

# PARLIAMENT OF KENYA

## THE SENATE

## THE HANSARD

Wednesday, 10<sup>th</sup> February, 2016

*The House met at the Senate Chambers,  
Parliament Buildings, at 2.37 p.m.*

*[The Speaker (Hon. Ethuro) in the Chair]*

### PRAYERS

### POINT OF ORDER

#### DELAY IN COMMENCEMENT OF BUSINESS OF THE HOUSE

**Sen. (Dr.) Khalwale:** On a point of order, Mr. Speaker, Sir. The Order Communication from the Chair has just been called out. I was expecting that you would take advantage of this Order to do what we traditionally do in committees, which is actually a miniature of the Committee of the Whole. Whenever a Member comes late in the committee, he or she apologises and explains why he or she is late.

According to the Standing Orders, this House starts at 2.30 p.m. The Order Paper is indicating that we should have started at 2.30 p.m. It is now 2.39 p.m. You came in at 2.37 p.m. It is only fair that the record of the House indicates why you came in late.

**The Speaker** (Hon. Ethuro): Order, Sen. (Dr.) Khalwale. I know we dealt with that matter in the last Session. It is final.

**Sen. Orengo:** On a point of order, Mr. Speaker, Sir. First, I apologise, my card was not available. The point of order that Sen. (Dr.) Khalwale has raised is of critical importance. I do not know any other institution in this Republic that starts its sitting on time, not even the courts. I have been very proud of this institution, that when it says that sittings begin at 2.30 p.m. and the bell rings five minutes to 2.30 p.m., that proceedings always start at 2.30 p.m. When we used to meet at 9.00 a.m., proceedings would start at 9.00 a.m.

That notwithstanding, under Standing Order No.30, there is an opportunity to address what has happened today subject to your directions. We may meet later than 2.30 p.m. However, I am not aware of any directions as to why the sitting started beyond 2.30 p.m. That is for the dignity and decorum of this House, which should be an example to all other institutions. If I did not get information that was dealt with on this issue, I

apologise. I have always been proud saying that the only institution that begins on time is Parliament. Even if there is no quorum, the Speaker is always there at 2.30 p.m.

**Sen. (Dr.) Khalwale:** Mr. Speaker, Sir, my point of order was not meant to be an affront to you. I am fully aware of the ruling you made on a similar point of order when I raised it in the last Session. You acquitted yourself very well and said that the three minutes you have been late included the time you started walking from the office up to here. However, this is a whooping seven minutes. Maybe there could be a better explanation so that the dignity of this House and the institution of Parliament is upheld.

**The Speaker** (Hon. Ethuro): Hon. Members, now that you insist, let me say that your concerns have been noted---

**The Senate Minority Leader** (Sen. Wetangula): And they are legitimate!

**The Speaker** (Hon. Ethuro): They are definitely not legitimate because if we go that way, Senate Minority Leader, I do not think we will be helping anybody. Let me just say that your concerns have been noted and they will be taken into consideration.

**Sen. (Dr.) Machage:** On a point of order, Mr. Speaker, Sir. Standing Order No.90(4), Sen.(Dr.) Khalwale has just questioned the conduct of the Speaker in coming late to the House without raising a substantive Motion. Is he in order?

**The Speaker** (Hon. Ethuro): Order, Members. I do not think I will entertain a discussion about me. These are some of the issues that if we were to strictly enforce the Standing Orders, those who give unsolicited pieces of advice or opinion might also meet the wrath. So, let us not be hard on these things.

Next Order.

## NOTICES OF MOTIONS

**The Senate Majority Leader** (Sen. (Prof.) Kindiki): Mr. Speaker, Sir, I beg to give notice of the following Motions:-

### APPROVAL OF SEN. STEPHEN SANG TO THE CHAIRPERSONS PANEL

THAT, pursuant to Standing Order No.16, the Senate approves the nomination of Sen. Stephen Sang to replace to Sen. Kipchumba Murkomen as a Member of the Chairpersons Panel and to further preside over the Senate in the absence of the Speaker and the Deputy Speaker pursuant to Article 107(1)(c) of the Constitution and Standing Order No.18 of the Senate.

### APPROVAL OF SEN. MURKOMEN TO BE A MEMBER OF THE STANDING COMMITTEE ON ENERGY

THAT, pursuant to Standing Order Nos. 177(3) and 179(1), the Senate approves the nomination of Sen. Onesmus Kipchumba Murkomen, by the Rules and Business Committee, to be a member of the Standing

Committee on Energy to replace Sen. Charles Keter, former Senator for Kericho County.

APPOINTMENT OF MEMBERS TO SESSIONAL COMMITTEES

THAT, pursuant to Standing Order Nos. 177, 179 and 210, the Senate approves the following Senators nominated by the Rules and Business Committee (RBC) to serve in the respective Sessional Committees as indicated below:-

**A. COUNTY PUBLIC ACCOUNTS AND INVESTMENTS COMMITTEE**

1. Sen. Wamatangi Kimani
2. Sen. Stephen Ole Ntutu
3. Sen. (Eng.) Karue Muriuki
4. Sen. (Prof.) John Lonyangapuo
5. Sen. Wangari Martha
6. Sen. (Dr.) Boni Khalwale
7. Sen. Omar Hassan
8. Sen. Sitswila Wako Amos
9. Sen. (Prof.) Anyang'-Nyong'o
10. Sen. Mong'are Okong'o Kennedy
11. Sen. George Khaniri

**B. COMMITTEE ON DEVOLVED GOVERNMENT**

1. Sen. Murkomen Kipchumba
2. Sen. Lesuuda Naisula
3. Sen. Kerrow Billow
4. Sen. Beatrice Elachi
5. Sen. (Prof.) Wilfred Lesan
6. Sen. Sitswila Wako Amos
7. Sen. Janet Ong'era
8. Sen. Omar Hassan
9. Sen. Tirole Ndiema Henry

**C. COMMITTEE ON IMPLEMENTATION**

1. Sen. Haji Mohammed Yusuf
2. Sen. Bule A. Ali
3. Sen. Chelule Liza
4. Sen. Mbura Emma Gertrude
5. Sen. (Dr.) Kariuki Godfrey Gitahi
6. Sen. Ali Hassan Abdirahman

7. Sen. James Orengo
8. Sen. Muthama Johnson
9. Sen. Nyongesa Kanainza Daisy

#### **D. COMMITTEE ON DELEGATED LEGISLATION**

1. Sen. Sang Stephen
2. Sen. Gwendu Joy
3. Sen. Onchwang'i Hosea
4. Sen. Mbura Emma Gertrude
5. Sen. Karaba Daniel
6. Sen. Madzayo Stewart
7. Sen. Sijeny Judith
8. Sen. Musila David
9. Sen. Omondi Godliver Nanjira

#### **STATEMENTS**

##### **STATUS OF THE NATIONAL GOVERNMENT'S PROJECT TO LEASE MEDICAL EQUIPMENT**

**Sen. Khaniri:** Mr. Speaker, Sir, I have a request for two statements. First, I rise pursuant to Standing Order No.45(2)(b) to seek a Statement from the Chairperson of the Standing Committee on Health regarding the status of the national Government's Kshs38 billion project to lease medical equipment for county hospitals. In the Statement, the Chairperson should:-

- (a) Explain the status of the project's implementation in terms of equipment disbursement, training of doctors and technicians and infrastructure development;
- (b) State when Vihiga County will get the equipment; and,
- (c) State the expected date of completion of the project roll out in all the 47 counties.

**The Speaker** (Hon. Ethuro): What is it, Sen. Wetangula?

**The Senate Leader of Minority** (Sen. Wetangula): Mr. Speaker, Sir, I believe the Senate Majority Leader is taking note of that. In addition to that and with the indulgence of the questioner, we would want the House to be told who the lessor of this equipment is. We know the lessees are then county governments. If it is a company, where is it incorporated? If it is offshore, which country and who the directors are and their details?

**The Speaker** (Hon. Ethuro): What is it, Sen. (Dr.) Khalwale?

**Sen. (Dr.) Khalwale:** Mr. Speaker, Sir, I thank Sen. Khaniri for this very important request. It is important that the whole country knows especially the Senate which are these two hospitals in each county---

**The Speaker** (Hon. Ethuro): Order, Senator!

**Sen. (Dr.) Khalwale:** Mr. Speaker, Sir, in an earlier statement to this House, the Cabinet Secretary for Health had indicated that only part of the contracts that are supposed to constitute what would be the required minimum equipment to run this service. Could they confirm that the other contracts have also been signed?

It is important that the Leader of the Majority captures this. In that contract last time, we did---

**The Speaker** (Hon. Ethuro): Order, Senator!

**Sen. (Dr.) Machage:** Mr. Speaker, Sir, on behalf of the chairperson and the vice chairperson, who are not in the House, I communicate that the committee will deliver the answer in four week's time.

**The Speaker** (Hon. Ethuro): Sen. Khaniri!

**Sen. Khaniri:** Mr. Speaker, Sir, the practice we have established in this House is that statements normally come in two weeks, particularly a statement like this where we expect them to go and get the information because it is there. There is no research that is going to be done to come up with a response to this particular Statement. Could you kindly order the chairperson to bring the Statement in two weeks?

**The Speaker** (Hon. Ethuro): It is so ordered.

Proceed Sen. Khaniri.

#### STATUS OF POSSESSION OF LAND TITLE DEEDS BY PUBLIC SCHOOLS IN KENYA

**Sen. Khaniri:** Mr. Speaker, Sir, I have a second statement that I am seeking. I rise pursuant to Standing Order No.45(2)(b) to seek a statement from the Chairperson of the Standing Committee on Land and Natural Resources regarding the status of possession of land title deeds or lease certificates by public schools in Kenya. In the Statement, the chairperson should:-

- (a) Table a list of all public schools in Kenya indicating those that have land ownership documents for the land that the school occupies.
- (b) Explain the status of application by public schools for land ownership documents.
- (c) State whose responsibility it is to ensure that the public schools have land ownership documents and what action is being taken against those that fail to procure the same.

**The Speaker** (Hon. Ethuro): Is the Chairperson of the Committee here?

**Sen. Obure:** Mr. Speaker, Sir, I am not the Chairperson neither the Vice Chairperson. However, I am a Member of that Committee. This is a massive question that we will try and provide the answer in two weeks' time.

**The Speaker** (Hon. Ethuro): Two weeks is okay. Sen. Obure, you do not have to disqualify yourself from being a chair or a vice chair. Just go straight to what you are, an ordinary Member.

**The Senate Minority Leader** (Sen. Wetangula): Mr. Speaker, Sir, I rise to request for Statement; one to the Committee for Finance, Commerce and Budget, and another will be to the Leader of the Majority.

CONTRAVENTION OF THE CONSTITUTION BY  
CBK GOVERNOR ON CURRENCY PORTRAITS

My first request for a Statement is with regard to the contravention of Article 231(4) of the Constitution of Kenya 2010 by the Governor of the Central Bank of Kenya (CBK). I rise pursuant to Standing Order No.45(2)(b) to seek a Statement from the chairperson of the Standing Committee on Commerce, Finance and Budget regarding our currencies bearing portraits of an individual.

The Constitution of Kenya 2010 Article 231(4) states that;

“Notes and coins issued by the Central Bank of Kenya may bear images that depict or symbolize Kenya or an aspect of Kenya but shall not bear the portrait of any individual.”

In the Statement, the Chairperson should explain:-

(a) What steps the Governor of the CBK, Dr. Patrick Ngugi Njoroge, has taken to ensure our notes and coins bear no portrait of an individual in compliance with the Constitution.

(b) If this has happened, when will the Governor of the CBK roll out the currency that is in conformity with the Constitution?

(c) If the Governor is aware that by continuing to print portraits of an individual on our currency, he is in breach of the Constitution and can lead to his impeachment.

**The Speaker** (Hon. Ethuro): What is it, Sen. (Dr.) Khalwale?

**Sen. (Dr.) Khalwale:** On a point of order, Mr. Speaker, Sir. On this very important Statement, allow me to request further that the chairperson also tells the country, in this printing of the currency, what type of contract is being used? This is because the last Parliament was approached by the Government requesting that Parliament gives its concurrence so as to allow the Government go into a joint venture of printing currency with De La Rue of Great Britain. This was occasioned after a scandal of Kshs1.8 billion was discovered. Could he tell us under what arrangement currency is now being printed? Is there a joint venture? Does Kenya own shares in De La Rue these days?

**Sen. Ong’era:** Mr. Speaker, Sir, allow me to ride on that very important request for a statement. Now that for the last five years we have been using currencies with people’s portraits, which is illegal, what action is being taken particularly on financial transactions which are being carried out and currency has been exchanged? What effect will that have especially on international transactions, particularly the Eurobond?

*(Laughter)*

**The Speaker** (Hon. Ethuro): Sen. Ong’era, when you go to a shop and buy items, do you want us to retrieve that transaction?

Proceed, Sen. (Dr.) Machage

**Sen. (Dr.) Machage:** Mr. Speaker, Sir, I would like to know whether the Governor of the CBK is under the direction of anybody to do what he has just been reminded not to do, especially, taking note of part 3 of the same constitutional act that has been quoted by

the Leader of the Minority.

**The Speaker** (Hon. Ethuro): Sen. Obure!

**Sen. Obure:** Mr. Speaker, Sir, I rise pursuant to Standing Order No.45---

**The Speaker** (Hon. Ethuro): Order, Sen. Obure! I'm glad you are not riding on this horse. At that rate, it is going to be overwhelmed.

**Sen. Obure:** No, Mr. Speaker, Sir. This is a different one.

**The Speaker** (Hon. Ethuro): Where is the Chairperson of the Standing Committee on Finance, Commerce and Budget? You are confirming that you are lighter than the rest. Proceed Sen. Okong'o.

**Sen. Okong'o:** Mr. Speaker, Sir, I also rise to seek information, now that information is being sought from the Governor of the Central Bank of Kenya (CBK) about what is happening regarding the printing of new notes. I have been trying to access new notes for the past three months. I have never carried old notes in denominations of Kshs500, Kshs200 and Kshs100 for the past 12 years when I travel upcountry. I need an answer from the CBK about why we do not have new notes. They are recycling old notes---

**The Speaker** (Hon. Ethuro): Order! Senator, you are being repetitive.

Is the Chairperson, Vice Chairperson or any Member of the Committee on Finance, Commerce and Budget here?

*(Sen. Wetangula spoke off record)*

Order, Senator! We are not asking you to respond, but to commit to the House when the Committee will bring a response.

**Sen. (Dr.) Khalwale:** Mr. Speaker, Sir, it is true that I am a Member of the Committee. Through you, I wish to request the Senate Majority Leader to communicate this to the Chair of the Committee, because I have an interest having asked the question.

**The Speaker** (Hon. Ethuro): I thought when you have an interest, you will ensure your Committee fast-tracks it?

**Sen. (Dr.) Khalwale:** Mr. Speaker, Sir, I feared conflict of interest. In that case, with your permission, I will communicate within the hour from now. I anticipate that this question could be answered within three weeks, because it is a very weighty issue.

**The Speaker** (Hon. Ethuro): Order, Senator. I really like the way we take different positions.

*(Laughter)*

When you are asked to bring a statement, you request for three to four weeks. When you ask for it, it is now. Let us just occupy the tradition of two weeks.

#### STATUS OF INTERNALLY DISPLACED PERSONS

**The Senate Minority Leader** (Sen. Wetangula): Mr. Speaker, Sir, my second request is to the Office of the Senate Majority Leader, because it concerns the whole

Government. This is a request for a statement on the status of Internally Displaced Persons commonly known as IDPs.

**Sen. Wangari:** On a point of order, Mr. Speaker, Sir. If you read Part “X” of our Standing Orders on Statements, statements are directed to the committees and their chairpersons. I have heard the Senate Minority Leader say that the Statement is directed to the Senate Majority Leader. Is he in order to direct a statement disregarding how it is done normally according to the tradition of this House?

**The Senate Minority Leader** (Sen. Wetangula): Mr. Speaker, Sir, the distinguished lady may have to refresh her memory by looking at Standing Order No.1. None other than the Chair has repeatedly, in the past, directed certain statements to the Senate Majority Leader, given their complexity and the nature of information required. In any event, the Senate Majority Leader, to whom I was directing the question, was under no problem whatsoever in taking the question.

**The Speaker** (Hon. Ethuro): What is it, Sen. Wangari? Which Standing Order were you referring to?

**Sen. Wangari:** On a point of order, Mr. Speaker, Sir. I was referring to Standing Order No.45 (2) (b) which states that:-

“a Senator may request for a statement---”

**The Speaker** (Hon. Ethuro): Order! Proceed with your point of order.

**Sen. Wangari:** Mr. Speaker, Sir, is the Senate Minority Leader in order? Again, Standing Order No.90 (6) is very clear on how a Senator should be addressed; I am not “a lady.” Standing Order No.90 (6), states that:-

“A Senator shall refer to another Senator by the title “Senator... (name of the Senator)”

Secondly, if the canvassing of this statement was private and directed to the Senate Majority Leader, why are we hearing about it on the Floor? It should be for the House and, therefore, the property of the House.

**The Speaker** (Hon. Ethuro): Order, Senators!

*(Sen. Wetangula stood up in his place)*

Order, Senate Minority Leader. There cannot be any dispute. This matter has been determined previously. The way you should address a Senator has been spelt out in our Standing Orders. After you do it as it is expressed, you can add those other titles as you wish. That is very important.

Secondly, Senate Minority Leader, I cannot allow you to misrepresent me when I am here. Standing Order No.1 does not apply. I have never said that a statement should be addressed to the Senate Majority Leader. All statements must be addressed to the relevant Chair of the Committee. What we have done before is that when the Chair of the relevant committee is not in the House, then we ask the Senate Majority Leader to communicate or even bring the response. In terms of addressing the statement, it must be addressed to the relevant committee Chair.



**The Senate Minority Leader** (Sen. Wetangula): Mr. Speaker, Sir, in fact, my statement is addressed to the Committee Chair. However, the Clerks who work for your Office advised me that this statement may be directed to the Senate Majority Leader, as the sessional committee has not been reconstituted, and that is what I am doing. I think the Clerks were right. But be that as it may, I have no affront to Sen. Wangari. I thought being distinguished is more important than the title that you carry temporarily.

Mr. Speaker, Sir, I request for a statement on the status of Internally Displaced Persons (IDPs).

**Sen. (Dr.) Machage:** On a point of order, Mr. Speaker, Sir. This is a House of records. The point of order as raised by Sen. Wangari may be taken as the gospel truth. However, look at Standing Order No.45 (2) (d). It actually gives that power to the Senate Majority Leader to act on behalf of committees. I would like to draw your attention to that, so that this is properly recorded.

**The Senate Minority Leader** (Sen. Wetangula): Mr. Speaker, Sir, can I proceed?

**The Speaker** (Hon. Ethuro): Order! You cannot proceed because Sen. (Dr.) Machage is trying to mislead the House even further. If he cared to listen, I said as much. I said that the Senate Majority Leader can respond in the absence of the Chair. That is what that Standing Order says.

The issue that Sen. Wangari raised is whether the Senate Minority Leader can address a statement to the Senate Majority Leader. I have said that statements should be addressed to the Chairs of committees. The mitigating factors here for the Senate Minority Leader is the fact that the relevant committee is yet to be constituted. Surely, our business must proceed. It is on that basis that he can get the statement through the Senate Majority Leader. These issues are very clear.

Proceed, the Senate Minority Leader.

**The Senate Minority Leader** (Sen. Wetangula): Mr. Speaker, Sir, in fact, they are so clear that I am at a loss as to why Sen. Wangari raised them.

I rise pursuant to Standing Order No. 45(2)(b) ---

*(Loud consultations)*

**The Speaker** (Hon. Ethuro): Order, Senators! Order, Sen. Wangari! You must learn to take some things in your stride.

Proceed.

**The Senate Minority Leader** (Sen. Wetangula): Mr. Speaker, Sir, she is on a learning curve.

I rise to seek a Statement pursuant to Standing Order No. 45(2)(b) ---

**Sen. Wangari:** On a point of order, Mr. Speaker, Sir. We may laugh off these things but he is on record. He is continuing to say that I am on a learning curve. He may be older than me but does it give him the monopoly of information or knowledge? He must withdraw that statement.

**The Senate Minority Leader** (Sen. Wetangula): Mr. Speaker, Sir, to be told that you are learning is actually a compliment, unless you have a mental block. Everybody is continuously learning including me and the Chair.

Let me proceed.

**The Speaker** (Hon. Ethuro): Order, Senator! To be told you are learning means you do not know. In fact, to be on a learning curve means you are even starting from very far.

*(Laughter)*

**The Senate Minority Leader** (Sen. Wetangula): Mr. Speaker, Sir, the young Senator will catch up with us.

#### STATUS OF INTERNALLY DISPLACED PERSONS

I seek a Statement from the Sessional Committee on Devolved Government, which is yet to be constituted and, therefore, it will go to the Senate Majority Leader regarding the status of Internally Displaced Persons commonly called IDPs in the former western and Nyanza provinces and Turkana and coast regions.

There was an announcement by the Deputy President (DP), His Excellency, Hon. William Samoei Ruto, and the new enthusiastic Cabinet Secretary for Devolution and Planning, hon. Mwangi Kiunjuri, that Kshs1 billion had been set aside for settlement of IDPs.

In the Statement, the Chairperson should explain---

**The Senate Majority Leader** (Sen. (Prof.) Kindiki): On a point of order, Mr. Speaker, Sir. Sorry for interrupting the Senate Minority Leader. I rise to ask whether it is in order for the Senate Minority Leader to refer to a Cabinet Secretary (CS) as enthusiastic, especially when he is on record and asking for an official statement on the Floor of this House. This is because we also have to protect our dignity so that we do not appear as if we are either trivializing what we are asking or even trying to ridicule other institutions. So, I do not know where that qualification come from. I do not know whether there are some Cabinet Secretaries who are enthusiastic and what other qualifications others who are not enthusiastic have. Is he in order?

**The Senate Minority Leader** (Sen. Wetangula): Mr. Speaker, Sir, recently, the media graded Cabinet Secretaries. Some were given "A", others "B" others "E" and others were even recommended for dismissal. So, when I describe a Cabinet Secretary as enthusiastic, I am actually complimenting him. He is eager to work. He is ready to go. *Ana motisha. Anaenda!*

*(Laughter)*

**The Speaker** (Hon. Ethuro): Order! The Chair must agree with the Senate Minority Leader on this one against the Senate Majority Leader. There is nothing unparliamentary about enthusiasm. It is an English word that describes how somebody is performing. In fact, I think the Senate Minority Leader, you had gotten it wrong in terms of a compliment. This is now where he is getting it right.

Proceed.

**The Senate Minority Leader** (Sen. Wetangula): Hon. Mwangi Kiunjuri is a good friend of mine and I know he works very hard.

In the Statement, the Chairperson should explain---

**Sen. (Prof.) Anyang'-Nyong'o**: On a point of information, Mr. Speaker, Sir.

**The Senate Minority Leader** (Sen. Wetangula): Please, inform me.

**Sen. (Prof.) Anyang'-Nyong'o**: Mr. Speaker, Sir. May I inform the Senate Minority Leader that the Senate Majority Leader is actually correct. The idea of being enthusiastic in the Jubilee Government is a very strange characteristic.

*(Laughter)*

**The Senate Minority Leader** (Sen. Wetangula): Thank you, Sen. (Prof.) Anyang'-Nyong'o. I fully accept.

In the Statement, could the Senate Majority Leader through the Committee:-

(1) Explain who these IDPs to be settled with the Kshs1 billion are.

(2) Explain the status of the IDPs especially in the former regions of Nyanza, Western, Trans-Nzoia, Turkana, Coast and particularly those called integrated IDPs from Bungoma, Kakamega, Busia and Kisii counties.

(3) State how many IDPs will be catered for by this Kshs1 billion that has been set aside, who they are and how they have been selected.

(4) State the number of IDPs who opted not to stay in camps but went to stay with their relatives and what the Government has done to resettle them.

(5) State the number of IDPs who have been settled and how they were compensated. This is because we are told that the Kshs1 billion being rolled out is the last payment ever to IDPs and the camps must be closed.

**Sen. (Eng.) Muriuki**: Mr. Speaker, Sir, allow me to ride on that request of the Senate Minority Leader to the extent of including Nyandarua County. After the 2007/2008 Post-Election Violence (PEV), I think Nyandarua County had the largest number of IDPs and majority of them were living in people's home. So, they were categorized as integrated IDPs. The disaster was ---

**The Speaker** (Hon. Ethuro): Order, Senator! You have made your point.

**Sen. (Eng.) Muriuki**: Mr. Speaker, Sir, I am not competing---

**The Speaker** (Hon. Ethuro): It is Statements Time. It is not time for explanations.

**Sen. (Eng.) Muriuki**: Mr. Speaker, Sir, give me half-a-minute.

**The Speaker** (Hon. Ethuro): Your request is granted.

**Sen. (Eng.) Muriuki**: Thank you, Mr. Speaker, Sir. The issue is that when we, the leaders, ask why IDPs are not being compensated. We are always told that the Government is looking at the plight of IDPs in the camps and then come to the integrated ones. So, to be specific, inclusion of the integrated IDPs in Nyandarua County, if not the whole country, is very crucial.

**Sen. (Dr.) Khalwale**: Mr. Speaker, Sir, the statement should also include a response to the concern of Kenyans whether the Government has ever done an audit on the fate of the property especially land that was owned by the IDPs. We would like to

know, if Mr. Mwiritsa owned five acres in Trans-Nzoia, he was displaced and then compensated, what is the fate of that land? Who owns that land at the moment?

**Sen. Ong'era:** Mr. Speaker, Sir, may I also ride on that request by the Senate Minority Leader? We would also like to know whether there have been new IDPs after the 2007/2008 Post-Election Violence (PEV).

Further, can we have an audit on how much money has been paid and to which IDPs?

**Sen. Ndiema:** Mr. Speaker, Sir, I would like to add---

**The Speaker** (Hon. Ethuro): I will just allow the addition because the interest is quite huge.

**Sen. Ndiema:** Mr. Speaker, Sir, first, I would like to know the definition of an Internally Displaced Person (IDP).

Secondly, when will the case of historical IDPs be considered?

**The Speaker** (Hon. Ethuro): Order. You have made your point. You have even exceeded the limit I had allowed.

**Sen. Okong'o:** Mr. Speaker, Sir, I want it to go on record that we have over 10,000 IDPs in Nyamira. Since we have been told this is the last phase of payments to IDPs, what is the fate of the integrated IDPs in Nyamira County?

**Sen. Nabwala:** Mr. Speaker, Sir, I would like to add the interest of my county. IDPs of 1992 are still living at the centres. We have a very large group, over 5,000, who meet weekly at St. Immaculate.

**The Speaker** (Hon. Ethuro): Order, Senator! It is Statement Time.

**Sen. Nabwala:** Mr. Speaker, Sir, I would like to know what the Government is doing about that.

**Sen. (Prof.) Anyang'-Nyong'o:** Mr. Speaker, Sir, while dealing comprehensively with the IDP issue, could the Cabinet Secretary address himself to the IDP problem on the Muhoroni-Nandi border where fresh IDPs emerged on New Year's week?

I would like also to know whether the Government has moved to secure the people in the area to avoid further insecurity and the killing of people in that area.

**Sen. Karaba:** Mr. Speaker, Sir, it is also important to ask whether we are ready for such occurrences in future. If it is true that every other time after five years we have the problem of IDPs, is the Government prepared to avert such occurrences so that we do not have this menace?

**Sen. (Dr.) Machage:** Mr. Speaker, Sir, as a rider, I would like the Cabinet Secretary to state how many IDPs from Migori he has hitherto paid, why he has not paid others and whether he intends to also include them in this list of IDPs.

**Sen. Obure:** Mr. Speaker, Sir, my concerns have been covered by the previous speakers on this question of IDPs. I just want to know at what---

**The Speaker** (Hon. Ethuro): Order! You will, of course, after the end of this statement.

Proceed, Sen. Kembi-Gitura.

**Sen. Kembi-Gitura:** Mr. Speaker, Sir, I am on a temporary card and that is why my name did not feature. I thank Sen. Wetangula for raising this question. There are many integrated IDPs in Murang'a County and I do not know whether they are known.

However, I have a list. They continuously come to my office to register. They tell me that they are integrated IDPs. When this statement is issued, could I possibly have the list of the registered integrated IDPs in Murang'a County indicating whether they have been paid and if so, who has been paid and how much money?

Also, pertaining to the land that they left behind as Sen. (Dr.) Khalwale asked; what is the fate of the land that was owned by people from Murang'a who are now integrated IDPs? When can they go back to their land?

**The Speaker** (Hon. Ethuro): What is it, Sen. Bule?

**Sen. Bule:** Bw. Spika, asante sana kwa kunipa nafasi hii. Jambo la wakimbizi wa ndani ni muhimu. Ni lazima jambo hili liangaliwe kwa makini. Watu wa Tana River walipata tatizo kubwa ambalo liliwafanya wakimbizi wa ndani na hawajatambuliwa kwa miaka mingi.

Vile mjuavyo---

**The Speaker** (Hon. Ethuro): Nidhamu, Sen. Bule. Huu ni wakati wa kuuliza maswali.

**Sen. Bule:** Bw. Spika, nataka kujua vile wakimbizi wa ndani waliokimbia kutoka Tana River miaka 13 iliyopita wakati wa vita wanavyoshughulikiwa. Wakati huo watu wengi walikimbia kutoka Tana River na hawatambuliwi mpaka sasa. Wengi wako Mombasa, Kwale na Taita-Taveta na bado hawatambuliwa. Kwa hivyo, naomba Serikali ituambie wako wapi na itafute mbinu ya kuwarejesha au iwape makao.

**The Senate Majority Leader** (Sen. (Prof.) Kindiki): Mr. Speaker, Sir, the issues raised are quite pertinent and touch on the majority of the counties of Kenya. Some of them are of a historical nature. I request the Chair to allow us one month so that we can give a comprehensive answer.

Mr. Speaker, Sir, if you give me one second, I can illustrate. To tabulate the properties that were left behind by IDPs overtime, it will require a bit of time. I request for one month.

**The Speaker** (Hon. Ethuro): I will give you one month although I thought you were in the House when I was making reference to three to four weeks. This is a very important issue for the nation. I will give you one month.

STATUS OF TEA FARMERS' MONEY HELD IN A  
KTDA FIXED DEPOSIT ACCOUNT  
AT IMPERIAL BANK

**Sen. Obure:** Mr. Speaker, Sir, I rise pursuant to Standing Order No.45(2)(b) to seek a Statement from the Chairperson of the Standing Committee on Agriculture regarding the fate of money belonging to small-scale tea farmers held in a fixed deposit account of the Kenya Tea Development Agency Limited (KTDA) at the Imperial Bank Limited, which is currently under receivership.

In the Statement, the Chairperson should:-

(1) State the amount of money that was put in the fixed deposit account at the Imperial Bank Limited by KTDA.

(2) State when the deposits were placed and explain the terms under which they were placed.

(3) Explain measures that KTDA has taken to cushion the small-scale farmers against laws following the closure of the bank.

(4) Give details of any other money deposited in other banking institutions by the KTDA, on behalf of small scale farmers, and state the measures that the agency has taken to minimize any risk exposure given the experience with the Imperial Bank Limited.

**The Speaker** (Hon. Ethuro): Where is the Chairperson, Vice Chairperson or any Member of the Committee?

Proceed, Sen. Ntutu.

**Sen. Ntutu:** Mr. Speaker, Sir, we will respond in two weeks' time.

**The Speaker** (Hon. Ethuro): That is the end of Statements.

Next Order!

## PROCEDURAL MOTIONS

### LIMITATION OF DEBATE ON MOTIONS

**The Senate Majority Leader** (Sen. (Prof.) Kindiki): Mr. Speaker, Sir, I beg to move the following Procedural Motion:-

THAT, pursuant to Standing Order 100 (1), the Senate resolves that debate on a Motion not sponsored by the Majority or Minority Party or a Committee shall be limited in the following manner:-

A maximum of three hours with not more than 20 minutes for the Mover, 20 minutes for the Majority Party Official Responder, 20 minutes for the Minority Party Official Responder and 15 minutes for each other Senator speaking and that 15 minutes before the time expires, the Mover shall be called upon to reply.

Mr. Speaker, Sir, this is a straight-forward Procedural Motion. I do not want to belabour it. Every Session, we have made resolutions in this House on limitation of time so that as many Senators as possible can debate. As usual in our tradition, we allow a little more time for the Leader of the Majority Party, the Leader of the Minority Party and the Mover of that Motion. Otherwise, this is something we have done before. I do not want to belabour it. It is just to ensure that as many Senators as possible debate on a matter.

Therefore, without much ado, I beg to move. My seconder is busy somewhere. I do not know whether you can call Sen. Wetangula to order so that he can second this Motion. It is a procedural Motion on limitation of time for debate. It is the usual way, 20 minutes for the official responder Majority Party, 20 minutes official responder and 15 minutes for other Senators.

**The Speaker** (Hon. Ethuro): Order, Senate Majority Leader! You had already explained.

**The Senate Minority Leader** (Sen. Wetangula): Mr. Speaker, Sir, I beg to second.

*(Question proposed)*

*(Question put and agreed to)*

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

*[The Deputy Speaker (Sen. Kembi-Gitura) took the Chair]*

#### LIMITATION OF DEBATE ON ADJOURNMENT MOTION

**The Senate Majority Leader** (Sen. (Prof.) Kindiki): Mr. Deputy Speaker, Sir, I beg to move the following Procedural Motion:-

THAT, notwithstanding the provisions of Standing Order 100 (4), the debate on any Motion for the adjournment of the Senate to a day other than the next normal sitting day in accordance with the calendar of the Senate shall be limited to a maximum of two hours with not more than fifteen minutes for each Senator speaking after which the Senate shall adjourn without question put;

provided that when the period of recess proposed by any such Motion does not exceed nine calendar days, the debate shall be limited to a maximum of thirty (30) minutes, and shall be confined to the question of adjournment.

Mr. Speaker, Sir, just as the previous Motion, which this House has just passed, this is a Procedural Motion on the issue of adjournment. Traditionally, the time is limited to two hours when the Senate is adjourning for a period of time, that is, more than a day. The Senate then adjourns without question being put. If the adjournment is less than nine days, the debate should not take more than 30 minutes, each Senator getting 15 minutes. However, the House has a way of limiting that time through a resolution to even one or two. This is just for procedure purposes. It is a general case but debates of specific Motion may even have more or less time depending on the number of speakers available.

Without much ado, I beg to move and request the Senate Minority Leader to second.

**The Senate Minority Leader** (Sen. Wetangula): Mr. Deputy Speaker, Sir, this is a Procedural Motion, I beg to second.

*(Question proposed)*

**Sen. Khaniri:** Mr. Deputy Speaker, Sir, I want to thank the Majority Leader for moving this Motion. As we support this Motion, I want to propose an amendment to it.

The Motion states that a Motion of Adjournment will last for two hours. It goes further to state that each speaker should be allocated 15 minutes. Two hours is 120 minutes. If you minus 15 minutes for the Mover and the seconder, then you are remaining with only 90 minutes for the debate. If you allocate 15 minutes per speaker, then it means

that the House will adjourn by a debate of only six Members of this House. I do not think that is sufficient if we want to accord Members enough time to debate an adjournment Motion. I would rather we either increase the time to three hours or if we want to maintain the two hours for the Motion, then we reduce the debating time to 10 minutes per Member.

Therefore, I beg to move:-

THAT, the Procedural Motion be amended by deleting 15 minutes and replacing in place thereof, 10 minutes.

**The Deputy Speaker** (Sen. Kembi-Gitura): Sen. Khaniri, I hear you. That is an amendment but because it is Procedural Motion, I do not reckon it needs to be in writing but you need a seconder. Assuming that it goes through, some people want it reduced to 10 minutes. We cannot just vote on it.

Therefore, you need somebody to second you and then we can debate the amendment. If it succeeds, it will be the end of the matter and if it fails, we go back to the original Motion. So, who is seconding you?

Sen. Khaniri, I understand your amendment is seeking to delete 15 minutes and insert 10 minutes. Let us now get a seconder.

**Sen. Ong'era:** Mr. Deputy Speaker, Sir, I want to second Sen. Khaniri's amendment. It is a reasonable amendment and the aim is to allow more Senators to contribute to this Motion. Therefore, it is quite reasonable and very straight forward.

I beg to second.

*(Question of the Motion as amended proposed)*

**Sen. (Dr.) Khalwale:** Mr. Deputy Speaker, Sir, I rise to support this amendment. In any Motion, it is at times very difficult to gauge whether many Members will be interested in taking a bite of the cherry. Therefore, when we allow too much time for one speaker especially on an important matter like this one, you disadvantage many of us. I support this Motion so that as many of us as possible can contribute.

**Sen. (Prof.) Anyang'-Nyong'o:** Mr. Deputy Speaker, Sir, I beg to call upon the Mover to reply.

**The Deputy Speaker** (Sen. Kembi-Gitura): I assume that you want the Mover to reply on the amendment.

Please, proceed Sen. Khaniri

**Sen. Khaniri:** Mr. Deputy Speaker, Sir, I propose that the Motion be amended as proposed.

**The Deputy Speaker** (Sen. Kembi-Gitura): This is a Procedural Motion that does not affect counties as per the requirements of the Standing Orders. I will therefore propose the Question which is that the procedural Motion on limitation of debate on an adjournment Motion be amended by inserting the word "10" in place of the word "15" wherever it may appear in that Motion.

*(Question of the Motion as amended agreed to)*



*Resolved accordingly:-*

THAT, notwithstanding the provisions of Standing Order 100 (4), the debate on any Motion for the adjournment of the Senate to a day other than the next normal sitting day in accordance with the calendar of the Senate shall be limited to a maximum of two hours with not more than 10 minutes for each Senator speaking after which the Senate shall adjourn without question put;

provided that when the period of recess proposed by any such Motion does not exceed nine calendar days, the debate shall be limited to a maximum of thirty (30) minutes, and shall be confined to the question of adjournment.

I presume that is the end of that amendment and that it is noted.

I will now put the question on the substantive order on the Order Paper.

*(Question put and agreed to)*

LIMITATION OF DEBATE ON MOTION ON THE  
ADDRESS BY THE PRESIDENT

**The Senate Majority Leader** (Sen. (Prof.) Kindiki): Mr. Deputy Speaker, Sir, I beg to move the following Procedural Motion:-

THAT, pursuant to Standing Order 100 (1), the Senate resolves that the debate on the Motion on the Presidential Address shall be limited to a maximum of three sitting days with not more than fifteen minutes for each Senator speaking, excluding the Mover in moving and replying who shall be limited to thirty minutes in either case and that the Senate Majority Leader and the Senate Minority Leader shall be limited to thirty minutes each.

This is a Procedural Motion regarding debate that ensues every time the President addresses Parliament as is the tradition and also as provided for in Standing Order No.100. Once the President addresses Parliament, the Senate is supposed to discuss that Address for three sitting days. Therefore, this Motion is to allocate time that each Senator will speak on that Address. The proposed time in this Motion is 15 minutes. Other than that, the Mover will have 30 minutes to move the Motion and 30 minutes to reply. The Senate Majority Leader as well as the Senate Minority are entitled 30 minutes each.

This is a self-explanatory Motion. I therefore request Sen. Orenge to second this Motion.

**Sen. Orenge:** Mr. Deputy Speaker, Sir, I beg to support this Motion and add that when the President addresses Parliament, it is a very important day for us. It is an instance when there is a fusion between the Executive and the Legislature.

Under the old Constitution, Parliament consisted of the President and the National Assembly. Currently, Parliament consists of the National Assembly and the Senate. Therefore, as I support this Procedural Motion, I urge that in the future, that decorum and

proceedings that are attendant to this important national day should reflect the unity and fusion of the organs of state particularly the Executive and Parliament. The importance of this occasion is also signified by the presence of members of the Judiciary who sit within the wall of the Chamber of Parliament.

As I support this, I hope that next time we have a Presidential Address and there are such proceedings, when the President is within the precincts of Parliament, there should be a reflection of the distinct attribute of the attitude of the President as the Head of State. Therefore, both sides of the political divide should approach this occasion as an institution and not otherwise. Sometimes when we watch from the sideline when the two leaders from both Houses are entertaining the President and when the Senate Minority Leader tries to walk across, there is a red line. I do not think that should ever happen.

Mr. Deputy Speaker, Sir, having said that, since the Senate Majority Leader has an able assistant next to him on the left, I hope that the authority of the leadership of both sides of the Houses will be seen when we have this important day. In some countries, it is a day when the splendor, culture, spirit and happiness of the nation is all fused together on that very important day ready to listen to what the President has to say not as robots but as a Parliament which later on is going to examine the entire Speech.

I truly support this Motion and hope that we pass it.

*(Question proposed)*

**Sen. (Dr.) Khalwale:** Mr. Deputy Speaker, Sir, I want to make a very brief remark. First, it should occur to the leadership of this House that they coordinate with the office of the President. The two occasions that the President has addressed us, he has kept us in the Chamber for too long. Parliament is a place where we keep time and it is important that the Presidential protocol is accordingly urged to respect time.

Secondly, Mr. Deputy Speaker, Sir, is a buildup on what Sen. Orengo said about the nation coming together. In the previous Parliaments, on the day of opening of Parliament, the judges, bishops and even traditional elders who used to pray for the country would attend the event. Instead of us picking elites of the Republic going for a very expensive breakfast in a so-called national prayer meeting, on such a day, we should allow our people to come and pray for the nation, including the spiritual leaders.

Thirdly and last, Mr. Deputy Speaker, Sir, is my disappointment. When the President came and we received him very warmly, in fact, we gave him a standing ovation because he had moved the entire Parliament into commitment to fighting corruption. It is appalling that many months after him moving us, nothing has happened in the fight against corruption.

**Sen. Wangari:** On a point of order Mr. Deputy Speaker, Sir. Is it order for Sen. (Dr.) Khalwale to delve into a debate of a past Presidential Address and yet we were given time in this House to deliberate and debate on the issue, this being a Motion on how we conduct that business. Is it in order?

**The Deputy Speaker** (Sen. Kembi-Gitura): What are you relying on to raise your point of order?

**Sen. Wangari:** Mr. Deputy Speaker, Sir, I am relying on the substance of the Motion that has been moved by the Majority Leader that it is just outlining how the Motion will be moved in the future. Is it in order to delve into issues that are not in the Motion? Is it not pre-empting debate?

**The Senate Majority Leader** (Sen. (Prof.) Kindiki): On a point of order, Mr. Deputy Speaker, Sir. My point of order is double-prompt. First, under Standing Order No.90, just as Sen. (Dr.) Machage had raised earlier this afternoon, is Sen. (Dr.) Khalwale in order to discuss the conduct of the President without bringing a substantive Motion? Further to that, is he in order to mislead the public by using the Floor of this House to say that nothing has been done by the President and the Jubilee Government in the fight against corruption while we know that all the officers who were named in the report which the President tabled were asked and, indeed, they stepped aside, some of them have been prosecuted and others are going through investigations? Is he in order to mislead and misrepresent to the country using the hallowed ground of this Senate?

**The Deputy Speaker** (Sen. Kembi-Gitura): Sen. (Prof.) Kindiki and Sen. Wangari, we are having an open debate on our Procedural Motion, are we not? I do not think that we are going to curtail debate by saying that it is out of order to talk about past things because I do not think he has said anything outside the rules of debate. On Standing Order No. 90, I do not recall hearing Sen. (Dr.) Khalwale discussing the personal conduct of the President in any way. I think he is just stating his view about the fight on corruption, which he is entitled to do. If he crosses and discusses the personal conduct of the President or any other person who is included under Standing Order No. 90, I will stop him in his tracks but I do not think he crossed that line yet.

Proceed.

**Sen. (Dr.) Khalwale:** Thank you, Mr. Deputy Speaker, Sir, for protecting me. On this very important issue of fighting corruption, it is important that all of us, as leaders, come together so that public money is put to public good. It is common knowledge to all Kenyans that it is only the Cabinet Secretaries who stepped aside but there were many people, including governors who were asked to step aside and they did not and yet the Government has got the monopoly of force. Even if the Government does not want to use the monopoly of force, which it has, it has the state institutions that would have compelled these people to step aside.

**The Deputy Speaker** (Sen. Kembi-Gitura): Order, Sen. (Dr.) Khalwale. On the other hand, I must remind you about the rules of relevance in debate. Although I am not going to curtail debate, I think you are very experienced on this; you must be within the confines of the rules of debate as provided for in the Standing Orders.

**Sen. (Dr.) Khalwale:** Thank you, Mr. Deputy Speaker, Sir. I am dwelling on this point passionately because we, Kenyans, want to see returns on what the President pronounces during the Joint Sitting of Parliament. This is the equivalent of the State of the Union Address by the President of the United States of America. I want to speak on behalf of those people who, during the President's Address, were singled out on issues of corruption and they were marked to the Ethics and Anti Corruption Commission (EACC). They are still being dragged in investigations---

**The Deputy Speaker** (Sen. Kembi-Gitura): Sen. (Dr.) Khalwale, do not take too much leeway. We are discussing how much time to allow on a Presidential Address and the debate thereon. So, you have made some pertinent issues but just be careful that you do not cross too far off the mark like you are now doing. I think you are taking the debate too generally.

**Sen. (Dr.) Khalwale:** Thank you, Mr. Deputy Speaker, Sir. I was going to the climax of my point, which I finish by saying, the EACC as sent by the President to investigate, should investigate cases on first-come-first served basis. Why are those people still being dragged during investigations and they are paid, and issues of Eurobond and Ann Waiguru have been fast-tracked so as to clear them?

I support the Motion.

*(Question put and agreed to)*

## **BILLS**

### *First Reading*

#### THE COUNTY GOVERNMENTS (AMENDMENT) BILL (SENATE BILL NO.21 OF 2015)

*(Order for First Reading read – Read the First  
Time and ordered to be referred to the relevant  
Departmental Committee)*

**The Deputy Speaker** (Sen. Kembi-Gitura): Next Order.

### *Second Reading*

#### THE CONSTITUTION OF KENYA (AMENDMENT) BILL, (SENATE BILL NO. 16 OF 2015)

**Sen. Sijeny:** Thank you, Mr. Deputy Speaker, Sir, for giving me the opportunity to move this Bill.

I beg to move the Constitution of Kenya (Amendment) Bill, (Senate Bill No. 16 of 2015). This is a very important Bill because it will help with implementation of the Constitution.

Under Article 27 (8), the Constitution provides that:-

“In addition to the measures contemplated in clause (6), the State shall take legislative and other measures to implement the principle that not more than two-thirds of the members of elective or appointive bodies shall be of the same gender.”

This will be a self-regulating mechanism, which is set out in Article 177 (1) (b) of the Constitution. It implies just lifting up Article 177 (1) (b) to Articles 97 and 98 of the Constitution.

Various stakeholders have been involved in discussing this matter together with the Attorney-General. Therefore, it contemplates that if by any chance one gender does not have one-third representation, which can either be the male or female--- It also adjusts Article 81 (b) of the Constitution to enable it to be enforceable. The National Assembly should have a maximum of 117 Members of the minority gender and the majority should have 232 Members. However, currently it has 68 women and 281 men. Definitely, the gender threshold has not been met. The Senate requires a minimum of 23 Members of the minority gender and the majority should have 44 Members. However, currently there are 18 women and 49 men. This is the reason the Attorney-General sought for advisory opinion from the Supreme Court, which was given and the mechanism should be in place by August, 2015.

Why do we need an amendment? It is known that we have the male and female gender and everybody should be brought on board. When President Obama was in Kenya, he said that we should not move with half of the team left out of governance. If this is implemented, we will move in the right direction. Currently, the female gender is really suffering because it has been left behind. This is not unique to only Kenya. In Burundi, men form 65 per cent of the membership in Parliament and women 35 per cent. In Rwanda, men form 42 per cent and women 58 per cent. In Uganda, men form 65 per cent of the membership of Parliament and women 35 per cent. In Tanzania, men form 64 per cent of the membership and women 36 per cent. In Kenya men form 79 per cent membership and women only 21 per cent. What we are asking for is equal opportunity and it is enshrined in the Constitution. Article 100 of the Constitution says that legislative measures should be brought in to enable affirmative action to be implemented.

I will demonstrate how the top-up system will work. For example, if one woman Senator is elected, we will only require five women to top-up. If four women Senators are elected in the next general elections, we will not require any top-up in the Senate to meet the threshold. We have deliberated this matter in detail. The Bill also stipulated that a person who shall benefit under the affirmative action shall be eligible for re-election under the clause for only two terms. It is not permanent. It has a sunset clause and shall be reviewed after 20 years. By then, we shall have sensitized all the Kenyans – men and women, young and old – to elect enough women and men, so that we adhere to the gender rule as is enshrined in the Constitution.

Mr. Deputy Speaker, Sir, I beg to table a report by the National Women Steering Committee in partnership with the Institute of Economic Affairs. This counters the myth that if affirmative action is implemented, it would be too expensive for the Government. If implemented to the letter, it would cost one Kenyan only Kshs58 annually. The Government should prioritize when budgeting, so that women are given a chance.

I beg to table the report.

*(Sen. Sijeny laid the document on the Table)*

Mr. Deputy Speaker, Sir, once this Bill is passed, it will not affect the current august House. It will strengthen future parliaments and give a chance to other women and all people who fall within the affirmative action, including persons living with disability and the youth. They will be given their constitutional right of governance.

Mr. Deputy Speaker, Sir, with those few remarks, I beg to move and ask Sen. (Prof.) Anyang'-Nyong'o to second.

**Sen. (Prof.) Anyang'-Nyong'o:** Mr. Deputy Speaker, Sir, I beg to second this Bill. This is an extremely important Bill that seeks to amend the Constitution to ensure that the two-thirds principle, which is cardinal to realizing gender parity and equity in the nation. In order to do so, it has become imperative, through many discussions in the history of economic affairs within the women's movement and so on, that the Constitution needs to be amended, to rise up to the occasion.

Mr. Deputy Speaker, Sir, if you read Sen. Sijeny's memorandum of objects and reasons, I do not belabour the reasons and logic of this amendment, they are self-evident. But more important, I would like it to go on record that the Senator has done an extremely important thing. Article 27 (6) of the Constitution, as she has stated in her presentation provides that:-

“To give full effect to the realization of the rights guaranteed under this Article, the state shall take legislative and other measures, including affirmative action programmes and policies designed to redress any disadvantage suffered by individuals or groups because of past discrimination.”

Mr. Deputy Speaker, Sir, in order to be specific, may I quote Article 27 (6) which brings out the shortcomings in the Article unless Parliament enacts certain laws. I have always said in this House that the Constitution lays down the principles, ideals and values for governance. The Constitution further sets up certain institutions for democratic governance which include the legislature, executive, judiciary and the constitutional commissions. It goes further to ensure that the two levels of government are properly constituted. This occurs not only in the Constitution but also in the Acts of Parliament.

Having said that, and looking at the Constitution, it is a clear it results from a combination of the Arusha Declaration, the Mwongozo and the Federalists Papers. In other words, it is a Constitution that arose out of activism and the demand for human rights. Therefore, some of the elaborations in the Constitution bring out the urges and feelings of Kenyans about the need to establish institutions for governance. However, they may not be well expressed, precisely because of that. In making law, quite often, we have to look at the Constitution to make it more precise. This happened to the United States of America's (USA) Constitution which was the outcome of the discussions of the federalists' papers. It has happened in Tanzania where important values were laid down by the late Mwalimu Julius Nyerere in the nationalists' party, Arusha Declaration and the Mwongozo.

Mr. Deputy Speaker, Sir, from our past experience of struggles, there are values that we hold dear. One of them is the value of equality of Kenyan people as citizens and to fight discrimination based on gender in the past and in the future. Therefore, Article 27 on equality and freedom from discrimination states that:-

“(1) Every person is equal before the law and has the right to equal protection and equal benefit of the law.”

Looking at that provision alone, you will find that in parliamentary representation, the female gender does not measure up to the equality as the male gender.

“(2) Equality includes the full and equal enjoyment of all rights and fundamental freedoms.

(3) Women and men have the right to equal treatment, including the right to equal opportunities in political, economic, cultural and social spheres.”

Mr. Deputy Speaker, Sir, it talks about women and men without any exclusion. It addresses both genders. Therefore, in any institution, there must be an expression of equality. If there are five people, three of them may be men and two women or vice versa. There is no God given law that requires that if there are five people, three must always be permanently men or three be permanently women. Therefore, we must come out with law and amendments to the Constitution which ensures that representation in important bodies like Parliament, the idea of equality of gender, as clearly expressed in this Article, is definitely realised.

(4) The State shall not discriminate directly or indirectly against any person on any ground, including race, sex, pregnancy, marital status, health status, ethnic or social origin, colour, age, disability, religion, conscience, belief, culture, dress, language or birth.”

Many Kenyans can easily take the State of Kenya to a court of law on the basis of the provisions of this Article in the Constitution. In many social, political and economic practices the Constitution is on daily basis being broken, unrecognised and unimplemented.

(5) A person shall not discriminate directly or indirectly against another person on any of the grounds specified or contemplated in clause (4).

Mr. Deputy Speaker, Sir, which is why, having stated these values and principles, Sub-Article 6 states what Parliament should then do.

(6) To give full effect to the realisation of the rights guaranteed under this Article, the State shall take legislative and other measures, including affirmative action programmes and policies designed to redress any disadvantage suffered by individuals or groups because of past discrimination.”

This Bill is taking legislative and other measures to ensure that the principle of equality so dearly inscribed in our Constitution after many years of struggle for democracy, social justice and equity in this nation is realised. Those of us who were involved in the second liberation hold dearly to these principles and what was inscribed in the Bomas of Kenya Constitution which finally found a face in this 2010 Constitution. Therefore, we should be soldiers in the forefront, passing such Bills that seek to establish laws to realise not only the provisions of this particular Article of the Constitution but also the spirit of the Constitution as a whole.

With those few remarks, I second.

*(Question proposed)*

**Sen. (Dr.) Khalwale:** On a point of order Mr. Deputy Speaker, Sir. Now that this Bill has been properly moved and seconded, may I request the Chair to guide the House in view of the provisions of Article 1 and that of Article 255 of the Constitution, this is not a matter for amendment of the Constitution that will require that the people of Kenya make a decision through a referendum.

Mr. Deputy Speaker, Sir, looking at Article 255 (1), it provides that:-  
“A proposed amendment to this Constitution shall be enacted in accordance with Article 256 or 257, and approved in accordance with clause (2) by a referendum, if the amendment relates to any of the following matters—

(a) the supremacy of this Constitution;

(b) the territory of Kenya;

(c) the sovereignty of the people;...”

Article 1 defines what the sovereignty of the people is. Closely connected to my concern is that in Article 1(2) it provides that:-

“The people may exercise their sovereign power either directly or through their democratically elected representatives.”

This is exactly what this Bill is about. It is speaking to the representatives of the people. Since we are amending, the manner in which the people will be represented, there should be guidance whether this is not a matter to which Kenyans must be invited to make a comment as to the acceptability or otherwise of the proposed amendments.

Thank you.

**The Deputy Speaker** (Sen. Kembi-Gitura): I have several requests from the Floor and I do not know if it is from that point or on the general debate. Any Member who wishes to debate the issue raised by Sen. (Dr.) Khalwale or to contribute to it? If there is none, I will assume that it is a normal debate.

**Sen. Nabwala:** Mr. Deputy Speaker Sir, I want to react to what Sen. (Dr.) Khalwale has said. The Mover of the Motion mentioned that we were lifting Article 177 to Article 97 and 98 so that we can have affirmative action and the way forward on how we are going to meet the two-third gender principle which is already in the Constitution.

**The Deputy Speaker** (Sen. Kembi-Gitura): The question is: Does it affect the sovereignty of the people or not? That is the question that Sen. (Dr.) Khalwale is raising and it is what you need to deal with.

**Sen. Nabwala:** Mr. Deputy Speaker Sir, in my view, it does not.

**The Deputy Speaker** (Sen. Kembi-Gitura): That is what you need to deal with. Sen. (Dr.) Khalwale is raising the issue of whether or not the Bill can be said to be a Bill brought under Article 255 of the Constitution, specifically on the sovereignty of the people. If you look at Article 1, there is a relationship which makes it a referendum issue.

Sen. Mukite!

**Sen. Nabwala:** Mr. Deputy Speaker Sir, the point I was trying to make is that the Mover of the Motion stated that we are lifting Article 177, to Article 97 and 98 which talks about the composition of the National Assembly and the Senate.

We are proposing on how we can harmonize the three Articles without having to go to the referendum because already in the Constitution, there is a provision of the nominated Senators or nominated MPs. The county assembly provides for special seats.



I looked at one of the amendments and it talks about inserting a new word, “special seats” instead of “women” or “marginalized groups”.

**The Deputy Speaker** (Sen. Kembi-Gitura): Sen. (Dr.) Zani!

**Sen. (Dr.) Zani:** Mr. Deputy Speaker Sir, this issue was debated for a long time and the issue of whether it should come as a referendum was brought up. However, realizing the path that will be taken following the path of a referendum and what it would mean and imply in terms of not complying specifically with Articles 27(8) and making sure it happens is what drove the whole process. Instead of moving and bringing it up as a referendum, we bring it up as something that would amend specific provisions of the law. Those provisions are already there.

The provision in Article 177(b) is already there for the county assemblies. We thought therefore, it is easier and probably a straighter path to lift that amendment at Article 177 and give that same provision because it has already been accounted for. Article 177 clearly shows how to attain the two-thirds principle within the county assemblies. It is only that the provision is missing in Article 97 that is referring to the National Assembly and in Article 98 that is referring to the Senate.

Therefore, we settled on that instead of going to a referendum, as if it is a new thing all together, and requesting for a process. The issue that arose is how to make sure that we attain the “no more than” two-thirds representation which can also be referred to as the one-third which is the opposite of the two-thirds. So, how do we get the one-third within the National Parliament, both at the National Assembly and the Senate?

If we went to the referendum therefore, we would be addressing it as a whole new issue. That would be first, a very lengthy road to take, and secondly, the provision is already enshrined in the Constitution. So we are not going back to the people to ask them whether we should have the two-thirds. We already have provision in the Constitution and we are looking at how to highlight and make it easy for it to apply to the two organs; the National Assembly and the Senate where that provision had not been put in place. That provision has already been put in place in the county assemblies. Rather than go for a referendum therefore, the proposal is; if already Kenyans have already agreed it can be done in the county assemblies, why not do it at the National Assembly and the Senate rather than going back again and asking them what provisions we have.

So, starting with that, the various organs, organizations, women movements and men organizations all came together to see how to go about it. The first thing is that an opinion was sought from the Supreme Court by the women themselves. An advisory opinion was given on how to do it so that it is not progressive and would help us find a mechanism that would help us do that. That is why various organizations and Bills came in. We have the “Soipan Bill”, another one that was going to be proposed by Hon. Neto, and a taskforce that was working for the Attorney General.

We then clearly moved away from the issue of a referendum, to an issue of making a provision which is missing from a specific Article in order to apply that law.

**The Deputy Speaker** (Sen. Kembi-Gitura): Sen. Muthama!

**Sen. Muthama:** Mr. Deputy Speaker Sir, this is my first day this year to make a contribution. First, it is my sincere gesture to wish everybody including the Speaker on the Chair, best wishes and successful 2016 and wish the Senate all the best.

**The Deputy Speaker** (Sen. Kembi-Gitura): Thank you.

**Sen. Muthama:** Mr. Deputy Speaker Sir, I looked at this Bill and quickly moved to consult the Mover. I raised certain issues with Sen. Sijeny. Those of us who were involved with the new Constitution that is in place at the Kenya Institute of Education (KIE), we had an extremely difficult time sorting out how our sisters and mothers in this country would be accommodated in the new Constitution, in terms of having their positions in leadership.

We were faced with a very crucial position. Despite the fact that we need the two-thirds to be either of one gender and one-third of the other, the challenge was on who was going to set aside and do zoning in the whole country, for example, with 47 seats of the Senators and 47 seats of the governors and 290 MPs, not considering bringing up the issue of Members of the County Assemblies. There was no one corner of this country that was ready to be zoned and be classified as an area that would allow a woman representative to be elected.

Looking at this Bill, it is just asking the same thing. The Constitution is very clear that one-third of either gender should be there. However, it is the mechanism of working on this that matters. When we talk about special seats, are we truly raising the issue to do with just women being given the special seats which amounts to one-third for them to qualify and feel accommodated?

To achieve that, how do we go about it? That is why the 47 women representatives to the National Assembly were created in every county to see whether we would have the leverage that gives women an advantage in this country. It was now up to the same group of our mothers and sisters to face the electorate and convince them that they can be elected and have that number.

If we do not want to apply a dictatorial system we must move out from saying this group should be favored against this group. I agree with 47 seats. However, if this Bill proposes additional seats to be set aside, even if it is two women representatives, then that is workable.

How would you go to the people of Machakos and tell them not to elect the aggressive and able Sen. Muthama or ask him to step aside for a woman to be elected? That does not work. Let us just face the challenges and apply democracy with an open mind. It is true that we need women and want them to participate. We could suggest that--

**The Deputy Speaker** (Sen. Kembi-Gitura): Order, Sen. Muthama! I hear you, but you came in the middle of the debate. There is an issue that was raised by Sen. (Dr.) Khalwale on whether or not this Bill is properly before the House and whether or not it should be subjected to a referendum. According to him, it falls under Article 255 of the Constitution. That is what we are debating right now. We are not debating the generality of the Bill. I hope we are reading from the same script.

**Sen. Muthama:** In fact, that is why I have said it needs to be redrafted to represent the true position of what you have just mentioned, because it is already in the Constitution and we cannot go against it. It should be redrafted and brought again to the Floor of the House. However, it will never see the light of day in this House if we proceed with it the way it is.

**The Deputy Speaker** (Sen. Kembi-Gitura): Sen. Muthama, what would be the right thing, according to you?

**Sen. Muthama:** Mr. Deputy Speaker, Sir, the right thing would be to propose that the special seats for the women be doubled from 47 probably to 94; by having two women representatives from every county. That gives the number that is required, hence fulfilling the one-third gender requirement.

*(An hon Senator spoke off record)*

**The Deputy Speaker** (Sen. Kembi-Gitura): Order! If you want to contribute, you should address the Chair.

**Sen. Muthama:** Mr. Deputy Speaker, Sir, my sister, Sen. Sijeny, who is also a Member of Wiper Democratic Movement and a senior legal advisor within the Coalition for Reforms and Democracy (CORD) fraternity, should relook at this Bill again and redraft it in the best way possible. She should propose something that is achievable and we will be open to passing this Bill.

Mr. Deputy Speaker, Sir, I rest my case.

**Sen. (Dr.) Khalwale:** On a point of order, Mr. Deputy Speaker, Sir.

**The Deputy Speaker** (Sen. Kembi-Gitura): Sen. (Dr.) Khalwale, you have already contributed. We are debating an issue that you brought up. What is your point of order?

**Sen. (Dr.) Khalwale:** Mr. Deputy Speaker, Sir, I just want to request the Chair – in view of the contribution by Sen. (Dr.) Zani – that you weigh one of the provisions in the Bill as you make a ruling on my request on interpretation. There is a provision that nomination be given to the same beneficiary twice. That is being nominated for a minimum of 10 years. That is a major statement which will require that all the women out there, who also want a chance to be nominated, participate in the decision making.

**The Deputy Speaker** (Sen. Kembi-Gitura): Order, Sen. (Dr.) Khalwale. You want to debate through back door, do you not? You know I will not allow you, do you not know that?

**Sen. (Dr.) Zani:** On a point of order, Mr. Deputy Speaker, Sir. My point of order is exactly in line with what Sen. (Dr.) Khalwale spoke about. With your permission, if I may clarify, it is not that the same women need to be nominated twice. In fact, on the contrary, no woman should go beyond two terms and she has to go through the nomination process, which will be changed. Article 100---

**The Deputy Speaker** (Sen. Kembi-Gitura): Order! That is not the issue. I think we are missing the issue. The issue is whether or not this is a referendum issue. That is the long and short of it.

**Sen. (Dr.) Zani:** Mr. Deputy Speaker, Sir, I understand that, that is the issue. However, I just want to correct that notion because it is already out and presented, even though it was not meant to be debated. I wanted to clarify that because I thought it is important to do so.

**Sen. Wangari:** Mr. Deputy Speaker, Sir, with the danger of delving into the substance of the Bill, I would just stick to the issue that has been raised by Sen. (Dr.)

Khalwale before he raised the second one on the nominations, because that is not how it is in the Bill. However, he has raised a very interesting issue that we need to discuss and canvass. I know this process has been very rigorous. In fact, by the time we brought this Bill to this House, we had numerous meetings discussing this issue. We canvassed with different institutions that are mandated by the Constitution, especially the Commission on the Implementation of the Constitution (CIC), the civil society and legal advisors.

We need to step back again as you make a ruling. When we speak of Article 255(1)(c) about the sovereignty of the people, the very same sovereignty can be exercised by the representation at both the national and county level. The question is: Does it suffice? We should ask ourselves which one weighs more than the other. Is it Article 1(2) or Article 255(1)(c)? That balance will guide this debate. I know you will give guidance on this. We need to strike the balance about which one is heavier – in terms of Chapter One and Article 255 – so that we do not make this a rigorous process or subject it to a referendum. We know how tedious and rigorous it is to do a referendum, when it could be achieved through a constitutional amendment done by Parliament as per Article 256.

Thank you, Mr. Deputy Speaker, Sir.

*(Sen. Nabwala spoke off record)*

**The Deputy Speaker** (Sen. Kembi-Gitura): Sen. Nabwala, are you on a point of order?

**Sen. Nabwala:** Mr. Deputy Speaker, Sir, I want to add something.

**The Deputy Speaker** (Sen. Kembi-Gitura): You have already contributed. You can only raise a point of order.

**Sen. Nabwala:** On a point of order, Mr. Deputy Speaker, Sir. As we look at what Sen. (Dr.) Khalwale said, we are trying to look at Article 100---

**The Deputy Speaker** (Sen. Kembi-Gitura): Order! Is that a point of order or are you contributing to the debate again?

**Sen. Nabwala:** No, I am just clarifying what he said.

**The Deputy Speaker** (Sen. Kembi-Gitura): I do not need a clarification because I have been following.

**Sen. Nabwala:** Okay.

*(The Deputy Speaker (Sen. Kembi-Gitura)  
consulted with the Clerk-at-the-Table)*

**The Deputy Speaker** (Sen. Kembi-Gitura): Order Senators! In my very considered opinion, Sen. (Dr.) Khalwale has raised an extremely fundamental issue. This is an issue that we cannot sweep under the carpet but deal with, because this House is not going to act in futility. Article 255(1)(c) of the Constitution talks about the sovereignty of the people. It says that an issue touching on the sovereignty of the people shall go to a referendum.

I know that Article 177 has clear provisions regarding county assemblies and their composition which, unfortunately, Article 98 does not have. Article 1 of the Constitution

talks about the sovereignty of the people. I want to assume that the sovereignty of the people being referred to in Article 1 is the same sovereignty being referred to in Article 255 of the Constitution. Article 1 states that:-

(1) All sovereign power belongs to the people of Kenya and shall be exercised only in accordance with this Constitution.

(2) The people of Kenya may exercise their sovereign power either directly or through their democratically elected representatives.”

The amendment to the Constitution, as brought in the Bill that we are now discussing, goes to the representation of the people. This is because if you increase or decrease the numbers or the nominated people, once you are nominated, you are duly elected to be a Member of the Senate or the National Assembly. So, I am not making a decision on that issue. However, I think the issue raised is very fundamental. In my considered opinion, this is an issue that must be determined before we can delve further into this debate.

I am sure that all of you Members, will understand where I am coming from. I do not want you--- I can see you are prepared to debate this Bill and it is an extremely important Bill. On the other hand, I do not want us to do an act in futility. So, I have to defer debate on this Bill. I will make a ruling on the issue raised by Sen. (Dr.) Khalwale because no ruling has been made on this in the past. That will clarify the situation once and for all, taking into account all the provisions of the Constitution and related laws, including the movement that has been there about increasing slots or having gender parity.

I think in fairness, not just to ourselves but to the citizens of this Republic who are following what we are doing, the right thing to do at this moment will be to defer debate on this issue and have a clear ruling made so that we know from where we are proceeding.

I do not see any point of having more points of order or debating the issue further without having the matter clearly defined, on what we are doing. One thing is sure, and I want to underline it further, that the issue raised is extremely fundamental and we must deal with it now and not later. So, we will defer debate

*(Bill deferred)*

Next Order!

## **BILL**

### *Second reading*

#### **THE EMPLOYMENT (AMENDMENT) BILL (SENATE BILL NO. 1 OF 2015)**

**Sen. Wangari:** Thank you, Mr. Deputy Speaker, Sir. I beg to move The Employment (Amendment) Bill 2015 (Senate Bill No. 1 of 2015).

This Bill seeks to amend the Employment Act in order to provide for maternity leave for adoptive parents.

The way the Employment Act is today, it only contemplates that you only get maternity or paternity leave if you have sired and have a biological child. The Constitution is very clear on the rights of children, read together with the Children Act, in terms of protection by the law and they do not anticipate the separation of these children, whether an adopted or biological child.

Therefore, the process of adoption in this country is quite tedious ---

**The Deputy Speaker** (Sen. Kembi-Gitura): Sen. Wangari, I am made to understand that you have not moved your Bill yet.

*(Sen. Wangari resumed her seat)*

No, go back to the Dispatch Box and do it correctly. Like Sen. Machage keeps telling us, this is a house of record, so do it properly.

*(Sen. Wangari went to the Dispatch Box)*

**Sen. Wangari:** Mr. Deputy Speaker, Sir, I beg to move:-

THAT, The Employment (Amendment) Bill 2015 be read a Second Time.

**The Deputy Speaker** (Sen. Kembi-Gitura): Correct. You may proceed.

**Sen. Wangari:** Thank you, Mr. Deputy Speaker, Sir. I had just started explaining that in this country and the world, generally, issues have arisen where parents or even individuals seek to adopt children for one reason or another. We have issues where the fertility rate has declined over the years, of course, out of different issues like sickness, lifestyle and different factors. That said, therefore, you will find that we have people in this country who are opting to adopt rather than give birth to children.

The Children Act, 2001, read together with the Constitution, upholds the rights of children. The two legislations do not anticipate the separation of a biological or adopted child. What we have been having and the way the Employment Act is worded, it only grants maternity and paternity leave to the biological parents of a child. That is discriminatory and against the Bill of Rights as provided in the Constitution and the Children Act.

Not just that. Article 3 of the United Nations Convention on the Rights of the Child requires that state parties ensure children are protected and cared for. It specifically compels state parties to render appropriate assistance to parents and legal guardians.

Mr. Deputy Speaker, Sir, if you read Article 2 of the Constitution, you will find that any international instruments that we will ratify as a country are part of our law. Article 24 of the African Charter on the Rights and Welfare of the Child requires that state parties that recognise the system of adoption shall ensure that the best interest of the child shall be of paramount consideration. These are just a few of the international instruments that we have domesticated and have formed and become a part of our law.

Most importantly, the International Labour Organisation (ILO) recognises that adoption leave is important for a worker's ability to reconcile work and family life.

If you go through adoption – I have not gone through the process personally but I have interacted with people who have gone through the process – it is a tedious process. In fact, the way the law is today, even in surrogacy where someone carries your egg and gives birth, you have to go through the adoption process to call that child legally yours. That is how the law is. We have so many women and families suffering out there because you cannot legally adopt your child. Even if you do and you adopt a one day old child, you will not get maternity or paternity leave by law. In fact, if you tell an employer that you plan to adopt a child, they will ask you: “How do we know?” At least when you are going to give birth, they see you pregnant and they know that, of course, in nine months, you will give birth.

In terms of adoption, even if you go through the rigorous process the way it is today and an order is granted by the court, you still cannot get a leave by law. In fact, such an individual is at the mercy of the employer. As Sen. Wangari, I may decide that I will be magnanimous and give you a few days. Whether a child is one day, six months or twelve years, whatever the age, you do not get even a single day by law.

Mr. Deputy Speaker, Sir, this Bill, therefore, seeks to correct this problem. We recognise that in the last five years, we have completed about 1,000 adoptions. As we were doing our public participation, we visited one adoption agency. The statistics from the adoption agency; Thomas Barnado's Children's Home along Lang'ata Road, show that there were about 100 or 200 successful adoptions. Others, of course, are in the process and others are still going through verifications.

That, therefore, means that if we have five fully registered adoption agencies in the country, we are talking about say, 1000 adoptions every year. These children will need care from their adoptive parents. We even spoke to parents who are going through this process and you cannot imagine what they are going through because employers just quote The Employment Act and say that you do not have a right and you cannot demand for it because you have not given birth. That is what we need to correct because the Constitution does not segregate children. When it says that children must be taken care of, it does not matter whether you gave birth to them or you adopted them. It means they need the necessary care and guidance at whatever age in order to become productive members of the community and society.

Mr. Deputy Speaker, Sir, several issues arose as we went through this Bill. I know we will be deliberating on them at the Committee Stage, so, I do not want to preempt debate. One of the issues that was thoroughly canvassed--- In fact, the way this Bill is, we had indicated that the amount and number of days that you get as maternity or paternity leave depend on the age of the child. The thinking was, initially when we look at biological parents, the granted maternity leave by law is three months after birth. At that time, we tend to assume that all a child needs is breastfeeding.

However, we have come to realise that you need more of that connection than just breastfeeding. You will be in a situation where you adopt a child who is one or two months old. By the time they start speaking, probably at two years of age, they call the house-girl “mum” and you “auntie.” Those are the situations we are living with. That

affects even the development of the child and how they relate with other children. If you adopt a child into a home that has more children, they will always wonder, how come I never stay with mummy and daddy.

Mr. Deputy Speaker, Sir, after deliberations, we have come to realise that maybe even the older the child, the more important the leave is because teenagers need more time. This is because they go through a phase of development and self-identity which is a crisis among most adolescents.

So, we have deliberated and decided that we will move these amendments at the right stage. But most importantly, this process has been a myth. It is not publicized. There is a lot of stigma in adoption. The process and the way the country and the laws handle adopted children only deters others from adopting. If you get a six months old child who will keep you up at night and still you cannot get two weeks off duty, then you tend to shy away from adopting.

We took our time with the Committee on Labour and Social Welfare to visit these children. There are several issues that we canvased. Other issues also emerged. You will find that boys are not being adopted. First, it is because the law is very clear that if you are an unmarried woman, you can only adopt a girl. Of course, for obvious reasons if you are a man and not married, you can only adopt a boy.

Therefore, men in this country are not going through the adoption process for one reason or another, societal or other issues. So, boys grow and reach maturity in the children's home because of the fact that these laws are stringent, tight and discriminatory. These are just some of the issues that we will be looking at.

Mr. Deputy Speaker, Sir, this Bill also addresses the paternity leave. As it is today, a man gets two weeks if his wife delivers a child.

*(Sen. (Dr.) Khalwale spoke off record)*

Yes. Of course, we have got interesting proposals for amendments. Some men feel that we need to increase that but, first of all; we want to apply that to adoptive children. Let us apply the minimum. If I give birth, I get three months of leave. The same thing should apply, that if I adopt a child, I will get three months.

Mr. Deputy Speaker, Sir, initially, our deliberation was that this maternity leave from employers be given after the court gives an adoption order. However, we have done a lot of canvassing and realised that the custody of a child meant to be adopted is actually given prior to the order. So when they need this time most is when the adoption agency puts the child in your care so that they can see whether you are compatible or test your ability to bring up the child. That is the time we need this leave most.

Therefore, we will be moving amendments so that leave is given prior to the court order and order of adoption being given by the courts. That will take care of the fact that when you go through the adoption process, first of all, you are given maybe two Saturdays, you visit the child at the children's home, look at the compatibility and the agencies help you go through that. The critical one is when that child is placed in your care and you are supposed to take care of him as if he was your own child.



Therefore, we will move that this leave be applicable just before the adoptive order is given so that we can give the right as given by the Constitution and deal with this segregation; that, if you adopt a child, you are a lesser mother, employee or father as it is today. This leave should be given so that the parents of the adopting family can get enough time to bond with the child. We realise that it is not just breast milk that is required for a child. We need this bonding to develop the child.

Mr. Deputy Speaker, Sir, in the first three years is when there is development of a child, especially society-wise. If there is detachment from the adopting parent, this child will grow with an identity crisis. That is what happens when they grow up. They later realise they were not treated as they should have been treated under the law. We feel that they are being discriminated against.

Of course, some issues were raised. For example; what do you present to your employer as an employee to show that you will adopt a child? We have deliberated and asked several people who have gone through the process. As I indicated, with pregnancy, it is obvious and is in the public domain. But how do we prove to the employer that you will adopt a child?

We have also proposed that we will have an exit communication from the adoption agency that will indicate that this child will be placed, for example, under Martha Wangari's care or another person. That certificate together with other legal documents can be placed and presented to the employer to facilitate this leave, at least four days prior to that.

Without going to further details, it is a very simple amendment but it will make a lot of difference on how we deal with children and according them their rights as it is in Children Act and the Constitution which is supreme law in this country.

Mr. Deputy Speaker, Sir, with those remarks, I beg to move and request Sen. Kanainza to second.

**Sen. Kanainza:** Mr. Deputy Speaker, Sir, I rise to second the Employment (Amendment) Bill (Senate Bill No. 1 of 2015) brought by Sen. Wangari. She has thought it through maybe because she is a mother and she has been thinking about these other children who do not have biological mothers.

Article 53(1)(e) of the Constitution states:-

“Every child has the right—

(e) to parental care and protection, which includes equal responsibility of the mother and father to provide for the child, whether they are married to each other or not.”

This Article does not point to the fact that it must be your biological father or mother. That is why it is important that we get paternity or maternal leave for the adopting parents. Sometimes you will wonder if it is a punishment that is being given to people who adopt children. You are denied this leave because they have not seen you pregnant or if you are a man, you have not presented a birth certificate showing that the child who has been born belongs to you. Therefore, it will be important for us to consider this amendment.

Mr. Deputy Speaker, Sir, people adopt children because of the challenges they face,

or the challenges they see these children face or by will. Case studies show that we have children who are in the children's home and do not have parents. Sometimes the owners of these children agencies appeal to people who are ready to take up responsibility of taking care of these children. Sometimes it is through defilement. You find that children have been defiled and do not have parents to take care of them and have been living with guardians. Therefore, when we get a well-wisher who is ready to live with these children, they face a lot of problems.

Some people have given birth to children and maybe because their parents who are supposed to provide paternity care are not willing or ready to take up the responsibility; women decide to throw children on the streets. Therefore, people volunteer. However, because of the tedious process of adoption, many children have been left to suffer. If the Government can make this process easier, I believe that it would be a lesser burden to the people who are ready to take care of the children.

Mr. Deputy Speaker, Sir, this amendment is important because paternity and maternity leave will grant these parents an opportunity to bond with the children. As Sen. Wangari pointed out, this leave is not just for one to breastfeed the child. It is meant to create time to bond with the child. While bonding with the child, you are working on its development. As a parent, that is the time you will realize the challenges that some children face.

When you leave your child with a third party, you will not realize the problems that your child has during development. This is because we have seen children develop with speech problems or with deformed legs that can only be detected by parents. Detection of problem such as these can only be possible if the parents are given opportunity to spend time with their children and monitor their growth. This could also be beneficial to young children because they will not suffer adolescence crisis because they have had ample time to interact with their parents.

I beg to second this amendment Bill by saying that parents should be granted leave. It is also important for men in our society to know that they have to make use of their leave. If they have not benefitted from them before, they should be granted leave days in arrears.

*(Question proposed)*

**Sen. Madzayo:** Asante sana, Bw. Naibu Spika kwa kunipa fursa hii. Naunga mkono dada yangu, Sen. Wangari, kwa kuleta Mswada huu wa kuleta marekebisho katika sekta ya utendakazi. Ukweli ni kwamba sio sisi sote kama binadamu tunauwezo wa kupata watoto na kuwalea. Kuna wale walio katika ndoa na wale ambao hawamo. Katika maisha, kila binadamu aliyehai kuwa na hamu ya kupata mtoto. Wasiokuwa na uwezo wa kupata watoto, wamepewa nafasi katika sheria kuweza kupata watoto kisheria; katika lugha ya Kingereza inajulikana kama "*adoption*".

Bw. Naibu Spika, kuna umuhimu kwa Bunge la Seneti kuzingatia binadamu wenzetu wasio na uwezo wa kupata watoto bali kwa njia ya sheria. Uwezo wa kupata watoto unatoka kwa Mungu. Mara tu mtu anapopata watoto huwa sheria ya utendakazi inamruhusu yeye kuchukua likizo ya kwenda kuwa na mtoto ama kama ni mama

kunyonyesha mtoto wake na hivyo kuweka uhusiano wa karibu sana kati ya mzazi na mtoto na ndiposa dada zetu hupewa muda wa miezi mitatu baada ya kujifungua. Sheria inasema kwamba ikiwa mke atakwenda kwa miezi mitatu, mume atapewa wiki mbili. Lakini kwangu mimi, hivyo sio sawa. Namsihi Dada yangu, Sen. Wangari, aliyeleta Mswada huu, afikirie kwamba sio lazima mke apewe siku nyingi zaidi ya mume. Ikiwa uchungu wa mwana aujuaye ni mamaye, basi uchungu wa kulea mwana aujuaye ni mume. Mume ndiye anayetafuta chakula na hata kulipa kodi ya nyumba ili mtoto apate afueni ya kuishi katika maisha mema.

Bw. Naibu Spika, mimi kama mwenyekiti wa Kamati ya Utendakazi na Maswala ya Kijamii, nilitembelea makao ya watoto yatima na nikajionea kwamba watoto hao ni wengi. Tukizingatia kwamba kuna Wakenya wengi ambao wanataka kuwachukua watoto hao na kuwalea---. Waswahili husema kwamba kuzaa si hoja, lakini kulea ndio uzazi. Nikizingatia swala hili, tunaona kwamba sheria zile zimewekwa za kueza kuchukuwa watoto kisheria zinahitaji kurekebisha ili kuwapa fursa watu wasio na uwezo wa kupata mtoto kawaida, wawe na fursa nzuri ya kuweza kuwa na mtoto.

Jukumu la kulea ni la wazazi wawili. Hatuwezi kusema kuwa jukumu la kulea ni la mama tu. Hata kipofu na walemavu pia wanaweza kuzaa lakini jukumu kubwa---

**Sen. Omondi:** On a point of order, Mr. Deputy Speaker, Sir. Is Sen. Madzayo in order to use the word that he has used on persons with disabilities, “kipofu”? Is he in order to compare a human being to something that has no life?

**Sen. Madzayo:** Bw. Naibu Spika, kunradhi kama matamshi niliyosema hayafai.

**The Deputy Speaker** (Sen. Kembi-Gitura): Sen. Omondi, can you come out right so that I understand what you are talking about.

**Sen. Omondi:** Mr. Deputy Speaker, Sir, Sen. Madzayo said “Kipofu huwa anazaa”. In the disability world, “ki” is something that has no life. For instance “kijiko” or “kikombe”. He is comparing a person with visual impairment to a spoon, knife or something that has no life. Quoting Article 54 of the Constitution---

**The Deputy Speaker** (Sen. Kembi-Gitura): What does the word “kipofu” mean?

**Sen. Omondi:** Mr. Deputy Speaker, Sir, “kipofu” means somebody who has visual impairment.

**The Deputy Speaker** (Sen. Kembi-Gitura): Does it mean a person who is blind or who has visual impairment?

**Sen. Omondi:** Mr. Deputy Speaker, Sir, visual impairment means someone who is blind.

**The Deputy Speaker** (Sen. Kembi-Gitura): What is the definition of that word in Kiswahili?

**Sen. Omondi:** Mr. Deputy Speaker, Sir, in Kiswahili we would say “mpofu” or “asiyekuwa na uwezo wa kuona” but not “kipofu”

**The Deputy Speaker** (Sen. Kembi-Gitura): Sen. (Dr.) Zani, Please help me out. You are the master of this language. What do you call a blind person in Kiswahili?

**Sen. (Dr.) Zani:** Mr. Deputy Speaker, Sir, I think that it is not a question of the language but of the social construct.

**The Deputy Speaker** (Sen. Kembi-Gitura): What do we call a blind person in Kiswahili?

**Sen. (Dr.) Zani:** Let me explain, Mr. Deputy Speaker, Sir because I cannot do it from the legal perspective as you would like me to do. The general term that people have been using when referring to a blind person is ‘Kipofu’. However, Sen. Omondi is saying that from the disability movement, it implies to a non-living. So, from that perspective, it should be “Mpofu” but the real word that is used is “Kipofu”. I think her argument is that in the disability movement, you do not use “ki” you use “M” for “Mpofu”, which, again, from the Kiswahili perspective, is not a word that is often used. However, from the perspective of a social construct and how she is using “Ki”, then she is coming from a different perspective.

Mr. Deputy Speaker, Sir, I think here we have two issues. We have linguistical and the social construct issues. They are totally different.

**The Deputy Speaker** (Sen. Kembi-Gitura): Sen. Wangari do you want to comment on this?

**Sen. Wangari:** Niko kwa Hoja ya nidhamu Bw. Naibu Spika.

**The Deputy Speaker** (Sen. Kembi-Gitura): What is your point of order?

**Sen. Wangari:** Bwana Spika, nafikiri hata kama namuelewa Sen. Omondi, bado najiuliza swali kwa sababu jina “Kipofu” liko kwa Kamusi ya Kiswahili na lina maana yake. Hata kama tunaelewa mahali anapotoka kwa walemavu, nafikiri pia hatuwezi tukabadilisha yale maneno ambayo yako kwa Kiswahili mufti na yako haki. Kwa hivyo, nikiulizwa naona neno “Kipofu”, liko sawa kabisa.

**The Deputy Speaker** (Sen. Kembi-Gitura): Well, you are now being argumentative, which was not what we are looking for. Sen. Omondi, I want to be fair to you and to Sen. Madzayo. If Sen. Madzayo was contributing in English and I was listening to him, he would most likely have said, “Even a blind person can give birth”. Is that Correct?

**Sen. Omondi:** Yes, Mr. Deputy Speaker, Sir.

**The Deputy Speaker** (Sen. Kembi-Gitura): “Hata kipofu anaweza zaa”. Those are the words I thought he used. If he says it in English, is it okay? Had he talked in English and said: “Even a blind person can give birth” would you have raised a point of order?

**Sen. Omondi:** Mr. Deputy Speaker, Sir, I would have raised the point of order because I want correct him so that hon. Senators use words that are not demeaning to people with disabilities.

**The Deputy Speaker** (Sen. Kembi-Gitura): I hear you and I am asking this with a lot of respect. If Sen. Madzayo was contributing in English and had said “even a blind person can give birth”, would you have been satisfied?

**Sen. Omondi:** Mr. Deputy Speaker, Sir, a blind person is not demeaning but in Kiswahili he should use the correct word that is not demeaning. So, I am making a correction. To call a blind person “Ki” is so demeaning.

**The Deputy Speaker** (Sen. Kembi-Gitura): Kipofu, kwa mfano, ni kama Kiwete. Is it demeaning?

**Sen. Omondi:** It is demeaning Mr. Deputy Speaker, Sir and it is unconstitutional.

**The Deputy Speaker** (Sen. Kembi-Gitura): I do not know about the unconstitutional aspect because the word is still there in the dictionary and I think that is

the point Sen. Wangari is making. But Sen. Madzayo, I think this is good for clarity because you must respect everybody. I do not want to protract the issue. The word “Kipofu” is in the dictionary. I do not know whether the word is demeaning or it might be misunderstood, then maybe we can look at it that way. So, I do not know whether you are looking for a retraction from Sen. Madzayo or whether you wanted it to be pointed out for the future.

**Sen. Omondi:** Mr. Deputy Speaker, Sir, I asked if he is in order and I explained so that you rule that he is out of order and he withdraws and uses the correct word.

**The Deputy Speaker** (Sen. Kembi-Gitura): I would find it very difficult to rule him out of order in truth because, like I asked you and I had the intervention from Sen. (Dr.) Zani; a blind person in the Kamusi is still “Kipofu”. However, if in the disability world it is not a correct word, then I might want to ask Sen. Madzayo to reconsider because he is himself a master of the Kiswahili language. That is his mother language. So, I do not know whether he wants to reconsider. However, I would find it very difficult, in the circumstances, to rule him out of order.

**Sen. Madzayo:** Asante Bw. Naibu Spika kwa kufafanua. Kunradhi dada yangu kama nimesema jambo ambalo pengine limekuumiza moyo. Ninakotoka, tukisema “Vipofu”, ni wengi. Tukisema “Kipofu”, ni mmoja. Katika hali ya utendakazi wa kuzaa, sio watu wengi wanaofanya pamoja. Ni mtu mmoja pekee ndiye anayefanya kitendo kile. Ndiyo sababu nikasema ya kwamba, “Ki” na ni yule mmoja anayefanya namna hiyo. Kwa hivyo pole---

**The Deputy Speaker** (Sen. Kembi-Gitura): I think we have moved on from there. I told you that you may want to reconsider but I am not going to ask you to withdraw or to apologize because I understand the word “Kipofu” myself to mean a blind person. I think it is in that context that you used it.

**Sen. Madzayo:** Kunradhi dada yangu basi kama nimeongea jambo ambalo limekuguza moyo, sio sinto fahamu zangu. Utanisamehe.

Bw. Naibu Spika, nilikuwa nasema ya kwamba katika Mswada huu ambao umeletwa na dada yetu Sen. Wangari, pia vilevile tumezingatia ya kwamba tumetangulia hapo awali kusema kuzaa sio hoja lakini kufuga ndio msemu ya kwamba ikiwa uko na uwezo wa kuzaa, basi uwe na uwezo wa kufuga. Ikiwa hauna uwezo wa kufuga, basi afadhali umpishe mwenzako ambaye ana uwezo wa kufuga. Kuna msemu usemao: “Mtoto umleavyo, ndivyo akuavyo”.

Ule muda ambao mzazi anapewa kama ni miezi mitatu, uwe na mama awe na mtoto wake ndani ya nyumba, waweze kuzoeana na mzee pia akiwa pale pale. Hilo ni jambo ambalo tunataka kuzingatia katika vipengele hivi ambavyo tunataka kuvigeuza katika utendakazi wa sheria.

Vile vile Bw. Naibu Spika, lazima tuzingatie kwamba kuna umuhimu wa likizo ya uzazi. Ikiwa likizo ya uzazi haitalingamana, mimi nimetangulia hapo awali kusema ya kwamba likizo ya uzazi ianze kuhesabiwe zaidi. Tunajua kuna mwezi mmoja ule mtu anaweza kuenda katika likizo ya uzazi ili apimwe na mambo kama haya. Wakati muda ule unaendelea, tusiuhesabu. Sheria husema ya kwamba wakati mama amezaa, ndipo likizo ya uzazi huanza kuhesabiwa.

Bw. Naibu Spika, naunga mkono Msuada wa kugeuza utendakazi na sheria inayohusu uzazi hata kama mtu hawezi kuzaa.

Asante.

**Sen. (Dr.) Zani:** Thank you Mr. Deputy Speaker, Sir. For a long time, the whole world of adoption has been sort of mysterious and not well encouraged, especially in Kenya. It was felt that it is so natural for everybody to be able to give birth, every woman will give birth and that every man will be able to get a child. The reality is changing and many factors are creating this change. Part of that change is coming about because people are staying longer before they get married. In the 1960s and 1970s, the marriage age was about 20. It has now risen to about 30. Definitely with age, problems in terms of fertility, pregnancies and giving birth do occur.

Over time, Mr. Deputy Speaker, Sir, there is a new notion that is coming in. That is the notion of adoption. The reason there has not been enough legislative action towards issues of adoption is because for a long time, there has not been some sort of serious discourse that has taken place along the issues of adoption. In fact, even along the issues of fertility or lack of it, I know there is a Bill that was coming in the National Assembly on for example, invitro-fertilization. I think it has caused quite a stir because people are looking at it and thinking if it is something pertinent for us in Kenya, if it is something we should be discussing in Kenya and if it is really real.

Therefore, Mr. Deputy Speaker, Sir, I want to congratulate Sen. Wangari for bringing this amendment to the Employment Act and looking at the specific sector of people who have been left out for a long time. What is interesting about this Bill is that it just does not touch on those who are even adopting; it touches on those who are adopted. The Bill really gives us clear classification of the various times that should be given for maternity and paternity leaves that should be provided depending on the age of the child. That is very critical because we know the younger a child is, the more bonding there ought to be.

When you are the biological mother, the bonding is easier because you might be breastfeeding or you feel that there is a hereditary link to the child. Therefore, it is very easy and natural for the bonding to take place. It is more difficult for those who are adopting somebody's child; sometimes you know or you may know the parents or it could be a relative and therefore, you need more time. This is critical because as Sen. Kanainza said, it is not just about physical growth but about psychological and social growth and becoming a member of the family.

Mr. Deputy Speaker, Sir, we know that adoption rules do not allow recanting of adoption. Once you have adopted a child, then that is your child. That is as good as your natural child.

Mr. Deputy Speaker, Sir, if one can seek leave to take care of their natural child, there is no reason one should not take leave to take care of an adopted child. The moment a child is adopted she must be taken care of. Therefore, all that is stipulated must be put into effect. We should get to a point where we express how the three months should be spent. For example, when paternity leave is granted, many men will not be anywhere near the baby. When they are given the baby to hold, they look at the mother and ask if she is

crazy, because they do not consider that to be part of their duties. However, things are changing. From many studies---

**Sen. Madzayo:** On a point of order, Mr. Deputy Speaker, Sir. Is the distinguished Senator in order to say that men are irresponsible and do not spend time with children when they are born, when in fact, some of us are responsible from the day the child is born?

**The Deputy Speaker** (Sen. Kembi-Gitura): May be she is giving her personal experience. Are you in order?

**Sen. (Dr.) Zani:** Mr. Deputy Speaker, Sir, I am in order. In fact, Sen. Madzayo is putting words in my mouth. I consider that as his opinion and I am entitled to mine too. That is the problem with men in this country. When it comes to maternal issues they become protective and defensive. We should be brave enough to speak about this reality. We should not criticize, but change it for the future. It is true that some fathers and mothers have not played their roles effectively when it comes to issues of drug abuse. Therefore, we need to focus and ensure that these roles are played properly by all the people in charge of that child. Studies have shown that the relationship between a mother and child starts about three months of pregnancy. Whether the child will be maladjusted or properly adjusted depends on this relationship. Therefore, we are talking about a nation's wellbeing.

Mr. Deputy Speaker, Sir, this Bill goes beyond the technical aspects to the emotional and psychological aspects that are very critical. These children's rights are protected under Article 53 of the Constitution, which includes, among others, the right to parental care and protection. These rights need to be availed to all children, including the adopted children. The rights of the child need to be protected within an environment that allows that protection to take place.

In Clause 29(a) for a child who is above three years of age, but below the age of 12, the parent shall be entitled to two months adoptive leave with full pay. It is important that the aspect of pay has been put in. I know many organisations that dismiss employees because of such, yet we need a prosperous and reproductive nation, so that it becomes a productive.

According to the adoption rules if you are a single woman, you can only adopt a girl and not a boy. If you are single man, you can only adopt a boy. In developed countries, partners are allowed to adopt but this has caused a lot of problems. This Bill is important since it introduces the aspect of payment and also entrenches the level of responsibility that parents should have for their children. With this we shall end up building a better and healthier nation.

Mr. Deputy Speaker, Sir, moving forward, we should consider in detail issues of paternal leave and adoption by partners, so that they are not abused. On the issue of whether parents will stay at home during the period of the leave, that is a personal issue. Everybody can determine how to go about it. But, as legislators, we encourage people to use this time substantially.

Thank you and I support.

**Sen. Omondi:** Thank you Mr. Deputy Speaker, Sir. I support this amendment because I understand what it is all about. I speak from experience that, indeed, it is

important for a parent who has adopted a child to get a number of days as maternity leave, to allow that parent to understand the needs of the child they have adopted. This will also enable them to understand the feeding habits of the child and the health condition. It will also help in terms of bonding with the child that has come to the family.

Mr. Deputy Speaker, Sir, just as in the case of a new house help, it takes time for a mother to ensure that she acquaints herself with the daily routine of the house. When there are no problems in the house, a mother will deliver in her duties as assigned by the employer. This will benefit the institution one is working for.

Therefore, this amendment is important as far as family issues are concerned. It also gives the child the constitutional rights. When the opportunity is given by a well wisher, who adopts the child, that parent should be appreciated by being given a number of leave days to take care of the child and ensure that, that child fits in the family. As we amend this section, it reminds me that a child who has not been given an opportunity to be in the hands of parents lacks a number of things like correction and having parental care. It will give opportunity to many people to appreciate the importance of adoption. This will also reduce cases of vulnerable children who suffer in the hands of people who do not understand why they adopted them.

I support.

**The Deputy Speaker** (Sen. Kembi-Gitura): Thank you, Sen. Omondi. Since there are no more requests for the Floor, Sen. Wangari may reply.

**Sen. Wangari:** Mr. Deputy Speaker, Sir, I take this opportunity to actually thank all the Members that have contributed to this Bill. As I said, it is a simple amendment that will make a difference. It is a simple amendment that will help us nurture generations and our future.

Mr. Deputy Speaker, Sir, I want to confirm to the Members that we have taken into account the issues that have been raised and need more canvassing. I am sure that it will follow the due process of legislation in this House. We shall move some of these issues as amendments in the Committee Stage, in order to perfect this Bill, so that it is applicable even for posterity. We can look back 10 or 20 years down the line and see that we actually made a difference.

Mr. Deputy Speaker, Sir, I do not want to add any more to this debate. The Constitution is the supreme law of this land. It anticipates that children, whether adopted or biological, be treated as equals. Some of the issues that we came across include the health of a child. According to the World Health Organisation (WHO), most children actually die before the age of five. Some of the children in the children's homes have been abandoned out there in the cold and have health complications. Those of us who have given birth know how tricky it is to keep rushing a child to the hospital and the uncertainty that comes with the first formative months. So, it will go a long way in protecting and ensuring that such children get that right.

By making the adoption process friendlier and ensuring that more people adopt children who have been abandoned in children's homes and elsewhere, we shall definitely take care of a large population of this country that is lying in the children's homes. Employees are scared that whenever they take that approach, they will have to get extra help which comes at a cost or lose their jobs all together.



With those remarks I beg to move and request that you defer the putting of the question, under Standing Order No.54 (3), to a day that the Chair will find suitable.

Thank you, Mr. Deputy Speaker, Sir.

**The Deputy Speaker** (Sen. Kembi-Gitura): Thank you, Sen. Wangari. I defer the putting of the question until next time when the matter will be put on the Order Paper.

*(Putting of the question on the Bill deferred)*

*(The Deputy Speaker (Sen. Kembi-Gitura)  
consulted with the Clerk-at-the-Table)*

Hon. Senators, I have to rework the Order Paper. We shall defer Order Nos. 14, 15, 16, 17 and 18.

*Second Readings*

THE CANCER PREVENTION AND CONTROL  
(AMENDMENT) BILL (SENATE BILL NO. 3 OF 2015)

*(Bill deferred)*

THE COUNTY LIBRARY SERVICES BILL  
(SENATE BILL NO. 6 OF 2015)

*(Bill deferred)*

THE COUNTY OUTDOOR ADVERTISING CONTROL BILL  
(SENATE BILL NO. 11 OF 2015)

*(Bill deferred)*

THE KENYA NATIONAL EXAMINATIONS COUNCIL (AMENDMENT)  
(No.2) BILL (SENATE BILL NO. 14 OF 2015)

*(Bill deferred)*

THE NATIONAL CEREALS AND PRODUCE BOARD  
(AMENDMENT) BILL (SENATE BILL NO. 15 OF 2015)

*(Bill deferred)*

**ADJOURNMENT**

**The Deputy Speaker** (Sen. Kembi-Gitura): Hon. Senators, there being no other business, the House stands adjourned until tomorrow, Thursday 11<sup>th</sup> February, 2016, at 2.30 p.m.

The Senate rose at 5.35 p.m.