choose between staying in Kibra trying to eke out a living and going back home to fend for the family that depends on him. When that young man, despite his qualifications, goes back to Lokichar, he has no access to a newspaper to look for job advertisements. In the county government, it is probable that the only people getting jobs are well connected and from certain families. Will young Ekomwa ever have an opportunity to work at the Kenya Ports Authority (KPA) in Mombasa? It could also be young Nafula or young Kioko who goes back to Makeni, or young Waititu. In some areas in North Eastern, if a young person called Abdirahman, for example, has graduated from Moi University and he goes back there, will he ever have an opportunity to get a job at Mumias Sugar Factory? It is close to impossible.

This Bill seeks to do the following:-

To create a national database where each and every jobseeker is registered. We cannot solve a problem without having information. I dare ask any Member in the House today to tell me the number of unemployed nurses in their county. No one knows. The governors do not know. That information is not available. In fact, a lot of statistics have been shedding more darkness than light into the problem. How can we solve the unemployment problem if we do not even have the basic statistics, information and data with respect to those who are unemployed?

So, the first thing the Bill will do is to create a national database where each and every jobseeker must register. They will register for free. They will say: “Here I am. This is where I am from. This is what I have studied and this is what I hope to do.” The Bill will create job centres in each and every part of the country such that that young Ekomwa in Lokichar does not have to

think of how to go to Eldoret, Kitale or Nairobi to apply for a job or to access a newspaper. He will just go to the constituency office in Lokichar or to the county office in Turkana or even at a *Huduma* Centre, give his details and get into a national database where there will be free opportunity for any of those young people to access employment.

*[The Temporary Deputy Speaker  
(Hon. (Ms.) Shebesh) left the Chair]*

*[The Temporary Deputy Speaker  
(Hon. Kajwang') took the Chair]*

I see there has been a change of Chair; not in the gender of the Speaker but in the person sitting on the Chair.

**The Temporary Deputy Speaker** (Hon. Kajwang'): Thank you, Hon. Sakaja. For those good compliments you earn yourself-- Why was your time running out?

**Hon. Sakaja:** I thought I was just starting to move.

**The Temporary Deputy Speaker** (Hon. Kajwang'): Let me get this timing correctly.

*(The Temporary Deputy Speaker  
consulted the Clerks-at-the-Table)*

You have 20 more minutes. So, take your time and proceed.

**Hon. Sakaja:** Thank you, Hon. Temporary Deputy Speaker. By creating a database and having it in every part of the country, the first thing we will have done is to equalise opportunities for all our young people wherever they are and whatever social class they belong to, based on their merit.

The job centres will also play a second role. When a young person walks through the doors of that job centre, there will be counsellors and staff who are well-versed with the labour market trends and who can see what that young person needs. Very many of our young people do not know how to write a curriculum vitae, how to apply for a job, how to go for an interview, how to behave in an interview or how to dress for an interview. It is very sad because such trainings are not taking place in our institutions of higher learning. The Authority created by this Bill will ensure that there is continuous training and counselling all across the country on the loft of skills that are required for somebody to access the job market.

Additionally, the Bill creates the Authority and a board. Members will have an opportunity to go through the Bill in depth. I was very deliberate on the constitution of that board because it just gives policy direction. It is the first recipient of the data coming from that job centre. Before any entity at the national or county level hires somebody, they will have to consult that Authority and the database. Where those skills do not exist, they will advertise the vacancies. We will even be saving money by having reduced advertisements in newspapers.

First of all, the board has a chairperson appointed by the President. We have representations from the National Treasury and the Ministry of Foreign Affairs and International Trade. That is because we must deal with international issues. However, more importantly we

have representatives from the Commission for University Education (CUE) and the Federation of Kenya Employers (FKE). Based on the data that will be coming out--- Everybody knows that there is a very poor matching of the skills being taught at our institutions of higher learning with the needs in the market. What we are doing in many of our universities and colleges is postponing the unemployment of very many young people. There are very many young people studying courses I will not name that have no market value. So, that body will be able to even propose changes in curriculum of the institutions of higher learning like polytechnics, colleges and universities, to make sure that we are producing people who can get jobs and who can also stand on their own with respect to doing businesses.

There are many other initiatives like the Youth Enterprise Development Fund (YEDF) and the *Uwezo* Fund, but we must start from somewhere. So, that information is extremely important. As a country we are lagging behind when it comes to this.

On international best practices - I will give an example - if you look at Peru, it has a youth-targeted employment programme, just like this one, with job centres all over, that offers entrepreneurship skills, basic training on managerial skills, development of business plans, accounting, internship programmes and provision of start-up loans. Bulgaria has something similar, and if I had time I would go into details of this.

Hon. Temporary Deputy Speaker, let me go on to what else the Bill provides for. As I was talking about skills matching, if you look at Sessional Paper--- I am glad that the Chairman is here; I want him to understand that the Bill is actually drawn from policy. Many times we bring Bills here that do not have a linkage with the policy of the Government. If you look at Sessional Paper No.4 on Employment Policy and Strategy for Kenya, it says that in Kenya there exists limited linkages and collaboration between education, training institutions and industry. This is reflected in the development and implementation of education and training curricula, which is mostly done without effective consultation and collaboration with relevant stakeholders. Kenyan tertiary institutions have, for example, continued to develop training programmes which are supply driven rather than demand driven. This Employment Authority will serve to address that issue. Brazil is an example that has a similar authority that has focused on informal vocational skills training through public-private alliances. It has increased the uptake in the Brazilian economy.

Another important component in Part VI of this Bill is internships. Many of our young people are not able to get an opportunity to get hands-on work experience through internships. Maybe when you were in university - I suspect you were there earlier than me - you had an opportunity to get industrial attachment, internship, or to work in a law firm while you were still in school. Many of those in my generation have not had that opportunity because no one wants to take you because they say you must have experience; if, by chance, they take you, they will not pay you a shilling.

We have more than 175 parastatals in this country. We have 47 county governments, 18 Ministries and more than 16 public universities. If each of them took just 50 young people every six months, we would have almost 20,000 young people in this country every year getting six months experience in what it takes to work in the Government. It does a lot even to their self-esteem when young people wake up in the morning, put on a tie and say, "I am going to work". They will learn and the issue of lack of experience will never feature again. This Authority will

ensure that there is placement of young people in internship positions in all public entities. It will also provide incentives to the private sector to deal with that.

As I go on, I must debunk some of the myths. This Bill initially received very inaccurate reporting that said that Hon. Sakaja wants to lock out anybody above 35 years from getting a job. That is far from the truth. I am sure that if any of my friends saw that, they would quickly call my wife to find out which psychiatric institution I have been taken to because that would be pure madness. This Bill does not seek to lock anybody out. In fact, if anything, the Committee recommended that I remove the word “youth” because it is a National Employment Authority. I am willing to do that; in any case, the bulk of those who will be dealt with will be young people. So, I have no problem with that and it is not discriminatory in any manner.

This Bill seeks to provide affirmative action incentives to the private sector. The other day we heard the Cabinet Secretary for the National Treasury, Mr. Henry Rotich, say---

**The Temporary Deputy Speaker** (Hon. Kajwang'): Hon. Sakaja, even if you chose to be discriminative, Article 100 itself is discriminative. There is a constitutional affirmative action by---

**Hon. Sakaja:** Yes, by Articles 54 and 55. You are right. So, in any case Article 54 of the Constitution says that the State must take action, even affirmative action, to address the plight of young people. So, I take back my apology. There are no apologies to make for that.

As I was saying, we heard the Cabinet Secretary, Mr. Rotich, saying that there will be a tax-based incentive programme to make sure that if any private entity takes 10 young people with less than six months experience from universities, it will receive certain tax credits. That is very commendable; it is what this Bill provides for, if you go through it. This has been successful across the world.

In South Africa, they started a wage credit programme under the Employment Tax Incentive Act of 2014. In one year, it has led to 270,000 young people being employed with 29,000 employers claiming tax credits from the scheme in the 12 months it has been in effect. Just in one year 270,000 young people have benefited. I want to commend the National Treasury; I also want to urge Members to support this Bill because it provides the framework for implementing such tax credit incentives. The US Department for Labour has been doing this for a long time. They have what they call the “Work Opportunity Tax Credit” that targets employers hiring individuals from certain target groups that have consistently been left out. The youth are some of them. Even the Czech Republic in Eastern Europe has a wage subsidy programme that has increased employment by between 12 and 16 per cent. I think it is time we, as a country, as well had such an arrangement in place.

We have seen very sad cases of young people suffering in Saudi Arabia and Dubai because they were employed through unscrupulous employment bureaus. They go there to work as house girls, but they are mistreated; some are raped; some are beaten and many of them have lost their lives. Upon passing this Bill, this will be a thing of the past because all Government to Government jobs, or international job matching and placement, will be done solely by this Authority, which will be dealing with governments. They will be able to check on our young people across the world. We are alive to the fact that many of the jobs we want to create for our young people will not be created in Kenya. Many of these jobs will be created internationally; it must be done in an organised and streamlined manner.

Hon. Temporary Deputy Speaker, people have said that we have created too many authorities and parastatals in this country and wondered whether we need one more. I would want us to pause for one moment and ask ourselves--- Even the Budget and Appropriations Committee went through this and worked out the cost of running this programme and found that it will be around Kshs600 million. Is this too much to do for our young people? Is unemployment not such a huge problem? We have parastatals on everything, including on potatoes and so many other things, but not a single Government entity that is fully focused specifically and deliberately on addressing youth unemployment. I do not think this is too much to do not just for our young people but also for the country. When you take any legislative or policy move to improve the wellbeing of our young people, you are not doing the youth a favour. You are doing the country a great service.

We are dealing with insecurity. The greatest challenge to security in this country is not the porosity of our borders; it is the large number of unemployed, disillusioned and hopeless young people. We must do everything to start addressing that; the youth promise can stop being a challenge. Our young people should stop being a problem to be dealt with, and become an opportunity to be reaped by this country. Our greatest resource will forever remain our young people.

I have been able to distribute the Bill to Members. They have gone through it. I want to thank the Departmental Committee on Labour and Social Welfare for having gone through it and supported it. I want to thank the Budget and Appropriations Committee which went through this legislation during the pre-publication and said that Kshs600 million is not too much to use on our young people in this country. It is not too much. In fact, it might even be little.

Let us have our young people wherever they are, whether it is in Lokichar, Embu or Kitui, know that the Government is focused on trying to help them access employment; that they can walk to the constituency office, give their documents, information, register on to a national database and have the same chance as the son of a governor, a son of a Member of Parliament or a son of a Cabinet Secretary to access employment. This will bring equity in our country.

I would like to urge colleagues to support this Bill, and stand up for our young people in this country.

With that, because I know I still have some time, I want to ask my neighbour in Kitale, Hon. Chris Wamalwa, who is also my Member of Parliament, to second this Bill.

Thank you.

**Hon. Wakhungu:** Thank you, Hon. Temporary Deputy Speaker. I rise to second this Bill. First and foremost, I want to congratulate Hon. Sakaja for such a wonderful Bill. Research has shown that 40 per cent of the people in this country are unemployed. Further, research has shown that 70 per cent of the unemployed are the youth. So, a majority of the people who suffer, and the people who walk in the streets with brown envelopes looking for jobs, are the youth.

We are told the future of this country is in the hands of the youth. Unless we invest in the youth as a country, we will not go anywhere. Other jurisdictions, for example the United States of America, have put youth measures in place. It is a good example for Kenya to follow. The youth we have in this country can be utilised if we exploit the opportunity and we can move very far.

Hon. Temporary Deputy Speaker, I want to mention the issue of public procurement. We know that it is a commitment from the Jubilee Government that 30 per cent of all public tenders must go to the youth. The Bill on this passed through this House. We debated and said that 30 per cent of the job opportunities in the county governments and the national Government should go to the youth. When you look at the Jubilee Manifesto and the CORD Manifesto, you realise that the emphasis is on job opportunities. In the CORD Manifesto, we have talked about jobs. We can only move forward if there is a clear implementation framework in place, so that we can operationalise this.

Having a database and an authority in place will enable us to measure the number of the youths we have and the skills that they have. Professor Kaplan Norton in Harvard Business School, who is the founder of a balance score card, said that if you cannot measure it, you cannot manage it. If we are going to have this Authority in place, we are going to have a database in place that will enable us know the number of skills that we have and in what particular field. We will also know the number of youths that we have in the streets.

Right now, we are talking about the two-third gender rule, but we are not asking ourselves what we are doing as far as the issue of the youth is concerned. Article 55(c) of the Constitution is very clear. It states that:-

“The State shall take measures, including affirmative action programmes, to ensure that the youth-  
(c) access employment”

Again, when you go to Article 56(c) of the Constitution, it clearly puts measures in place and says that:-

“The State shall put in place affirmative action programmes designed to ensure that minorities and the marginalised groups-  
(c) are provided special opportunities for access to employment.”

The youth belong to the marginalised. If you look at the advertisements in the newspapers, they say that they want a person with certain qualifications and experience of five to ten years. Where will a youth get experience of five years from? That is very discriminative. We must put measures in place, so that the youth can access job opportunities.

If you look at this House, how many youths are here? The Constitution is very clear on who is a youth. This is a person who is less than 35 years of age. I have seen many people who are 50 years old saying that they are youth. You could be a young person, but not a youth. It is, indeed, important that when these measures are put in place, they are followed. Many people have talked about boards and why we are creating many parastatals. Everything has to be put in place based on a cost-benefit analysis. When you do projects, there are models of evaluation. We can have as many parastatals as possible as long as they are justified and will add value. We have many other parastatals which do not add value and cannot sustain themselves. Of course, it makes sense for those parastatals to be integrated into others. An Authority like this one being in place to look at the issues of the youth--- When you do a proper cost-benefit analysis, you will realise that its benefits by far outweigh the cost.

I humbly request Members in this House to look at this Bill objectively. When I look at the mood of the House, I have no doubt that this Bill is going to pass. It should pass like

yesterday. We should move with speed, so that this body can be in place to make employment opportunities for the youth available.

Recently, I visited a county and when I did a quick evaluation, I realised that some county governments have employed executive officers, but there are no youths. When you look at the Cabinet of the Jubilee Government, do we have any youths? I want to be answered. I hope His Excellency the President is listening. The Cabinet Secretaries who have stepped aside because of corruption should be replaced with youths. I want to tell the President, could you nominate youths? The names should come quickly, so that we can approve them. We want the youths to be represented in the Jubilee Government. They are not there. Since the person who moved this Bill is the Chairperson of TNA, I am sure that when he calls the President, the President will pick his call quickly. So, could he pass this message to His Excellency the President, so that Cabinet Secretaries who have stepped aside are replaced by the youth?

**The Temporary Deputy Speaker** (Hon. Kajwang’): Hon. Wamalwa, is that not the irony? You are so passionate about people being employed in the Jubilee Government when the Chairman himself did not canvass that point!

*(Laughter)*

**Hon. Wakhungu:** Hon. Temporary Deputy Speaker, we are hoping he is going to do that. I was doing a study on the parastatals in this country using the upper echelons theory and I realised that most of the boards of parastatals have no youths. The shoe wearer knows where it pinches. When it comes to employment, majority of the people who are getting these top executive jobs are not the youth. So, when it comes to employment, they are following suit and majority are not the youth. Until we put youth in decision making bodies, we are not going to go places.

I am looking forward in future to this country having a young President. Not a youthful President, but a youth President who will be less than 35 years of age. We are facing a big problem in this country. Many of the unemployed cases are the youth. The *Al Shabaab* is recruiting graduates right now. We have seen that law and accountant graduates, most of whom are the youth join the group. If we put in place mechanisms to employ the frustrated youth, I have no doubt that this country is going to go far and insecurity will be minimized.

The good thing about the Authority is that we are going to have training, which is critical. We are going to match the skills to job opportunities. I am so happy about the Commission for University Education. In line with regulations, the Commission for University Education is in charge of quality assurance in universities. If you look at the curriculum of some of the universities, you will realise that they are training people in what they were training them in 30 years ago. The environment has critically changed. When some graduates come from university, they cannot get employment just because whatever they have been trained in is outdated. If the Commission gets a representative from a university it is going to ensure that the current curriculum is in line with the current job market, and demand is going to increase. When you go to other jurisdictions like Japan, you realise that some of the professors who teach at universities are hands-on people, who work in various industries. They teach new skills that are relevant to the job market.



It is, indeed, important that there must be a paradigm shift in our universities. We should not continue training in the old way of doing things. Some new things have come up. We have some emerging disciplines. So, we must try to embrace the new things that are coming up, so that the right curricula can be developed. Once the youth are trained, they will have the skills that will help them to match the demand in industry.

I know my time has gone, but let me lastly mention that when it comes to representation, I know we are talking of the two-third gender rule. I know gender is critical, but we should ask ourselves where the youths are. If we talk about nomination slots, let us not just focus on the issue of the gender and forget about the youth and people living with disabilities.

As I speak I cannot see any female Members here, yet this is a critical Bill. I can see that hon. Mutua, Women Representative for Busia, is here. When it comes to matters of gender we are here, but even when it comes to matters of the youth, we must also be here. I can see Hon. Cecily Mbarire coming in. I request Members to support this Bill, so that this body can be in place for purposes of the youth.

I beg to second.

*(Question proposed)*

**The Temporary Deputy Speaker** (Hon. Kajwang<sup>3</sup>): Members, I have a lot of requests. This is the business of the House. Other business, which we did was urging, but now this is the business for which we are here. This is Private Members' day. It is the day on which I expected that this House would be full. Let us see if we can transact some good business.

I have someone who describes himself as a youth, Member for Buuri Constituency.

**Hon. Kinoti:** Thank you for your kind consideration for me to contribute to this Bill.

First, I thank the Mover of this Bill very passionately, that is hon. Sakaja. He is a comrade in the Kenya Youth Parliamentarians Association and also our Chairman. I also wish to note, with a lot of gratitude, that as we debate this landmark Bill, in the gallery are people who made me who I am. These are students from Buuri Constituency, who came to witness debate on this landmark Bill. This is because I came in as an independent candidate, courtesy of the youth who wanted to see matters change in this country. We felt that half a century down the line, we have not achieved the youth promise for the Kenyan people.

I rise to support this Bill because I believe that if we must make Kenya what it should be and what we have wanted it to be for so long, we must get the bulk of the population working. This is where so many countries we admire started. If we have 70 per cent of the people of this country who are the youth not sitting in offices, not working in industries and not driving the economy, then there is no way we can achieve the Vision 2030 and double digit economic growth that we so much aspire. We speak so much of the New Deal of the United States in the 1930s. The biggest thing the New Deal did was to make the youth work in the Tennessee Valley and in so many authorities. I am happy that through this Bill, we are creating an authority that will mainstream the youth and that will make young people, who are the majority of the population of Kenya, get work. So many times, this National Assembly has been misunderstood in what it has done. That is what necessitated the statement we made yesterday and so many other times.

I wish to note some of the functions of the Authority, so that it does not seem that through this Bill we are just creating another authority that will be a Government parastatal to siphon money out of the public coffers. One of the things the Chairman has emphasised so much, and which is very important, is to register all youth who are seeking employment. This is because as we have said, unless we have data, we cannot move on.

The first Motion I moved in this House was seeking to have a database of young people who do not clear high school. I am happy that through a Bill, the Executive created the Presidential Bursary Scheme, through which every constituency in this country gets at least Kshs1 million to support needy children. I am very certain that even if the Authority does not achieve anything else, it will create a database of young people seeking employment; just creating that database is the first step towards the right direction.

Another function of the Authority will be to maintain and publish online an up-to-date database of all the youth seeking employment. I have already mentioned that. The tasks and functions of the Authority total to 16. Another very important thing will be to advise both the national and county governments on any policy matter touching on employment of the youth. I sit in the Departmental Committee on Labour and Social Welfare; we discussed this Bill very thoroughly last year. One of the things that impressed us so much was that for the first time in 50 years of the existence of an independent Kenya, we will have an authority that will be fully dedicated to advising the Government. As things are now, it is as if we are shooting in the dark. We think the Youth Enterprise Development Fund will work, we try it. We think another thing will work, we try it. Many times, these are not calculated moves. They are not completely well calculated and strategic moves. They are just attempts to solve one of the biggest problems in this country. Now that we will have an Authority dedicated to full time research all over the world on what we can do on youth unemployment, and advising the authorities on the same, I believe we will start moving in the right direction.

I also note that apart from just achieving the advisory objective, the Authority will also ultimately create employment. Definitely, for any authority to work, it will require a secretariat. So, by just passing this Bill, we will have made the first step towards employing the youth of this country. We have no control on who should sit on other boards and authorities that we have in this country. We heard the Executive made appointments one month ago that brought a lot of hue and cry, especially from young Kenyans. The youth and so many educated young Kenyans who should have taken up these positions asked why they were left out. However, for the first time, we will have an authority dedicated to youth employment and we hope 90 if not 100 per cent of the secretariat will consist of the youth.

Another problem we have in this country is not being able to access information on employment. Another key objective of this Authority will be to circulate job vacancies advertised by the Government to the youth around the country in a timely manner. I want to speak on the village which I grew up. We have to walk at least 10 kilometres to the local shopping centre to get a newspaper. When you get there, sometimes the newspaper of that day is not there. Now that there will be an Authority that will be fully dedicated to this task of circulating job vacancies, no matter where a youth is in the country--- If vacancies were advertised in yesterday's newspaper and he or she did not afford to buy it, he or she will walk any time to an office of the National Youth Employment Authority and get up-to-date

information on the jobs available. So, despite how poor a youth is or how remote his home is, he can be sure that for the first time ever they will have an office dedicated to storing information for them regarding employment.

Hon. Temporary Deputy Speaker, I support this Bill. I congratulate the Mover and this House. We see a House that is doing the most in the two issues that are of key importance to the Kenyan nation; the youth and education. I am sure this Parliament will go down in history as the House that did the most in changing the fortunes of this country in terms of creating youth employment and in terms of creating educational opportunities for the young people.

Thank you very much and God bless you.

**The Temporary Deputy Speaker** (Hon. Kajwang'): Let us have the Member for Suba.

**Hon. Ng'ongo:** Thank you, hon. Temporary Deputy Speaker for giving me this opportunity to also support the Bill that has been sponsored by my counterpart on the other side, the Chairman of the second largest party after the party I chair, hon. Sakaja. His party is a little bit disorganised compared to mine.

*(Laughter)*

Let me start by saying that this Bill is long overdue. As a country, we must agree that the biggest challenge we face is unemployment. The youth are highly affected by unemployment in this country. Youth unemployment is not even a Kenyan issue. It is a global issue. It is an issue that needs to be addressed in a very affirmative manner so as to protect ourselves as a society. If we do not care and do not take interest in the welfare of the youth, then we stand the risk of losing the society and losing our country. The youth have energy. They are very strong. A lot of them are just coming out of school and are very knowledgeable. If you combine strength with knowledge and add idleness, then you know the direction that the country is likely to take. Going into 2013 general elections, both our political coalitions had very solid ideas on how to create employment and absorb the youth who leave colleges every year. A lot of them leave colleges every year. The statistics are really mind boggling. Two-and-a-half years into the Jubilee Administration, it is really reassuring to see that the Jubilee Administration, through the Chair of TNA is now taking serious interest in coming up with a legislation to help our youth get assisted in getting employment.

I am happy with this Bill in the sense that it is creating an authority; the National Youth Employment Authority. That is commendable. I know, Hon. Sakaja, some people have told you that we have too many parastatals and that we should not create any more parastatals, far from it. What they should be telling you is why we should not dissolve the parastatals that are not creating value in this country and come up with parastatals that are of value. One of them is this parastatal that we are just about to create. It does not disturb me that we are creating another State corporation. This is going to deal with a very large section of the membership of this society; the youth.

Hon. Temporary Deputy Speaker, you rightly pointed out that even if this Bill was strategic in the sense that it is only targeting the youth, that will still be very good because the youth have been marginalized and disadvantaged over the years in terms of employment creation. Any affirmative method, and that is already spelt out in our Constitution in Article 55

as has been read by Hon. Chris Wamalwa, is very clear that we were required by the supreme law of the land to come up with legislative mechanisms to actualize Articles 54, 55 and 56 of the Constitution. That is exactly what we are doing and so there is nothing unconstitutional.

I have looked at the Bill and it does not discriminate in any way. This Bill is helping the society as a whole. It is not just targeting the youth. I agree with the Departmental Committee on Labour and Social Welfare when they recommend that we should even make this Authority be responsible for employment in a holistic manner and not just the youth *per se*. This Authority, in my view, will help this country because we have so many quack employment bureaus which take advantage of Kenyans who are susceptible and desperate to get employment. That is why we have seen a number of times Kenyans in the Middle East crying to come back home. They cannot even come back home because the people who misled them that there were employment opportunities in those countries were people who were not motivated by interest of the youths or the unemployed but were more motivated by the profit they would make when they form their firms to collect the service charge pretending to help those Kenyans get employment.

So, we will now have a Government organ that is tasked with the responsibility of registering those Kenyans who are unemployed but have the skills, the capacity and the knowledge required to add value and create more wealth for this economy.

I am also happy that this Authority is going to help in counselling our youth. Many of our youth do not get jobs not because they are not capable of working but because they are not prepared for the job market. For many of our youth, there is a mismatch between the skills and what the industries need. We need an authority which is going to match the skills required by the industry with the education that we offer in our schools.

Most of us have complained about this requirement of experience that many employers want. The experience does not have to be gained when you are employed and being paid a salary. You can gain experience through internship, *pro bono* offer of services. We need an authority that is going to regulate, bring order and formalize a framework through which our youth can get internship and attachments in various companies to gain the skills and expertise required to offer service to these companies.

I am happy with the Authority keeping databases. I am happy with the trainings that the Authority will offer. I am happy with the counselling services that the Authority is supposed to give. I am happy that the Authority is going to give information regarding where there will be employment opportunities and it is now going to be a requirement that State organs, whether at the county level or the national level, will be required to make public those vacancies through this Authority so that those people with required expertise within the database of the Authority are made aware of the opportunities that exist and so they can offer themselves. We will have an authority that can coach our youth on interview skills. There are so many people who go for interviews and they do not know how to answer questions; not that they do not have the intelligence and the capacity to work but they do not know how to convince employers that they are the right people to do those jobs. One of them is where someone is asked: What are your weaknesses? That is a question that many people find very difficult to answer. Now we will have an authority that can coach our youth on how to answer some of these questions.

However, there are a few things that can be addressed and need to be looked at. We probably could be giving the Cabinet Secretary too many powers, but we need to look at it through amendments to see if you can regulate the powers of the Cabinet Secretary.

There is also a clause that I am a bit uncomfortable with and that is Clause 25(f). Clause 25 says, if I can quickly go there, the Authority shall keep and maintain an up-to-date register of all youth seeking employment. One of the requirements is that that register should contain ethnicity and tribe of the youth. Sometimes we are overplaying this idea of ethnicity and tribe. Why do you need my ethnicity in the database? Sometimes it can be counterproductive. Some people may just use my ethnicity to discriminate against me and we know where we are as a country so I do not see the value of that.

Finally I want to advise the Chair of the TNA - I am now speaking as the Chairman of the ODM, the largest party which is accidentally out of Government - that even as we look at these processes and this good legislation, the Government must encourage investment in this country and more so create opportunities in the counties so that more employment opportunities are available for all Kenyans. In that case, we will not even require some of these strategies to absorb the youth. They will automatically find employment. The route to go is to give capacity to our 47 counties.

**The Temporary Deputy Speaker** (Hon. Kajwang<sup>3</sup>): When the Chairman was speaking to the Chairman, I got lost in the middle. Member for Njoro.

**Hon. J. K. Ng'ang'a**: Thank you, Hon. Temporary Deputy Speaker. I rise to support this Bill. I am glad that the Mover has come up with this Bill because it was overdue. As you are aware, majority of Kenyans are the youth and they are the people who this nation depends on. In fact, I can say that they have been forgotten for so long. It is high time we looked at their welfare and made sure they are incorporated in our nation building.

It is painful to see educated young men and women but when it comes to employment, they hardly get it. I think this Bill will help the youth to be considered in various Government and parastatals for employment opportunities which have been occupied by other Kenyans who are almost retiring.

I also want to thank the Mover of this Bill for coming up with this database which will make sure that every young Kenyan applying for employment is catered for. The Jubilee Manifesto had stated very well that it was going to create employment for the youth. I would like to take this opportunity to congratulate and thank the Jubilee Government and the Chairman of the TNA party because we were almost losing. They will now realize that the Jubilee Government has not forgotten them, but it is seriously considering them and very soon majority of them will get opportunities for employment.

Hon. Temporary Deputy Speaker, there is one thing which I would like to bring to the attention of this House and to Kenyans at large. We have seen many people who served in the Government. They are now over 60 years or 70 years of age. Well, they have served this nation well and we congratulate them. However, it is high time we also remembered that we have young men and women who are qualified and they need to start their own lives and families. We should look at our retirement age; we should not be recycling these old fellows.

**The Temporary Deputy Speaker** (Hon. Kajwang<sup>3</sup>): Hon. Member for Njoro, are you by any chance planning for your retirement?

**Hon. J.K. Ng'ang'a:** What I am saying---

**The Temporary Deputy Speaker** (Hon. Kajwang'): I do not suspect that you are within the bracket called "the youth" and you are now arguing very passionately for the retirement of those people who are over 35 years of age.

*(Laughter)*

**Hon. J.K. Ng'ang'a:** Hon. Temporary Deputy Speaker, what I was saying is that we should find in future a way where we shall create more jobs by making sure that those who have served enough retire. On that note, allow me to say that we should go further and take advantage of the *Jua Kali* entrepreneurship. If there is any place the Government needs to relook and concentrate on then it is our *Jua Kali* sector. They are very much entrepreneurs. If only these people could be given enough facilities, including electricity they could start manufacturing some goods. We do not have to rely on imported things. It is a high time we empowered our youth through the *Jua Kali* entrepreneurship.

With those few remarks, I support the Bill.

**The Temporary Deputy Speaker** (Hon. Kajwang'): Thank you very much. Member for Turkana Central.

**Hon. Nakara:** Thank you, Hon. Temporary Deputy Speaker. First of all, I want to thank the Member who moved this Bill, Hon. Sakaja.

Second, I am proud to be in Parliament at an hour like this so that I see this Bill going through for the generation that will come after me. We need a body that will co-ordinate and connect the youth of this nation. We need the coming generation to be known as "Kenyan" not a Turkana, Kikuyu or Luo. One of the ways we can bring that change to the generations to come is by having such an authority whereby exchange programmes can be done between our youth. For example, youth from Rift Valley can visit those in Nyanza. By doing so, our youth will eliminate that idea of, "I come from this tribe." We need to put in place a co-ordinating body which will facilitate and promote equity and diversity in this nation. As we speak now, there are some counties in this country that are not represented in some parastatals or in some Ministries. You saw the survey that was done in all the Ministries in this country. There are some tribes whose presence is 0.01 per cent in those Ministries in terms of employment. One way of eliminating that problem is to have a youth authority that can make sure that every Ministry or Parastatal in this country is run equally with all tribes of this nation represented. If we put this body in place, we shall have information available to our youth.

Where I come from, Turkana, there is no network. There is no internet. How can the youth of Turkana, Samburu or West Pokot counties get information? They cannot get it unless we have an authority at the grassroots level where you can send the youth to go and get information. This Authority can open branches in all the constituencies so that all the youth of this nation can have access to information on employment, appointment or any other news that they need to know about this country. The issue of increasing employment in this country is another factor that this Authority must address. The youth are shortchanged in the employment sector. There are some private sectors that do not employ the youth; they recycle the old guys. After retirement, he goes to another employment. After this parastatal, he goes to another one.

We need to make sure that our youth get employed so that they can also manage this country. As you know, the youth is the largest population in this country. Presently, 40 per cent of our youth are unemployed. This is the highest percentage in Africa. If at all we are not going to address the issue of unemployment in this country, then *Al-Shabaab* and other terrorists will take advantage and they will keep on recruiting our youth to those terrorist groups. I want to encourage that when Members are addressing this issue, they should also consider the youth who are non-educated; the illiterate youth.

*(Loud consultations)*

Hon. Temporary Deputy Speaker, the Members are conversing in high tones.

I was trying to say that we should also consider the youth who are illiterate, who have not gone to school because of the unavoidable circumstances. Maybe they did not receive education or they were looking after their livestock. This group of people needs to be assisted. As we create this Authority, we must make sure that those youth who have no education are considered too. We could give them loans or grants so that they start their own lives.

On the issue of offices, we need to make sure that we do not only come to Nairobi to get major information about the youth. We want to encourage this Bill to take offices to the constituency level. That is very important so that we can encourage our youth to go to the constituency to get information.

On the issue of the policies, we have passed many policies concerning youth in this House, but there has been no urgent follow up on implementation. If we have this Authority in place, all the youth policies that we have passed in this House, we shall tell this Authority to follow up and implement them so that the youth can get the benefits of those policies. We have passed the Uwezo Fund here and the Youth Empowerment Programme, but we have not felt the achievements, results or the outcome. Why? It is because nobody is responsible. By having this Authority, we shall task people to make sure that they implement the youth policies.

On the issue of youth exploitation, we have many youth who have been exploited. That is why you find that some youth are being taken to Saudi Arabia or to Asian countries to do domestic jobs. Even if somebody is educated, when they go to those countries, they do domestic jobs. If we have this Authority in place those skills being wasted abroad could be used here for our benefit. This Authority can also address the issue of drugs. Drugs have killed many youth. So, having this Authority will address the issue of drugs and the youth. This will help our youth come out of this menace that is now spoiling them.

I want to conclude by saying that the youth need training, especially the youth who have not gone to school. When we have this Authority in place, we want it to open empowerment centers in every constituency where the youth who have not gone to school can be taken there to be trained on skilled jobs like masonry, carpentry and mechanics so that those skills can help them to get income in their lives. We want to encourage Hon. Sakaja to open up this Authority to the extent of having training centers in our constituencies.

With those few remarks, I support.

**The Temporary Deputy Speaker** (Hon. Kajwang'): Thank you very much. Member for Busia.

**Hon. (Ms.) F. M. Mutua:** Thank you, Hon. Temporary Deputy Speaker for giving me this chance to contribute to this very important Bill. At the outset, I want to thank Hon. Sakaja for having been in the forefront for the youth of this country. I want to support this Bill for the following reasons: One, that the Authority is going to have the creation of a database which is very important. It will be used nationally. So, the counties will also be able to see the number of youth who are not employed in their counties. It is important that this Bill has come at this time and we hope that the Authority will be created as soon as possible. This Authority will also be very important because the information in the database will be online. Most of the people in the country, apart from a few counties like Turkana, will be able to access the information online. We also hope that Turkana will be assisted to have access to this information online so that people can have this information from the whole country.

I am a specialist in Human Resource. It is very sad that when most of the youths come for interviews, as most of our Members have said, they do not know how to dress and to reply to questions like: "Tell us about yourself. What are your weaknesses?" They give you all sorts of stories. So, I am happy that this Authority will train our youth so that when they come for interviews, they will be prepared so that they will get jobs. Our youths have very good papers and they are very innovative. However, they perform very poorly in interviews. So, I am happy that this Authority will support our youths to be well equipped and prepared for the interviews.

It is also important as Hon. Mbadi said that this Authority will not bring this issue of ethnicity. I pray that one day this country will remove that ethnicity thing in all our documents. If we put ethnicity now on this Authority when somebody is putting their database, it might bring us issues and we will not be happy when we have such things on the database. Let our youth put their names, their county and all other things but Hon. Sakaja, I do not see how ethnicity is going to help us move on with employment for our youth.

Internship is important. It is where our graduates get experience. As it has been said, most of the employers ask for ten or five years experience and our youth have just graduated. So, it is good that this Authority will be able to arrange internship for our youth and they will get the experience that is required so that they can get the necessary jobs.

Lastly, in regard to the 30 per cent tender policy that we passed recently which Hon. Sakaja also brought up, it is important for Hon. Sakaja to follow up with the counties to find out how the policy is fairing on. We need to do an audit through the Ministry of Devolution and Planning because what is happening in the counties might shock you. You might be happy sitting here thinking that the 30 per cent policy is working but in some counties, women and youth despite having the necessary documents and the company documents, are still not getting the chance to get the 30 per cent tenders. So, it is important for Hon. Sakaja to do an audit and present it to us here so that we can see what the 30 per cent policy has achieved so far. It will be important also to speak out as a youth to ensure that the youth get the 30 per cent tenders as is required.

Hon. Temporary Deputy Speaker, I support this Bill fully. Thank you.

**The Temporary Deputy Speaker** (Hon. Kajwang'): Thank you. Member for Seme.

**Hon. (Prof.) Nyikal:** Thank you, Hon. Temporary Deputy Speaker, for giving me this opportunity to make a contribution to this Bill. The plight of our youth is the greatest predicament of our nation. I do not think that it is only in Kenya. Actually, it is in the whole



continent. To have 40 per cent of the most active, energetic and innovative people not being in the employment market is a disaster because what we really need to look at is the issue of job creation. Nobody will be better at job creation than the people who are in need and who have the energy and innovative ability. We must, therefore, do something to make sure that we put the youth where they can lead the country in the future.

The main problem has been the education system that we have had. It has been inappropriate. What has happened over the years from the time I was a small child is that if you go to school and pass your exams, you are assured that you will get a job. What we have done over the years is to create job seekers without creating job producers. Our education, to a large extent, does not involve even vocational skills and that is why even up to university level people cannot get jobs. They cannot create jobs. You have heard, for example, that engineers from local universities are not able to fit in the market. The problem is mis-training because we train engineers but we do not train technologies. So, what the industries are looking for are technologists but they are taking up engineers to do technology jobs. So, they have to re-train them. That means that there is something that we have to look at. I am happy looking at the Authority being created because it is looking at the appropriateness of training and the membership is appropriate for that.

The problem is big. This is the continent where our youths are dying across the Mediterranean in large numbers. I listened to an interview over the British Broadcasting Corporation (BBC) where somebody asked those who are moving across North Africa across the Mediterranean sea: "It is almost obvious that when you go into these boats trying to get to Europe you are going to die." This young man said: "In any case, where I am living in my country there are no jobs. So I am going to die anyway. So, I could as well die trying." So, it is time and I thank Hon. Sakaja for being focussed and tenacious on issues of the youth and bringing this Bill.

The exploitation of our youth because we cannot get them in the job market is big. They are easy targets of drug and substance abuse. They are recruited into that. We all know as politicians when elections come, how we run for the youth. At that time, we do not look at the future but just to excite and mobilise them. At the end of it, in many cases, they do not benefit from that. It is not only that, because of unemployment of girls even sexual exploitation is a big problem. Therefore, we have to do something about this. Even in the labour market itself, you find them in internship, apprenticeship and placement for experience. The youth are working there for years on apprenticeship without any payment because of unemployment that is rampant. I have looked at people employing youths, you find that the salaries that are being paid, more so in the private sector where wages are not controlled, are low for new entrants in the market. There have been many efforts like the Youth Enterprise Development Fund, *Kazi kwa Vijana* and the Uwezo Fund, but we are noticing that these have not solved the problem because of lack of training, information and skills.

So, even if we throw money at it, this will not solve the problem. We have talked of the 30 per tender policy. We are all in the Constituencies Development Fund (CDF), but why can we not get 30 per cent of youths in this? It is not purposed to discrimination as such, but many youths do not even know how to start companies. So, the issue of skill development is utmost in this and we must look at it.

I am happy that there are some efforts with the National Youth Service (NYS); I think Hon. Sakaja, being in Jubilee Alliance, will be quite happy that I am acknowledging that; the effort to equip the youths with skills from the NYS are commendable. However, more needs to be done. Therefore, the creation of this Authority to facilitate and monitor all the initiatives and access to information by the youth are important.

I like the proposed Authority because its membership will include all the people who are appropriate. It will include all the Ministries that are relevant to the youth. It will also include the youth. I think the position of the Director-General should be preserved for the youth. That amendment should be made because then he or she will be dealing with a problem that he or she understands very well.

Then there is the issue of this database and how to disseminate information. As the Mover has said, we have had people who have gone back to high school and have attained a B (plain) or even a B+ (plus) grade after being in the village for a number of years. They do not even see adverts in the newspapers. They cannot afford the newspapers and there are no places where they can get information. So, they miss out merely because they do not have that information. If this Authority is going to make information available, look at the issue of training, placement, regulation of internships, apprenticeship and mentorship, that is where we need to go. It is extremely important.

With regard to mentorship in particular, I have looked at the Uwezo Fund - I do not know the experience of my colleagues - but in many cases, I have noticed that the larger number of applicants in the Fund are women. I have looked at what the problem is. When you sit down, you realise that there is an issue of training and mentorship. Even the things that we all talk about such as agro-industry, horticulture, poultry and dairy farming, as of now, most of the people who are involved are the retired old people. If you want to modernise agriculture at the peasant level, we must move into modern agriculture that will be acceptable to the youth. Mentorship by people who are already in that area is extremely important. I call upon the Mover to take note of the issue of mentorship to go hand in hand with the Uwezo Fund. This is extremely important. We have put in the registrar, the contacts of the jobs that are available and the cost of the Authority. The Kshs600 million is nothing if you are looking at our youth. We should not worry about that; we should put centres in every county.

With that, I support.

**The Temporary Deputy Speaker** (Hon. Kajwang): Thank you very much. Let us have the Member for North Imenti.

**Hon. Dawood:** Thank you, Hon. Temporary Deputy Speaker. First of all, I would like to support this Bill by Hon. Sakaja, which is very timely.

It will go a long way in helping the youth, especially in terms of empowerment. It will also deal with the issue of youth radicalisation. It will have a channel through which the youth can get employment. In the United Kingdom, we have job centres. When I was studying there, I went to a job centre to register when I was out of school. It works very well, and that is the kind of thing which should be done in Kenya. We should not just establish an Authority; we should have job centres in every constituency or town where employers register should indicate the kind of workers they want.

A couple of days back, there was an article in a newspaper which stated that people going for jobs needed pushing. I believe that is not the right way to go. If somebody does not know anybody else in any job category, it means that he will never get a job. This Bill will address those kinds of issues. The youth require a way out. We are talking of 40 per cent unemployment rate, 70 per cent of them are the youth. If we do not support the youth, we are looking at a time bomb, which will explode any time.

In my constituency, we are already doing youth resource centres, where we will be training the youth in life skills. From there, they will be gainfully employed in any industry. We need to pass this Bill. Once this is passed, the Authority will be established and we will have it rolled out all over the country.

Regarding youth radicalization, the youth need to be encouraged that there is hope. We can do that with a lot of passion. Members of Parliament can talk to them. We are getting into the month of Ramadhan which has mostly been associated with Muslims, but I believe that youth radicalisation is not just among the Muslims. It is all over. We need to see how we are going to get the youth out of mischief, drug abuse and many other things. It should not happen as it happened with the *Kazi kwa Vijana* initiative, where jobs were done by the youth, but money went to the old people.

With those few remarks, I thank Hon. Sakaja. I support the Bill. I have donated my time to the Hon. Member.

**The Temporary Deputy Speaker** (Hon. Kajwang ): Well, you are displaying lack of knowledge of the Standing Orders. You do not have a right to donate any time, nor do you have any time to donate, anyway. Then the other Member, you do not take what you do not have. So, why are you rising to take what is not there?

I feel a little disconcerted that I am unable to reach many of you that are on my request list. I see the Member for Bomet Central, Member for Kaiti, Member for Alego Usonga, Member for Likuyani and the Member for Ugenya, whom I am told is the Secretary of Young Parliamentarians Association. Then I have the Member for Nyaribari Chache and other Members who do not even have cards, in the first place.

We have three hours allotted for this debate. So, we can continue in the next Session when we will have the Private Members' discussion on this. So, because we did not manufacture time, you just have to excuse us. It is one O'clock.

### ADJOURNMENT

Hon. Members. The time being 1.00 p.m., this House stands adjourned until this afternoon at 2.30 p.m.

The House rose at 1.00 p.m.