



REPUBLIC OF KENYA

THIRTEENTH PARLIAMENT

NATIONAL ASSEMBLY

THE HANSARD

THE HANSARD

Wednesday, 11th February 2026

The House met at 9.30 a.m.

[The Deputy Speaker (Hon. Gladys Boss) in the Chair]

PRAYERS

QUORUM

Hon. Deputy Speaker: Serjeant-at-Arms, I direct that the Quorum Bell be rung for ten minutes.

(The Quorum Bell was rung)

Hon. Deputy Speaker: Serjeant-at-Arms, you may stop the Quorum Bell. Let us proceed.

PAPERS

Hon. Deputy Speaker: Leader of the Majority Party.

Hon. Kimani Ichung’wah (Kikuyu, UDA): Hon. Deputy Speaker, I beg to lay the following Papers on the Table:

1. The 22nd Edition of the Bi-annual Report on the Status of Alcohol and Drug Abuse Control in Kenya from the Ministry of Interior and National Administration.
2. Reports of the Auditor-General on the Kenya School of Government Car Loan and Mortgage Scheme for the year ended 30th June 2020, 30th June 2021, 30th June 2022, 30th June 2023, 30th June 2024 and 30th June 2025, and the certificates therein.
3. The Reports of the Auditor-General and financial statements for the year ended 30th June 2025 and certificates therein in respect of the following 51 organisations:
 - (a) The Agriculture Food Authority (AFA) Car Loan and Mortgage Scheme Fund.
 - (b) Bomas of Kenya Limited.
 - (c) Child Welfare Society of Kenya.
 - (d) Commission for University Education.
 - (e) Commission on Revenue Allocation Staff Car Loan Scheme Fund.
 - (f) Commission on Revenue Allocation Staff Mortgage Scheme Fund.
 - (g) Commission on Revenue Allocation.
 - (h) Communications Authority of Kenya.
 - (i) Communications Authority of Kenya Staff Car Loan and Mortgage Scheme Fund.
 - (j) Competition Authority of Kenya.

- (k) Council of Governors' Staff Car Loan and Mortgage Scheme Fund.
- (l) Export Processing Zones Authority.
- (m) Kenya Agricultural and Livestock Research Organisation.
- (n) Kenya Broadcasting Corporation.
- (o) Kenya Fishing Industries Corporation.
- (p) Kenya Industrial Estates.
- (q) Kenya Medical Laboratory Technicians and Technologists Board.
- (r) Kenya Medical Research Institute.
- (s) Kenya Medical Supplies Authority.
- (t) Kenya Medical Training College.
- (u) Kenya Plant Health Inspectorate Service.
- (v) Kenya Ports Authority.
- (w) Kenya School of Government Car Loan and Mortgage Scheme Fund.
- (x) Kenya School of Government.
- (y) Kenya School of Law.
- (z) Kenya Veterinary Vaccines Production Institute Staff Car Loan and Mortgage Scheme Fund.
- (aa) The Kenya Veterinary Vaccines Production Institute.
- (bb) Kenyatta National Hospital.
- (cc) Kenyatta University Teaching, Referral and Research Hospital.
- (dd) Management and Supervision Fund.
- (ee) State Department for Cooperatives.
- (ff) Moi Teaching and Referral Hospital (MTRH).
- (gg) National Cereals and Produce Board Car Loan Scheme Fund.
- (hh) National Cereals and Produce Board (NCPB)
- (ii) National Social Security Fund (NSSF).
- (jj) National Youth Service Mechanical and Transport Fund.
- (kk) National Youth Service (NYS).
- (ll) New Partnership for Africa's Development/Africa Peer Review Mechanism Kenya Secretariat.
- (mm) Prisons Farms Revolving Fund.
- (nn) Prisons Industries Revolving Fund.
- (oo) Social Health Authority Car Loan and Mortgage Scheme Fund.
- (pp) Social Health Authority.
- (qq) Social Health Insurance Fund.
- (rr) South Nyanza Sugar Company Limited.
- (ss) Sports Kenya.
- (tt) State Department for Basic Education.
- (uu) State Department for Cooperatives.
- (vv) State Department for Diaspora Affairs.
- (ww) State Department for Trade.
- (xx) Technical and Vocational Education and Training Authority.
- (yy) Tea Board of Kenya.

Thank you, Hon. Deputy Speaker.

NOTICE OF MOTION

APPROVAL OF THE CALENDAR OF THE HOUSE FOR THE FIFTH SESSION

Hon. Kimani Ichung’wah (Kikuyu, UDA): Hon. Deputy Speaker, I beg to give notice of the following Motion:

THAT, pursuant to the provisions of Standing Order 28, this House approves the Calendar of the National Assembly (Regular Sessions) for the Fifth Session 2026 as contained in the Schedule to the Order Paper.

SCHEDULE

CALENDAR OF THE NATIONAL ASSEMBLY FOR 2026 (REGULAR SESSIONS)

TUESDAY, 10TH FEBRUARY 2026 – THURSDAY, 3RD DECEMBER 2026	
PERIOD	DAYS
FIRST PART	
A. Sitting Days: Tuesday, 10 th February – Thursday, 12 th March 2026	Tuesdays (afternoon), Wednesdays (morning and afternoon) and Thursdays (afternoon)
B. Short Recess: Friday, 13 th March – Monday, 30 th March 2026	
C. Sitting Days: Tuesday, 31 st March – Thursday, 30 th April 2026	Tuesdays (afternoon), Wednesdays (morning and afternoon) and Thursdays (afternoon)
D. Long Recess: Friday, 1 st May – Monday, 25 th May 2026	
<i>Annual Prayer Breakfast on Thursday, 28th May 2026</i>	
SECOND PART	
E. Sitting Days: Tuesday, 26 th May – Thursday, 25 th June 2026	Tuesdays (afternoon), Wednesdays (morning and afternoon) and Thursdays (afternoon)
F. Short Recess: Friday, 26 th June – Monday, 20 th July 2026	
G. Sitting Days: Tuesday, 21 st July – Thursday, 20 th August 2026	Tuesdays (afternoon), Wednesdays (morning and afternoon) and Thursdays (afternoon)
H. Long Recess: Friday, 21 st August – Monday, 21 st September 2026	
THIRD PART	
I. Sitting Days: Tuesday, 22 nd September – Thursday, 15 th October 2026	Tuesdays (afternoon), Wednesdays (morning and afternoon) and Thursdays (afternoon)
J. Short Recess: Friday, 16 th October – Monday, 2 nd November 2026	
K. Sitting Days: Tuesday, 3 rd November – Thursday, 3 rd December 2026	Tuesdays (afternoon), Wednesdays (morning and afternoon) and Thursdays (afternoon)

L. Long Recess: Friday, 4th December 2026 – Monday, 25th January 2027

**Annual suspension of Committee Sittings from
14th December 2026 to 18th January 2027**

*Disclaimer: The House may, however, resolve to hold sittings
on other days outside this published Calendar.*

Thank you, Hon. Deputy Speaker.

Hon. Deputy Speaker: I do not see any Questions and Statements in the Order Paper. Are there any? I cannot see any. So, we move to the next Order.

PROCEDURAL MOTIONS

**LIMITATION OF DEBATE ON
PARTIES' AND COMMITTEES' BILLS**

Hon. Kimani Ichung'wah (Kikuyu, UDA): Hon. Deputy Speaker, I beg to move the following Procedural Motion:

THAT, pursuant to the provisions of Standing Order 97(1), this House orders that each speech in a debate on Bills sponsored by a Committee, the Leader of the Majority Party or the Leader of the Minority Party be limited as follows: A maximum of 45 minutes for the mover in moving and 15 minutes in replying, a maximum of 30 minutes for the Chairperson of the relevant Committee (if the Bill is not sponsored by the relevant Committee), and a maximum of 10 minutes for any other Member speaking, except the Leader of the Majority Party and the Leader of the Minority Party, who shall be limited to a maximum of 15 minutes each (if the Bill is not sponsored by either of them); and that priority in speaking be accorded to the Leader of the Majority Party, the Leader of the Minority Party and the Chairperson of the relevant Departmental Committee, in that order.

I request Hon. Karembe to second.

Hon. Muchangi Karembe (Runyenjes, UDA): Thank you, Hon. Deputy Speaker. I second.

(Question proposed)

(Question put and agreed to)

Hon. Deputy Speaker: Next Order.

**LIMITATION OF DEBATE ON
INDIVIDUAL MEMBERS' BILLS**

Hon. Kimani Ichung'wah (Kikuyu, UDA): Hon. Deputy Speaker, I beg to move the following Procedural Motion:

THAT, pursuant to the provisions of Standing Order 97(1), this House orders that each speech in a debate on Bills NOT sponsored by a Committee, the Leader of the Majority Party or the Leader of the Minority Party be limited as follows: A maximum of three hours and 30 minutes, with not more than 30 minutes for the mover in moving and 10 minutes in replying, a maximum of 30 minutes for the Chairperson of the relevant Committee and a maximum of 10 minutes for any other Member speaking,

except the Leader of the Majority Party and the Leader of the Minority Party, who shall be limited to a maximum of 15 minutes each; and that priority in speaking be accorded to the Leader of the Majority Party, the Leader of the Minority Party and the Chairperson of the relevant Departmental Committee, in that order.

I request the Member for Wundanyi, Hon. Dan Mwashako to second.

Hon. Danson Mwashako (Wundanyi, WDM): Thank you, Hon. Deputy Speaker and the Leader of the Majority Party. I take this opportunity to second.

(Question proposed)

Hon. Deputy Speaker: May I put the question?

Hon. Members: Yes.

(Question put and agreed to)

Hon. Deputy Speaker: Next Order.

LIMITATION OF DEBATE ON MOTIONS

Hon. Kimani Ichung'wah (Kikuyu, UDA): Hon. Deputy Speaker, I beg to move the following Procedural Motion:

THAT, pursuant to the provisions of Standing Order 97(1), this House orders that each speech in a debate on any Motion, including a Special Motion be limited in the following manner: A maximum of three hours with not more than 20 minutes for the mover and 10 minutes for any other Member speaking, except the Leader of the Majority Party and the Leader of the Minority Party, who shall be limited to a maximum of 15 minutes each, and that 10 minutes before the expiry of the time, the mover shall be called upon to reply; and that priority in speaking be accorded to the Leader of the Majority Party, the Leader of the Minority Party and the Chairperson of the relevant Departmental Committee, in that order.

I request Hon. Moses Okoth Omondi, the newest Member of Parliament for Ugunja to second. You can note that he is very keen and diligent in his work in this new Session. He was among the very first people to be here this morning. I can see he is following in the footsteps of his former Member who is now the Cabinet Secretary for Energy and Petroleum. He is fitting in very well. I believe he will do a splendid job for the people of Ugunja.

Hon. Moses Okoth, please, second.

Hon. Moses Omondi (Ugunja, ODM): Thank you, Hon. Deputy Speaker and the Leader of the Majority Party. I take this opportunity to second the Motion.

(Question proposed)

(Question put and agreed to)

LIMITATION OF DEBATE ON REPORTS OF AUDIT COMMITTEES

Hon. Kimani Ichung'wah (Kikuyu, UDA): Hon. Deputy Speaker, I beg to move the following Motion:

THAT, pursuant to the provisions of Standing Order 97(1), this House orders that each speech in debate on Reports of Audit Committees be limited as follows: A

maximum of sixty (60) minutes for the Mover in moving and thirty (30) minutes in replying, and a maximum of ten (10) minutes for any other Member speaking, except the Leader of the Majority Party and the Leader of the Minority Party, who shall be limited to a maximum of fifteen (15) minutes each; and that priority be accorded to the Leader of the Majority Party and the Leader of the Minority Party, in that order. I beg to move and request the Hon. Member for Embu County to second the Motion.

Hon. Pamela Njeru (Embu County, UDA): Thank you, Hon. Deputy Speaker. I second.

(Question proposed)

Hon. Members: Put the question!

(Question put and agreed to)

LIMITATION OF DEBATE ON
OTHER COMMITTEE REPORTS

Hon. Kimani Ichung'wah (Kikuyu, UDA): Hon. Deputy Speaker, I beg to move the following Motion:

THAT, pursuant to the provisions of Standing Order 97(1), this House orders that each speech in a debate on Other Committee Reports, including a Report of a Joint Committee of the Houses of Parliament or any other Report submitted to the House for which limitation of time has not been specified, shall be limited as follows: A maximum of two and a half hours, with not more than twenty (20) minutes for the Mover in moving and five (5) minutes for any other Member speaking, including the Leader of the Majority Party and the Leader of the Minority Party and the Chairperson of the relevant Committee (if the Committee Report is not moved by the Chairperson of the relevant Committee), and that ten (10) minutes before the expiry of the time, the Mover shall be called upon to reply; and further that priority in speaking shall be accorded to the Leader of the Majority Party and the Leader of the Minority Party, in that order.

This being a Procedural Motion, I beg to move and request Hon. Cynthia Muge, the County Woman Representative for Nandi County, which has never been short of formidable female leaders, to second. This is the land that produced leaders like Chelagat Mutai and great leaders such as the late Marie Seroney. Today we have a new lioness of Nandi County, Hon. Cynthia Muge

Hon. Deputy Speaker: Correction, Chelagat Mutai was the Member of Parliament for Eldoret North, which was later represented by the current Head of State. She was therefore from Uasin Gishu County. You may proceed. Nevertheless, I acknowledge that Hon. Cynthia Muge is, indeed, the lioness of Nandi County.

(Laughter)

Hon. Cynthia Muge (Nandi County, UDA): Thank you, Hon. Deputy Speaker. I sense a whole new debate emerging, but allow me to second this Motion. For the record, I served as a Member of the County Assembly for Chelagat Mutai's Ward. I know her home and her family, including her late brother, John Mutai, who was the first person in Nandi County to be cremated. I am, therefore, not merely a neighbour; I have a direct connection to the legacy of the great Chelagat Mutai. We proudly carry her spirit.

Hon. Deputy Speaker: Please, second the Motion.

Hon. Cynthia Muge (Nandi County, UDA): Hon. Deputy Speaker, I began with the most important business, to second the Motion as moved by the Leader of the Majority Party. Thank you.

(Question proposed)

(Question put and agreed to)

Hon. Deputy Speaker: Leader of the Majority Party, let me also place this on record. John Mutai was a very senior employee at Shell Kenya. I was among his first interns, and he later served as my chief campaigner in Uasin Gishu County. While their ancestral home may be in Nandi County, they chose to seek election and to vote in Uasin Gishu County. That, therefore, remains my claim to fame.

Let us now proceed to the next Motion. We can carry on with that debate outside the Chamber. The Leader of the Majority Party will moderate the argument and the debate.

LIMITATION OF DEBATE ON
THE PRESIDENT'S ADDRESS

Hon. Kimani Ichung'wah (Kikuyu, UDA: Hon. Deputy Speaker, on a light note, I doubt I would be a neutral arbiter in that battle between Uasin Gishu and Nandi Counties on who hails from whose ancestral land. I cannot be a neutral arbiter because my ancestral land is also in Nandi County. My mother was born in the Kipcham Tea Estate in Nandi Hills. Therefore, I want to recuse myself from being an arbitrator on that matter.

Hon. Deputy Speaker: You are hereby duly disqualified.

Hon. Kimani Ichung'wah (Kikuyu, UDA): I definitely cannot be a neutral arbiter in that matter. I have deep interests in Nandi County, being my ancestral home despite having been elected in Kikuyu Constituency in Kiambu County in the Mount Kenya region.

Hon. Deputy Speaker, I beg to move:

THAT, noting that Standing Order 24(6) provides that debate on a Motion on the Address by the President shall be limited to not more than four sitting days; and pursuant to the provisions of Standing Order 97(1), this House orders that debate on a Motion on the Address by His Excellency the President under Article 132(1)(a) of the Constitution shall be limited as follows: A maximum of 30 minutes for the Mover in moving, 20 minutes for the Leader of the Minority Party, and 10 minutes each to the Chairperson of the Departmental Committee on Justice and Legal Affairs to speak on the report submitted under Article 132(1)(c)(i) of the Constitution relating to the realisation of the national values; the Chairperson of the Departmental Committee on Defence, Intelligence & Foreign Relations to speak on the report submitted under Article 132(1)(c)(iii) of the Constitution relating to the progress made in fulfilling the international obligations of the Republic; and the Chairperson of the Departmental Committee on Administration & Internal Security to speak on the report submitted under Article 240(7) of the Constitution relating to the state of the security of the Country; and five minutes for any other Member speaking, and that 10 minutes before the expiry of the time, the Mover shall be called upon to reply.

I request my junior at my school and Member for Kitutu Masaba, Hon. Clive Ombane Gisairo, to second, having gone to 'the school'.

Hon. Members: The school?

Hon. Clive Gisairo (Kitutu Masaba, ODM): Thank you, Hon. Deputy Speaker. For those who are asking about 'The School', there is only one school in Kenya, and that is Alliance High School.

(Laughter)

Hon. Deputy Speaker, I second.

Hon. Deputy Speaker: You forgot to start with the title ‘The’ Alliance as the Leader of the Majority Party constantly reminds us.

(Question proposed)

(Question put and agreed to)

Next Order.

BILLS

First Reading

SEXUAL OFFENCES (AMENDMENT) BILL
(National Assembly Bill No. 50 of 2025)

*(The Bill was read a First Time and
referred to the relevant Committee)*

Second Reading

THE ENVIRONMENTAL PROFESSIONALS INSTITUTE OF KENYA BILL
(National Assembly Bill No. 36 of 2024)

*(Moved by Hon. George Gachagua
on 5.11.2025 – Morning Sitting)*

*(Resumption of debate interrupted
on 3.12.2025 – Morning Sitting)*

Hon. Deputy Speaker: Who was the last person to speak? Were there any minutes left?

*(Hon. Deputy Speaker consulted
with the Clerks-at-the-Table)*

Hon. Members, being a new year, let me remind you that it was moved by Hon. George Gachagua and seconded by Hon. Timothy Toroitich. We had several people participating, including the chairperson of the committee, Hon. Saney, Hon. Irene Mayaka and Hon. Gichimu Githinji. He had no balance of time. Therefore, this is open for debate. We still have a balance of two hours and 58 minutes. Those Members who want to participate in this debate, kindly press the intervention button for me to give you an opportunity.

Before we proceed, Hon. Members, allow me to recognise our guests this morning. I recognise the presence students of ACK St. Michael Model School from Kajiado North Constituency, Kajiado County, who are seated in the Public Gallery. On behalf of the Speaker, Members of the National Assembly and myself, I welcome you to Parliament. Thank you.

Hon. James Nyikal.

Hon. (Dr) James Nyikal (Seme, ODM): Thank you, Hon. Deputy Speaker. I rise to support this Bill, but with a bit of caution. The object of this Bill is to establish an institute of environmental professionals as is in Clause 4. As that may be desirable, we have to realise that this is the creation of a Semi-Autonomous Government Agency (SAGA). We are currently trying to reduce the number of SAGAs that we have, many of which require funding from state coffers, although no funding is being sought in this one. All the same, that is an issue that we should look at.

Clause 37 of this Bill indicates that the funding will come from the activities of this institute. The agency will be responsible for licensing and regulation of professionals. This will definitely have an impact on what they do. Environmental professionals are very important in our development. People who seek to set up businesses and undertake development projects are always required to undertake environmental impact assessment. Therefore, the agency will have an impact on many institutions. If the agency will not be funded from State coffers or from the National Treasury, it means that it will raise its own funds from projects, thus bringing an issue of higher costs that will affect project implementation. Talking of business people who will be setting up small business institutions, if the agency we are creating is going to totally depend on the money that it will be collecting from such businesses, we may find ourselves creating another deterrent to development of business. This is because the costs of running the agency will be charged on those who will be trying to set up businesses, and we have to be very careful. We have seen in the past, for example in the health sector which I know very well. The levies that are fixed by the regulatory authorities become an important cost factor. That is, therefore, something we should look at very carefully.

Hon. Deputy Speaker, I really need to speak about the issue of training. Before they train these professionals they need to define who is an environmental professional is. If you get into Clause 2, you find a very broad definition. An environmental professional means a person who has successfully undertaken a degree course in the field of environment, natural resources, art sciences and research. This is a very broad area to lump all these people together and create a training programme. If you look at the functions of the Institute again in Clause 4(g) you find that they will develop and facilitate training programmes. When you look at all those areas, it will be very difficult to have one training programme. There will be training programmes in very many fields. If you look at the art sciences and natural sciences, whether you are talking about Biology, Geography or Physics, they are all in one group. We may face a challenge in developing a programme of their training and how will this relate with the Commission for University Education (CUE). We currently have problems between regulatory bodies and CUE and it appears to me that already, as we are starting this Institute, there are areas where these conflicts will occur.

This is a good Bill and we should look at it very carefully. When we will be doing the amendments in the Committee of the whole House, we will need to look at it very deeply because the two areas I have mentioned are going to be very important as to how this Institute will raise funds and people are charged. How then does that affect development projects, whether they are government development projects or business people setting up business projects? Will the cost be higher because they are trying to raise funds? When you look at training, the definition is so broad that very many people will call themselves professionals. How will training be regulated?

With those few remarks, I support but we need to consider introducing very serious amendments during the Committee of the whole House.

Thank you, Hon. Deputy Speaker.

Hon. Deputy Speaker: Thank you. Next is the Member for Kanduyi, Hon. John Makali.

Hon. John Makali (Kanduyi, FORD-K): Thank you, Hon. Deputy Speaker for giving me an opportunity to also weigh in on this particular Bill.

First, let me congratulate the Hon. Member who has brought this Bill at this time. In contributing to this Bill, I need to make reference to Article 42 of the Constitution of Kenya that entitles each and every citizen to a healthy environment, which is protected both for the present and future generations. Article 42 of the Constitution obliges us to take legislative measures towards the achievement of this goal. Reference is made to Article 69 of the Constitution, which requires us to take steps for sustainable exploitation, utilisation, management and conservation of the environment and natural resources.

Each and every year, our educational institutions, specifically our universities and Technical and Vocational Education and Training (TVET) colleges churn our graduates in areas of environmental management, resource management and natural resource exploitation. The last time I checked, we had over 40 educational institutions that are producing graduates in this field every year. The question is, as these people graduate to the job market, who regulates their work? It is important that this legislation seeks to set up a legislative framework that will supervise and control the professionals who graduate from our public universities and colleges towards the area of environmental management.

Hon. Deputy Speaker, in most of these professions, we have had quacks – people who are not licensed or qualified – acting and masquerading as professionals. This legislation seeks to bring in a regulatory framework and the benefits cannot be over emphasised. We will have quality work being done on supervision and licensing. This is critical for the ordinary Kenyan who has to rely on experts to participate in national building. I have looked at the Act, which defines ‘environmental profession’ in very broad terms. As other speakers have said, during the Committee of the whole House, we will need to relook at that particular definition of who is an environmental professional because they are only limiting it to someone who has a degree and yet we have the TVET institutions that are producing people who have diplomas and certificates in environmental management. We will need to look at the definition of who qualifies to be an environmental professional.

Hon. Deputy Speaker, Clause 19 of this Bill sets cadres of membership and introduces a very critical class of membership known as ‘corporate members.’ Looking at the definition of; ‘environmental professional’ it means a person who has successfully undertaken a degree programme. It implies a natural person. However, the provisions of the clause bring in corporate membership, which we will need to relook at during the Committee of the whole House. It is important that we have this area regularised and ensure that there is no conflict with existing legislation. We have the Environmental Management and Coordination Act, which has several provisions on regulation of professions in the area of environmental management. We will need to relook at that in the Committee of the whole House so that we avoid any conflict with the existing legislation and avoid duplicity in terms of application of this proposed Bill.

Over and above, the Bill seeks to honestly enhance professional accountability and eliminate unqualified environmental management practitioners. Even in rural areas, if you want to put up a house or any project, you have to get consent from the environmental management authorities. Once we have professionals in this particular area, we will be able to straighten up the operations in our rural areas. This Bill also seeks to strengthen environmental decision-making. It sets up a council which will do international linkages. We are not an island. We need to do international linkages and have connectivity with our neighbours.

The Bill is well intentioned. We will have better compliance with environmental issues and standards. We will have stronger institutional capacity for sustainable development and protection of the public interest and contribute to a clean environment. Therefore, I support this

Bill and urge that at the Committee stage, we propose some amendments to fine-tune and align it with the existing legislation.

With those remarks, I support.

Hon. Deputy Speaker: Thank you. Next is Hon. George Murugara, Member for Tharaka. Hon. Members, I see the only person left is Hon. Murugara. Kindly, press the intervention button if you want to contribute to this debate.

Proceed, Hon. Murugara.

Hon. George Murugara (Tharaka, UDA): Thank you very much, Hon. Deputy Speaker. I also rise to support this Bill. It is a very important Bill by namesake, Hon. George Gachagua of Ndaragwa, especially because today as we debate and talk about any matter in the country, environment always takes a centre stage. We cannot prepare any plans for development or any matters regarding improvement of physical areas without talking about the environment.

In this country, there are various laws that govern environmental management matters. The prime one is the Environmental Management and Coordination Act, which deals with how we have to deal with environment and all matters touching on our environment, including our forests, our water and our marine life. When we talk about environment, we include our climate. That is why there is a big debate in the world today as we talk about climate change. This is purely environmental and it must be borne in mind when we discuss such a vital Bill.

We also have to talk about mining because our minerals and petroleum products are part of our environment and environmental resources. Therefore, it is important that we commit issues of environment to an entity – to a body or an institute like the one contained in this Bill, so that experts in environmental management can come under one roof. When it comes to us Kenyans enjoying the services of environment management practitioners, we know where to call. We can go to an institute and we shall get professional advice on who most suits to give advice on what issue.

Of course, there are other laws, including the Physical Planning Act. We have the County Governments Act and all the other laws that regulate matters of environment. What is being proposed here is just like the Human Resources Institute, which was actually formed the other day. Experts in environmental management, too, have to have their own self-regulating body. Therefore, it joins the class of the Law Society of Kenya, the Architectural Association of Kenya, the Engineers Registration Board and all the other professional bodies that regulate the behaviour of their members.

What would be the purpose of this body? Number one is to ensure that we are properly advised and guided in matters relating environment. We do not have to be taken around in circles. You have seen people coming over and telling us that they are going to sell things called 'carbon credits.' On some of these matters, we do not have the knowledge to determine whether these are viable projects or they are just people who are out to make money using us.

Such an institute would be the first port of call. The government, in regulating such entities coming to the country, would be getting advice from this body because, most importantly, it will be there to render advisory services to the government and to Kenyans to ensure that we are well informed on matters environment.

We will look at this Bill clause by clause in the Committee of the whole House. If there are any necessary amendments that have to be made, we will be proposing them so that we come up with one of the best laws to govern a professional body that deals with the environment. Most importantly, the persons who will belong to this institute must be qualified persons and persons we will term as professional experts in matters environment.

With those remarks, I beg to support.

Hon. Deputy Speaker: Thank you, Hon. Murugara. Next is the Member for Marakwet East, Hon. David Bowen Kangogo.

Hon. Kangogo Bowen (Marakwet East, UDA): Thank you, Hon. Deputy Speaker, for giving me an opportunity to support the Environmental Professionals Institute of Kenya Bill (National Assembly Bill No.36 of 2024), which has been brought to the House by my good friend, the Member for Ndaragwa.

Our environment is very important both in our lives as human beings and to animals. I thank Hon. Gachagua for this Bill, which provides a legal framework to professionalise environmental management. There are many individuals out there calling themselves professionals in the environment field. No one knows educational background of those people. If this House approves the Bill, it will make sure that we have competent people to manage our environment and environmental issues.

The issue of environmental impact assessment is very critical in the construction sector. Some years back, you saw what happened in Mombasa, at a place called Owino Uhuru Estate, where a chemical industry that was manufacturing lead was set up inside an estate where people lived. Years later, we saw people developing serious life-threatening diseases. Probably, the people who carried out the environmental impact assessment were not qualified. Even if they were qualified, there were some elements of negligence. There was need for a government agency to confirm that what they did was good and the factory was not only going to support the people in terms of livelihood or employment but was also not emitting a poisonous substance to the environment.

Whenever we undertake physical planning of a city or a municipal council, the input of these people is required. The reason as to why we cry about pollution of Nairobi River is that there are many factories disposing waste into the river. At the same time, you are told that an environmental impact assessment done. What happened? If it is, indeed, true that some professionals carried out environmental impact assessment, what came out of the report? Why is it that we still have a problem? This Bill will streamline the environmental profession and eliminate quacks so that we only have professionals in the field.

In the field of mining, in parts of West Pokot and Vihiga, people mine haphazardly. Environmentalists, including those in Taita Taveta – I can see my good friend looking at me – need to conduct proper environmental impact assessment. After mining, what remains in the environment? What happens to the environment? Mining is good but there must be a provision that it will not affect the environment. After mining, there is need to restore the environment to its original position.

This is a very important Bill, considering that other professional bodies like the Law Society of Kenya (LSK), the Engineers Board of Kenya (EBK), the Nursing Council of Kenya (NCK), the Clinical Officers Council (COC) and other registered professional bodies have legal and policy frameworks regulating the practice. They do good work.

I urge all my colleagues to support this Bill, especially at this time when we have serious environmental and climate change issues around the globe. This Bill will help us and our people. It will also help in regulating waste management, which has been a problem in our cities.

With those many remarks, I support.

Hon. Deputy Speaker: Hon. Members, before we proceed, allow me to recognise student guests in the National Assembly today. I recognise the presence of students of Jonathan Gloag Academy from Langata Constituency, Nairobi County, seated in the Public Gallery. I call upon the Member for Wundanyi, Hon. Mwashako, to welcome them on our behalf.

Hon. Danson Mwashako (Wundanyi, WDM): Thank you, Hon. Deputy Speaker for giving me an opportunity to welcome students and pupils from Jonathan Gloag Academy....

Hon. Deputy Speaker: Students, when you are recognised, you should rise in acknowledgement. You can do that.

(The students stood up)

Sergeant-at-Arms, make sure that you always give them a brief before they get into the galleries. You may now be seated.

(The students resumed their seats)

I now allow the Hon. Member to welcome you.

Hon. Danson Mwashako (Wundanyi, WDM): Thank you again, Hon. Deputy Speaker, for giving me this opportunity. I am privileged today because you have given me a chance to welcome learners from Jonathan Gloag Academy (JGA), who are on a visit to Parliament for the first time. I am also pleased to inform you that I am also a parent in the same school. My son, Benaiah Mwashako, is one of the learners seated at the Public Gallery.

To give a brief, JGA started by educating learners from children homes, pupils who did not have anyone to support them. Later, it combined with students that would pay school fees so that those from families that we not very able could be supported by those who could pay fees. They are led by one of their very good teachers, Teacher Ken, among others. They are here to observe what happens in Parliament. I would like to tell the learners that we are excited to have them here. Let them feel welcome and feel part and parcel of this august House. You are the future of this country. A number of you may be yearning to become leaders like the President, Governors or Members of Parliament. You are in school today, but you will not remain there forever. In the near future – some 10, 15 or 20 years from now – some of you will find yourself in this House.

I take this opportunity to encourage you to be serious with your studies and be good children. I know JGA brings up pupils with values, who believe in God and are patriotic. Love your country, love God, and of course, respect adults, your parents, teachers and above all, know that your tomorrow must be better than today. Remain to be good and disciplined students, and in the near future, you will be the leaders of this country.

Before I sit, as the leaders of today, we have a duty to pass laws and policies in this House that respect the constitutional principle of intergenerational equity so that as we exit the stage these children can find Kenya as stable and solid as we found it. We have the duty of ensuring that all the laws we pass in this House leave this country better for these students and that every other child that will be born in this country will be proud that their forefathers anchored this country on stability and in a manner that we defeat tribalism. We must have one country with patriotic people who love to have one indivisible country.

Thank you.

Hon. Deputy Speaker: Thank you, Hon. Member, for welcoming the guests on our behalf. Hon. Edith Nyenze, Member for Kitui West, do you want to contribute to this debate?

Hon. Edith Nyenze (Kitui West, WDM): Not really, Hon. Deputy Speaker but I take this opportunity to welcome the students. Their Member of Parliament has put it very well. I wish them all the best in life. We love you. We are concerned about your welfare.

Thank you.

Hon. Deputy Speaker: Thank you, Hon. Nyenze. Member for Tinderet, do you want to contribute?

Hon. Julius Melly (Tinderet, UDA): Yes.

Hon. Deputy Speaker: Proceed.

Hon. Julius Melly (Tinderet, UDA): Thank you, Hon. Deputy Speaker. I rise to contribute to the debate on the Environmental Professionals Institute of Kenya Bill.

This is a very important Bill. First, like all other Bills that guide and develop professionalism in a country, the Environmental Professionals Institute of Kenya is very

important. The Engineers Act of 2011, the Institution of Surveyors of Kenya Act and all other Acts guide and give directions on professionalism, good governance and management and the development of the professions.

I thank Hon. Gachagua for giving us a very good Bill. Clauses 3 to 17 of the Bill indicate that the proposed Environmental Professionals Institute of Kenya will be a corporate body which will register, regulate and exercise general supervision and control over professional development and practise of registered environmentalists in Kenya. A number of Environmental Impact Assessments (EIAs) have been conducted by professionals, yet their outcome is very disastrous to this country despite the fact that environmentalists of high standing and repute appended their signatures to the assessment reports. The result is that lives are lost in terms of waste disposal which has a huge impact on our country. Through this Bill, environmental professionals will be brought to book and held accountable. They can be de-registered, penalised and even removed from the roll of professional environmentalists.

*[The Deputy Speaker
(Hon. Gladys Boss) left the Chair]*

*[The Temporary Speaker
(Hon. (Dr) Rachael Nyamai) in the Chair]*

Hon. Temporary Speaker, research is very important in any society. Research and development are key in the growth of any professional group in a country. The Institute will develop a research arm on earth sciences, environmental issues, and more importantly accrediting and regulating the membership of the professionals. Environmental professionals have been categorised into various groups, namely, fellows of the Institute, honorary members and members who have done commendable work within the society.

The Bill will also deal with issues of climate change, which we are facing today as a country and the world. Most world leaders have been attending climate change summits. Most of the challenges that we are facing today are as a result of not taking a keen interest in what the professionals have been saying about the environment. Mining and erecting buildings along riverbanks without consideration of our water catchment areas and other water bodies have resulted in global warming. The emissions that we have to deal with today were previously predicted but some professionals chose to side with mining companies as they deposited waste into water sources, which cause diseases amongst our people. This body will regulate, register and even de-register such members.

I urge the sponsor of the Bill to introduce penalties on issues concerning the environment just like in other professions. I have gone through the Bill and realised that it does not propose strong enough penalties against those who give wrong professional advice, and especially those who have actually committed crimes while advising institutions and the Government on Environmental Impact Assessments.

Last is the issue of foreign affiliations. The Bill needs to cover the Institute affiliating with international professional bodies that deal with the environment, research, biodiversity and carbon markets. Carbon markets are a new area which the industrialised and developed world are focused on, and have plenty of resources. How do we benefit as developing countries which do not contribute a lot to the carbon emissions? We are the guardians of the environment and the universe.

Thank you, Hon. Temporary Speaker. I also thank the sponsor of the Bill.

The Temporary Speaker (Hon. (Dr) Rachael Nyamai): Hon. Gladys Boss.

Hon. Gladys Boss (Uasin Gishu County, UDA): Thank you, Hon. Temporary Speaker, for giving me this opportunity. I must thank our colleague, Hon. Gachagua, for sponsoring this

very timely and important Bill. The entire environmental and ecological future of our country depends on regulating the professionals who conduct the Environmental Impact Assessments.

Currently, Nairobi is a ticking time bomb. Environmental Impact Assessments have approved the construction of too many boreholes within a limited radius. We have been reliably informed – and there have been many articles about it – that Nairobi will soon sink because there is a borehole underneath every tall building. We are supposed to have one borehole within a certain area which should be utilised within a certain radius. An example is what is happening in the Kilimani and Parklands areas. Construction of buildings of up to 22 storeys has been approved, yet the same sewer system is still being used. We have increased the population and the buildings in the area by 1,000 times, yet the road and the sewer systems remain the same. No new drainage system has been built.

Even though the physical planning department of the Nairobi City County Government approved such construction, the EIA should have identified such issues, so that it can prevent the clearance of other such construction works. But if they say that there is no environmental impact or they give a positive report, then such buildings which will destroy our city are cleared for construction. Buildings in some parts of Nairobi have been constructed on riparian zones. We recently saw that when it rains, water floods downstream because nature will always fight back. Water will reclaim its space and that is why we have floods. Last year, we saw some buildings which had been constructed in a low-lying area, which should not have been approved for construction. Those houses were flooded, people lost their money, yet some had taken 30-year mortgages to buy those houses. They lost everything. Looking back, it is the environmental professionals who failed. That is why it is important to regulate environmental professionals so that they belong to a professional body, which can discipline them. They will also be de-registered should they approve a building, any form of construction, or give clearances for development that are wrong and dangerous to our environment. If they are registered under a professional body, they will be required to take professional indemnity insurance so that, in case they cause damage to clients on account of their professional opinion, those who have suffered on account of their clearances can be compensated.

A professional body is also important so that the more mistakes a professional makes, the higher the amount of insurance they have to pay, which will make it difficult for them to practise their profession. I know that some Members have raised the issue in this debate asking how it will be funded. It is simple. You pay annual fees and licence fees when you belong to a professional body. That money is what will run the professional body. No government money has to be put into it. It is the same for LSK and many other professions such as the Kenya Medical Practitioners and Dentists Council and so on. Therefore, this is a very timely and very urgent Bill. It is important that we begin to look at this sector. Part of the Bill can even task professionals. We should put in regulations requiring them to advise the government and county governments during development. They can even advise the Ministry of Roads and Transport when undertaking construction or infrastructure projects.

For example, we have the long-standing problem of markets being set up right at the roadside or buildings constructed directly along roads. If we look at organised countries, people exit main roads and there are designated areas for putting up shopping centres. It cannot be along the entire road because it poses danger to members of the public. Having bumps every short distances also negates the purpose of having a highway.

We want to make sure that all professionals involved in any form of development amend their laws. In environmental management, civil engineering and so on. I know that civil engineers, electrical engineers and other engineers have their professional bodies. We also need to make amendments to the laws governing professional bodies so that there are serious personal consequences for each professional giving poor professional advice.

With that, I would like to say that I support this Bill. It is timely.

The Temporary Speaker (Hon. (Dr) Rachael Nyamai): Thank you. Hon. Paul Mwirigi, Member for Igembe South.

Hon. John Paul Mwirigi (Igembe South, UDA): Thank you, Hon. Temporary Speaker. I also rise to support and thank my friend, Hon. Gachagua, for coming up with this good Bill.

It has taken this country many years to realise such an institution. Currently there is no institution that regulates matters environment. This proposed Bill will bring sanity to our environment. We have of late seen many things happening across the country. Because of a lack of professionalism, projects are undertaken but end up failing. The Bill will bring sanity to the environment sector by regulating professionalism and standards because qualified professionals will be licensed as required by law. There will be a body to follow up irregularities if there is any malpractice.

It will also boost investor confidence. Currently, investors are not aware of which body to rely on when they come to invest in this country. Whether in mining or construction. They do not know where to seek redress if something happens. Investors in the environment sector will be more confident after passing the Bill.

It will also help to protect the interests of the community. You may find some investors or Non-Governmental Organisations (NGOs) selling carbon credits without the awareness of the community. This institution will regulate who can do that work and how it should be done so that the community can benefit from the environment. Some crooks are taking advantage of trees planted by the community to sell carbon credits. It is because they know there is no body that regulates the sector. Establishing this institution will complement the existing National Environment Management Authority (NEMA). The two bodies will bring improvement to the environment of this republic if they collaborate and work together.

With those few remarks, I beg to support the Bill. I urge my colleagues to support it so that we bring sanity to the environment of the republic.

The Temporary Speaker (Hon. (Dr) Rachael Nyamai): Thank you.

Before you speak, Hon. Leo Wa Muthende, I take this opportunity to welcome our guests seated in the Public Gallery this morning. We have students from Mikuu Girls High School in Chuka/Igambang'ombe Constituency of Tharaka-Nithi County. You are welcome to the National Assembly to continue observing proceedings of the House.

(Applause)

Hon. Leo wa Muthende, take the opportunity to welcome students. I think that is also part of your region. Make sure that you bring your card tomorrow.

Hon. Leo Wa Muthende (Mbeere North, UDA): Thank you, Hon. Temporary Speaker. I will make sure I have my card tomorrow. I take this opportunity to welcome the students. As the leaders of today, we recognise your role as the leaders of tomorrow. By coming here to observe as we make important laws that will guide your future, you demonstrate readiness to be leaders. Not just of tomorrow but even today, in your school. Welcome, students.

Thank you again for this opportunity as I rise to support this very important Bill. I must thank my colleague, Hon. George, for introducing it. Environmental specialists or professionals play a key role in Kenya and globally. Especially at a time we face various environmental challenges including global warming, loss of species and a biodiversity decline. We need this institute to regulate professionals to ensure that any technical advice or assessments they give are not only accurate but also correct and accountable.

The Bill is long overdue and quite timely. I urge my colleagues to support it because environmental professionals play a key role especially being that they are an intersection of public safety and policy. When professionals are regulated by a body that requires continuous professional development as part of licensing, it ensures that they keep up with a changing

dynamic world where technologies, interventions and policies are constantly evolving. That will ensure we are protected as citizens.

We must also ensure that professionals are guided by a code of conduct in their work. They often face many conflicts of interest, for example, when preparing reports for clients where findings may promote harm to the public. We need to ensure that professionals are guided by a code of conduct so that any professional who signs a report that later leads to damage to the environment or hinders public safety is held to account. I also support this Bill because most professionals today, including medical doctors, engineers, lawyers and accountants, all have regulatory bodies. For environmental scientists and professionals, who play a key role in our country, to have no institute regulating their licensing is a significant gap. Therefore, I support this Bill and urge Members to support it to ensure that we protect the future of this nation.

As a Member from an area that has extensive sand harvesting, we need these professionals so that we know when to start and when to stop. Sand harvesting is an economic booster for our people, but it is also harming the environment, causing soil erosion and degradation of rivers. When these professionals advise at the local level, we will know when to stop and when to resume, and ensure that we protect the environment.

I support this Bill and urge Members to ensure it is passed so that we regulate professionals in this very important sector of our economy.

Thank you.

The Temporary Speaker (Hon. (Dr) Rachael Nyamai): Thank you very much, Wa Muthende, Wa Muthende, Wa Muthende.

(Laughter)

I do not see any further interest in this.

(Hon. Cynthia Muge spoke off the record)

Yes, Member for Nandi. I believe that will be the last contribution on this.

Hon. Cynthia Muge (Nandi County, UDA): Thank you, Hon. Temporary Speaker, for the opportunity to contribute to this Bill that has been brought to this House by Hon. George. We appreciate your pro-activeness in managing and properly regulating professionals. It would have been a great injustice, as a physical planner by profession, not to speak to this matter.

Matters of the environment are issues we live with every day. They affect us at every step. I was comparing environmental assessment and protection with physical planning, which is what happens whenever we address environmental matters. If you look at the two, physical planning is proactive, while environmental assessment and conservation are largely reactive actions. If we undertook physical planning properly, because it is proactive, we would protect the environment without going through many challenges. For the longest time, we have had issues regarding developments that we want undertaken in this country and across the world. At the centre of these developments is always the environmental aspect. This is a critical element of everything we do.

This Bill addresses many issues that have consistently been in conflict. However, I am concerned that if you look at what this Bill proposes and compare it with the provisions under the National Environment Management Authority (NEMA) and the regulations governing environmental matters in this country, there are notable similarities. I will be keen to participate in the Committee of the whole House as this Bill is considered. This is an opportunity for us as a country to get it right. For us to bell the cats in the name of professionals. As approvals are issued, whether by the county or the national government, noting that physical planning

functions are divided between the two levels of government, this Bill gives us a perfect opportunity to bell the cat. If a professional makes a mistake in matters that impact the environment, we should identify them and impose appropriate sanctions. As we develop our country infrastructurally and in every other aspect we desire, we must remain cognisant that the environment must be protected at every stage.

As a physical planner sitting in this House, I look forward to the Committee of the whole House so that we can enact a Bill that will endure beyond us, protect professional integrity and safeguard the environment even as we pursue national development.

I support this Bill and appreciate Hon. George for bringing it to the Floor of the House for debate.

The Temporary Speaker (Hon. (Dr) Rachael Nyamai): Thank you very much, Member for Nandi County. I do not see any further interest in this, so I now call upon the Mover to reply. Hon. Gachagua.

Hon. George Gachagua (Ndaragwa, UDA): Thank you, Hon. Temporary Speaker. From the outset, I appreciate and thank all Members who have supported this Bill. It is an important Bill, and I am impressed that Members are aware of what has been lacking in the environmental sector. I was pleased to note that most Members can see the gap that has existed in environmental matters. Even the Deputy Speaker recognised how zoning has not been properly observed in a city such as Nairobi. Boreholes are being sunk without observing the law, and buildings are being erected in areas such as Kilimani without regard for utilities or planned infrastructure.

During the Committee of the whole House, we should incorporate the suggestions made by Members, especially on deregistering professionals who give poor advice. Members have proposed that there should be consequences for those who submit reports that do not meet environmental standards.

We can also address the issue raised by Hon. Nyikal regarding the Institute drawing funds from the Government. This is not a Semi-Autonomous Government Agency (SAGA). It is a professional body, similar to the Law Society of Kenya. It will be self-regulating. This organisation has existed for the last 11 years. It has not been recognised by law.

Hon. Cynthia noted something very important. The Committee of the whole House will provide an opportunity to address environmental matters comprehensively and to enact a Bill for posterity, correcting long-standing shortcomings. Members have acknowledged that the matters were not right. Hon. Kangogo reiterated that this professional body will ensure competent individuals handle environmental matters. Reference was made to projects that have gone wrong, including the tragedy in Owino Uhuru Estate in Mombasa involving a company handling lead. Had qualified professionals properly conducted the environmental impact assessments, such occurrences might have been prevented.

It is high time we streamlined environmental professionals and avoid quacks. Environmental professionals' institutes exist in other countries like the United States of America (USA) and the United Kingdom (UK). We have the Society for the Environment in UK, the National Association of Environmental Professionals in USA and the Environmental Assessment Practitioners Association of South Africa in South Africa. There are also other institutes in Nigeria, Canada, Argentina, Singapore and in other countries. It is high time these professional bodies exchange ideas. There are some emerging issues like carbon credit that should be tackled by these environmentalists. Kenyans are not yet aware of what transpires in carbon credit management. We have loss and disruption of biodiversity, species and climate change. These issues will be well tackled if we have a professional body that is concerned with the environment.

This Bill has well indicated and pointed out who should be an environmentalist. People come up with reports and append their signatures to reports that do not measure up to the

standards. This body will ensure that whoever practises environmental studies and reports is a bona fide environmentalist.

I thank the Hon. Members who contributed to this Bill.

The Temporary Speaker (Hon. (Dr) Rachael Nyamai): What is out of order, Member for Malava, Hon. David Ndakwa? You have pressed the intervention button. What is out of order? You may stand.

Hon. David Ndakwa (Malava, UDA): Hon. Temporary Speaker, I was just trying to check on how this button functions.

The Temporary Speaker (Hon. (Dr) Rachael Nyamai): Being a new Member, that is allowed. When you press the intervention button, the Speaker assumes that something is out of order. As you learn, I think it is important to know that pressing it means you have an intervention. Thank you.

You may proceed, Hon. Gachagua.

Hon. George Gachagua (Ndaragwa, UDA): Thank you, Hon. Temporary Speaker. Once again, I thank the Hon. Members who contributed to this Bill. I beg to reply.

The Temporary Speaker (Hon. (Dr) Rachael Nyamai): Thank you.

(Question put and agreed to)

(The Bill was read a Second Time and committed to Committee of the whole House)

Next Order.

THE SEXUAL OFFENCES (AMENDMENT) BILL
(National Assembly Bill No. 78 of 2023)

The Temporary Speaker (Hon. (Dr) Rachael Nyamai): Hon. Dorice Donya.

Hon. Dorice Donya (Kisii County, WDM): Hon. Temporary Speaker, I beg to move that the Sexual Offences (Amendment) Bill (National Assembly Bill No. 78 of 2023) be now read a Second Time.

The principal objective of the Bill is to amend the Sexual Offences Act and urge the Cabinet Secretary responsible for legal affairs to promote public awareness on sexual offences through nationwide education and information campaigns. Section 2 of the Sexual Offences Act defines a sexual offence as an offence prescribed under the Act. These offences include rape, sexual assault, defilement, sexual harassment, among others.

The National Policy for Prevention and Response to Gender-Based Violence (GBV) defines GBV as acts of violence that result in physical, sexual or psychological harm or suffering. Therefore, sexual offences are considered to be acts of GBV which have serious, far-reaching negative effects, including psychological trauma, social stigmatisation, infections and unwanted pregnancies.

I brought this Bill on awareness and advocacy of sexual offences because if we do not teach the public about them, they will continue recurring. If they are educated on how they should carry themselves, we will have a safer society. If we conduct more campaigns on sexual offences, we will definitely teach on prevention. If the law is spelt out clearly, many people might abide by it, hence creating a safer society for our young girls and women. We also encourage the community to respond. When it is aware of these offences or hear of such acts, they will be first ones to report them. They can either report to the chiefs, police officers or any administrator.

*[The Temporary Speaker
(Hon. (Dr) Rachael Nyamai) left the Chair]*

*[The Deputy Speaker
(Hon. Gladys Boss) in the Chair]*

We have Community Health Promoters in our villages. If information on sexual offences reaches them, they will definitely spread it deeper in the villages. I am particularly interested in awareness because sometimes when girls are defiled, the first thing their parents tell them is to shower before seeing a doctor. The disadvantage of this is interference with the evidence. When you go to the hospital, you will be told that everything is okay. There is no case without evidence. If we sensitise our children and the community with this information, we will offer justice to the victims.

I am also advocating on awareness of sexual offences because of the bystanders' intervention. These are people who report that an offence happened in a village. If they are briefed on sexual offences, they will definitely report the matter or talk about it, and then a well-wisher can report it.

There is victim-blaming in our society. When a girl has been defiled, despite the victim's pain, the people around will ask her to explain to them what happened. For example, the victim will say, "I had gone to the supermarket to buy something when I was defiled." The community will harshly ask, 'What time was it?' The victim will say, "It was around 7.00 p.m. or 8.00 p.m." Instantly, the victim will be told she is the problem for being out late in the night. If it is not about time, the victim will be asked what she was wearing but before she explains, she will be asked whether she was wearing a short skirt, or tight dress. She will then be told she was defiled because she seduced the perpetrator or dressed provocatively. Such awareness has been provided for in this Bill. The victims must know their rights. There are those whose uncles or parents will say they are not supposed to report the defilement case. If they do, they will bring shame to themselves or the community. The main intent of this Bill is for the victims to be aware of their rights and be encouraged to always report such offences.

One of the challenges emerging from the implementation of GBV-related laws, including the Sexual Offences Act, is lack of advocacy and public awareness which has made me brave enough to say that we should now start with advocacy and awareness. Therefore, the Bill seeks to address this gap in law by mandating the responsible Cabinet Secretary to promote public awareness on sexual offences through nationwide education and information campaigns.

There are assemblies every Monday and Friday. During this time, learners can be taken through all these to make them aware of how to handle themselves. This will also help in curbing the ever-rising cases of sexual offences and address the menace of GBV. During Covid-19 era, people did not know how to carry out prevention measures, but when the Ministry of Health came out clearly and told people to wear masks, avoid congested places and placed a curfew at that time, slowly, the country adjusted to the measures taken to end Covid-19 infections. If such awareness and advocacy is carried out in schools, we will be dealing with sexual offences in the best possible way to curb more offences.

The Bill further mandates the Cabinet Secretary in consultation with the Cabinet Secretary responsible for education to establish programmes to safeguard, protect and promote the education of victims of sexual offences, including victims of teenage pregnancies. There are schools where teachers tell girls who were defiled or engaged in early sex and became pregnant that they are now mothers who should go home and take care of their children. However, in the current world, we have second chances for learners. If those girls are given hope that it is not their last chance and they can always pursue what they want to become in future with or without a child, it is neither a full stop nor a comma, it is just something that

happened. Girls can always be encouraged to go back to school. They should also know that it is not a criminal offence but rather, it is a mistake which can be corrected. This is not meant to encourage the girls to get pregnant because they will always have a second chance, but to shield the victims.

However, when it comes to victims of sexual violence, this right is often undermined by systemic issues such as stigma, fear of judgement and lack of support services. There are so many people who can bear witness that it was horrible when such a thing happened to them. That they did not have anyone by their side to tell them what to do. That nearest person told them that after being defiled and getting pregnant, the best thing is to get an abortion. Therefore, to address this issue and ensure continued access to education, the victims require specialist support in form of psychological counselling to help them cope with the trauma and make it easy to continue with their education. Therefore, through the requirement of establishing programmes by the Cabinet Secretary in the ministry responsible for education, the right to education of victims of sexual violence will be safeguarded.

Hon. Deputy Speaker, I beg to move and call upon Hon. Cynthia Muge to second the Bill.

Hon. Cynthia Muge (Nandi County, UDA): Thank you, Hon. Deputy Speaker. I rise to second this Bill by saying a few things. The Sexual Offences Act was passed by this House in 2006. Like I have said time and again, this country does not suffer from lack of well-articulated Acts of Parliament. If you look at the history and the issues relating to sexual offences, we even have the Protection Against Domestic Violence Act, 2015; the Prohibition of Female Genital Mutilation Act, 2011; the Children Act, 2002; and the Victim Protection Act, 2014. With all these Acts of Parliament that are supposed to be guiding on how to deal with the issues that are affecting the community at large, you wonder why we still have issues.

To pay attention to the proposed amendment to the Sexual Offences Act of 2006, Hon. Dorice Donya, Member for Kisii County, has concerns about the low reporting rates of the sexual offences. She has issues with poor enforcement of these laws and policies that have been put in place. She has a problem with victim-blaming. You therefore ask yourself: why do we still handle victim-blaming? That because you were raped and defiled, we find a reason to blame you for it. You wonder why we still do not have survivor-friendly centres in our counties, constituencies, wards, locations and villages. You also wonder why we have all these Acts of Parliament totalling to more than six that are speaking close to the same matter, but we still lack knowledge on the rights of each Kenyan, woman and man has. We also wonder why we still have pathetic coordination among police, healthcare facilities and the Judiciary. You wonder why.

The issue Hon. Dorice Donya is trying to address in this Bill is why we have very good Acts of Parliament and policies but we cannot see better results coming out from them. I support this. If we get advocacy and awareness on these items and people get to know their rights, we might sort out the issues. You will find a little girl aged 11 or 14 who has been defiled. And just as Hon. Donya has mentioned, the mother, father or guardian who is around there asks her to take a shower. And when they go to report to the police that they have been defiled or raped, the first thing they would be told is that a sample is needed from her. When they also proceed to the hospital, the first question would still be whether they have showered. And when they say they have, the case starts crumbling because they claim that they cannot get the evidence. The reason why the mothers, fathers and guardians ask these children to shower is because of victim-shaming and a lack of knowledge.

This particular Amendment Bill is going to give us a solution. Every person would know in case this happens to them; this is what is going to be their next course of action. One will get to know the do's and the don'ts if they find themselves in that situation. If we are able to get the Office of the Cabinet Secretary to diligently handle this particular matter, then our

community and society would be aware of the next course of action when they are faced with a certain situation. I support this so that we can finally have strengthened prosecution procedures. This way, we can meet every requirement, even for those who are still defiling young children. On the internet, there is this joke that every time one looks at young girls, they are reminded that they should not forget that they would serve 30 years in jail. That is the kind of awareness we need, so that before one actually makes a mistake and defiles or rape a girl, they must know what awaits them in the future.

I support this amendment. This way, all stakeholders with different responsibilities in different sectors know what is expected of them, and also, a victim is aware of what is expected of them. If we can do this, we will finally have a better way of implementing the very good acts of Parliament that we have in this country to protect our people, girls, boys, women and the men in this country.

With that, I beg to second.

(Question proposed)

Hon. Deputy Speaker: Member for Kitui South, Hon. Nyamai. Members who are interested in contributing to this debate, kindly press the Intervention Button.

Hon. (Dr) Rachael Nyamai (Kitui South, JP): Thank you very much, Hon. Deputy Speaker. Let me start by congratulating the Member for Kisii County for bringing this important amendment to the Sexual Offences Act (Cap. 63A) so that it can allow the Cabinet Secretary to ensure that Kenyans in all the 47 counties are aware that it is bad to rape, attack or force women, and more specifically young children, into sex. This is happening to children as young as seven years, and this shows that something is wrong in our country. In Ikutha Sub-County in my constituency, we have seen increased cases of GBV and children below the age of 17 being raped. The Member for Kisii is suggesting that the issue needs to be clearly put into law. This allows the House to appropriate money for it. When it is not suggested to be in every county in this country, funds will not be appropriated to it. I fully support this.

GBV and sexual assault not only happen to poor children, it also happens to the rich, educated, uneducated, young and the old. If one day we can say that anybody who has ever been sexually offended to make their way to the Office of the Deputy County Commissioner (DCC) and are told that it will be confidential, we would be surprised by the kind of people who will walk into that Office. The reason why they do not come out is because some are ashamed to say they have been assaulted or raped. However, if this is put into law and the Cabinet Secretary is given the power as the Member for Kisii County is proposing that it be implemented in all areas in this country and money be provided; this is because it cannot be done without money. However, I believe it can be done.

When you allowed me to go out to have tea, I sat with a Member whose name I will not mention. I asked him whether he is aware of the Epstein files, the matter that is being discussed all over the world. And he asked me what they are. We are not the only ones suffering GBV. Kenyans are not the only women who have been assaulted. Young women are being assaulted in the United Kingdom (UK) and the United States of America (USA), in the best places like New York, Palm Beach, Florida, Little St. James Island and Great St. James Island and all those beautiful places of this world.

As we speak about this locally, we need to know that we just lost a woman aged 41. She was assaulted, raped, and misused in the most prestigious and richest estate in the world but she was unable to speak for herself. She was traumatised and had no chance to speak until she committed suicide on the 25th of April, 2025, in Australia, having gone through sexual violence and rape when she was only 17 years old. Her name is Virginia. It is happening in New York, New Mexico and also, to the people I represent. It is time we talk about it, and also

give an opportunity to the Cabinet Secretary to talk. Whether the Cabinet Secretary will be male or female, when they are enabled by law, they will ensure that gender-based violence is never tolerated in this country ever.

Women should never be raped, sexually assaulted, defiled or forced to have sex. Worse still, it should not happen to our young children. My most recent experience was when I got an opportunity to go and distribute food to a school two weeks ago in my Constituency.

The chief of Kanziko informed me of a nine-year-old-girl whom he said I had to give priority to her so that she could return home. He informed me that she had been raped. If you had seen the way the girl was walking, you would have wept. I contacted the County Commander for Kitui, who is a woman, and informed her that the perpetrator should be arrested by the end of the following day. I wish to thank her for her efforts, as that individual was indeed apprehended. I hope that that little girl will receive justice. What I wonder, is how this girl will grow up, knowing that her first sex experience was forced upon her by a heavy-handed adult man. This is a tragedy, and it needs to be addressed in law. This House must allocate funds to ensure that this matter is taken seriously.

I encourage men in Kenya, Africa and all over the world to engage women. Talk to women. Do what is necessary. Do not turn to young children who lack a voice – children aged eight, nine, 10 or 11. Take responsibility and, please, put an end to gender-based violence in this country.

Thank you very much for giving me a chance to add my voice to this important matter raised by the Member for Kisii.

Hon. Deputy Speaker: Let us have the Member for Trans Nzoia County, Hon. Siyoi, followed by Hon. Jerusha and Hon. Wamuratha in that order.

Hon. Lillian Siyoi (Trans Nzoia County, UDA): Thank you, Hon. Deputy Speaker for giving me this chance to contribute. I also stand to support the Member for Kisii for introducing this amendment. There are many gaps when it comes to sexual offences. Just as my colleague has mentioned, often when a victim approaches a police station having changed their clothing, perhaps they did so because their previous clothes were torn, they are told they should have come as they were. That is embarrassing. There is no way one can visit the police station in tattered clothing just because you want to prove a point.

*[The Deputy Speaker
(Hon. Gladys Boss) left the Chair]*

*[The Temporary Speaker
(Hon. (Dr) Rachael Nyamai) in the Chair]*

I, therefore, support this amendment proposed by Hon. Donya. A few years ago, a video surfaced from Bomet showing a girl being raped by seven boys. That case ultimately went nowhere. I learned during my follow-up that the lady did not formally complain. However, the incident went viral, and I believe it was important to act against those involved. Unfortunately, the matter stopped there, as no one pursued the case.

I understand that in murder cases, it is typically the State against the murderer, but in the case of rape, the onus is on the victim to report and decide whether to continue with the case or drop it. I wish we could amend the law to place this responsibility on the government so that when someone is raped, assaulted, or defiled, the case is pursued by the State. This would relieve the victim from the burden of follow-up, allowing us to ensure that perpetrators are taken to court and be held accountable for their actions.

It is unfortunate that when someone is arrested for defilement or rape, it is a bailable offence. Perpetrators are brought to court, remain there for a few days, and are then released,

only to re-offend, causing further harm. We must establish laws that keep these individuals incarcerated, as they pose a significant danger to the community. Frequently, when released, they interfere with evidence or communicate with the victims, reaching agreements to end the case. We need to adopt a firmer stance on this issue and raise awareness so that victims do not feel vilified or stigmatised for what has happened to them. Many individuals hesitate to pursue such cases, feeling that they will be stigmatised as a family. We need to educate the public that being a victim of rape is not their fault, but rather a grave injustice that must be addressed in court. The identity of the perpetrators should be made known, and they ought to face consequences for their crimes.

I fully support this amendment put forth by Hon. Donya, and I thank you for granting me this opportunity to speak.

The Temporary Speaker (Hon. (Dr) Rachael Nyamai): Hon. Members, before we proceed to the next debater, I would like to take this opportunity to welcome our guests seated in the Public Gallery this morning, students from St. Clare Girls Secondary School from Molo Constituency, Nakuru County. You are all welcome to the House to continue observing its Proceedings.

Hon. Members, I will strictly follow the list provided by the Deputy Speaker. Let us now hear from Hon. Jerusha Momanyi, the Member for Nyamira. You may also take this chance to welcome our students from St. Clare Girls Secondary School.

Hon. Jerusha Momanyi (Nyamira County, JP): Thank you for granting me this opportunity to address the amendment to the Sexual Offences Act, which has been introduced by Hon. Donya Dorice. Before I delve into that, I take this opportunity to welcome the students from St. Clare Girls Secondary School who are visiting Parliament today. We are pleased to have you in this prestigious House. As you sit here today, we hope that in future, some of you will consider becoming Members of Parliament. I know the teachers who have brought you here have educated you about what transpires in this Chamber. Rest assured that we will always look out for you.

Today, we are discussing the amendment to the Sexual Offences Act, which significantly impacts students. Young girls in schools are particularly affected by rape. Many victims fear reporting these incidents, or they may not know where to report them to. Therefore, as we consider this amendment, we must ensure that advocacy campaign reach everyone, especially schools. It is essential that during school assemblies or lessons, teachers only take two minutes to discuss topics like rape and defilement occurring in Kenya. They need and to inform students where those who have been affected can seek assistance from and how to report such cases.

We know that many of the girls who suffer assaults and rapes face teen pregnancies, and in some tragic cases, they give birth at a very young age. Sometimes you find a girl as young as 11 years giving birth to another child. A girl of that age may not even know how to handle another child. This means that children who get children are traumatised and victimised within their communities because people make them a laughing stock, saying that they were able to get a child when they were only 11 years old yet it was not their choice. We want to amend this Act so that advocacy and campaigns reach everybody. Even rapists should know the jail term so that they fear or not contemplate to do this to our young children.

As women, we have gone out and tried to speak about gender-based violence. However, if you listen to what is happening in our communities, the rise in gender-based violence is very high. This is because, there are people within our communities who do not understand the effects of rape and gender-based violence, especially on young girls. It has even extended to young boys, who are also being assaulted. I support this Bill so that the existing gaps are addressed and victims know where to report or how to escape before they are reached by these rapists.

I also want to speak to all men in the world. Women are there for you. Your role is to talk to them and not children who do not have voices. Talk to women, there are more than men. Why go to young girls and children and leave women who can speak, defend themselves and satisfy you?

As a mother, I support the Bill. I also thank Hon. Dorice for bringing it forward. I urge this House to appropriate finances for campaigns so that our people are enlightened. By doing so, we can slow down what we are seeing in our communities, our country and across the world.

I beg to support. Thank you.

The Temporary Speaker (Hon. (Dr) Rachael Nyamai): Thank you. Hon. Wamuratha, Member for Kiambu.

Hon. Ann Wamuratha (Kiambu County, UDA): Thank you, Hon. Temporary Speaker. I also rise to support the amendment to the Sexual Offences Act brought by the Member for Kisii County.

I wish to address this matter broadly. While we talk about sexual offences and what is happening in our country today, let us not forget that young boys are also being raped and sodomised. They too deserve protection by this House. On the issues before us today concerning the Sexual Offences Act, I support it with passion considering what we have been hearing in this country. Yesterday, a young girl was reported to have been raped and thrown into a pit latrine in Nyeri. In the communities we live in, the person who rapes such a child is often someone known to that child. Possibly, after assaulting them, they also kill them to hide evidence.

These things also happen within families. There is a lot of rape within families but people try to protect and hide such crimes. I request that as we speak about sensitisation and education, issues of rape should not be solved within families. Everybody must be taken before a court of law. Through this House, we must come up with laws and sensitisation that ensure sexual offenders are treated like other serious criminals, such as those who commit robbery with violence. They are worse than robbers because they rob the future of a child, the future of a woman and the future of someone who had a dream for the future but have been cut short by someone interfering with their lives.

I strongly condemn families, communities and society at large for taking this issue lightly. That is why many people do not report to the police because when they do, they are not taken seriously. They are told to go to hospital first yet many victims are helpless and vulnerable.

What we need as a House are strong laws that defend such people. Sometimes, victims do not even know whom to talk to because society has gone silent. We must bring everybody on board, including churches where many of us go to every Sunday and build this sensitisation. Officers from the Office of the Cabinet Secretary should go to churches and schools doing awareness on such issues. They should aware them that it does not matter who the perpetrator is, they must face the full force of the law.

I also request that there be designated places in police stations where people can report these cases. The trauma associated with rape is something many survivors do not want to speak about. But when they know there is a special unit, it will become easier for them to disclose. Openly going to a police station does not always serve them well.

In conclusion, I request that the office of the Cabinet Secretary take this issue seriously than it is doing now, sensitise communities, bring everyone on board and bring challenges to Parliament so that we can address them. Communities are experiencing cases where fathers rape their daughters and victims are threatened into silence because it is said to be a family issue. Even such fathers must be flagged from their homes so that children can enjoy their

rights. This issue is not only about children, but also about women who have not given consent. They should have a way to express themselves and receive justice.

Above all, let us not forget the boy child, who has also become a victim. Men and boys are being sodomised and men are making fellow men their wives. Society does not take their suffering seriously because men are not expected to cry. I thank the Member for Kisii County for bringing this issue forward. The law must be amended; not only on this matter, but on many others so that whatever is hindering the Cabinet Secretary's Office from facing these crimes head on, can be addressed by this House. We are willing to support. This issue has become a thorn in the flesh of this country. I support the amendment. Thank you.

The Temporary Speaker (Hon. (Dr) Rachael Nyamai): Thank you. Hon. Fatuma Mohammed.

Hon. Fatuma Mohammed (Migori, Independent): Thank you, Hon. Temporary Speaker, for this opportunity. I wish all Members a Happy New Year as we have not met since the year started. We thank Allah for giving us this opportunity to serve our country for another year. I congratulate my sister, Hon. Dorice Donya, for bringing forward this amendment.

Hon. Temporary Speaker, much is happening in our society. Many people believe that rape only affects girls under 18. Rape also happens to boys and older men. Rape happens in marriage. Either gender can rape the other. Sex without the other person's consent is rape. So even if you are married, your husband or wife can rape you. Your friend can also rape you. It is not only about being a minor. These days, it is common amongst boys in Africa. When it happens to a boy, they say for it to have happened, probably, they must have been playing and that it is not true. People do not want to accept the reality.

In communities in North Eastern, there is a lot of negotiation when rape happens. To hide the shame from the family, the girl is forced to marry the person that raped her so that the case can be settled. As my sister, Hon. Lillian, said, the government should take rape cases seriously as they take murder cases. When a person is killed, the case is between the State and the murderer. When someone is raped, the case should be between the State and the rapist so that outside-court settlements are not encouraged. In most cases, rape that happens within the family is hidden and the family settles the case outside court because the perpetrator is a cousin, uncle or stepfather hence nothing can be done since it is a family member and they do not want to lose the family. However, if that case was between the State and the supposed victim, there would be no such settlements. So, I encourage our government to educate our people about rape. Rape is a very painful thing. In fact, it is a slow death that is put into the person that is raped because it is a scar that you live with for the rest of your life and nothing can erase it.

Rape happens in churches and mosques. Though it is very rare in mosques, it openly happens in churches and other worship places. Nonetheless, even when you pray to God to forgive a rapist, what do you think God thinks of them? In essence, it is like you have killed that person. There are instances where the person is raped, there is no pregnancy but the person ends up getting a sexual transmitted disease. In such a case, the court should not only deal with rape. They should be charged with rape, charged for the disease and the emotional torture. A rapist should have more than 100 charges put on him or her.

I tell the government to make this a topic in our schools. Let us be open about it. Let us discuss it in churches. Let us inform our chiefs to educate wananchi through barazas that rape is a serious offence that is not forgivable though the courts grant bonds. Though I am not a lawyer, I know there is a section in law that says that if a rapist to a minor is jailed and tries to get their case reviewed, in most cases the judge would double the sentence. The attempt to ask for your case to be reviewed earns you extra years. That is the kind of judgement we want to have.

As we talk about minors, there are so many elderly people who are also being tortured and raped, and the government cannot assist. Let us therefore, make it normal to discuss sex

issues in school. Let our children, mothers and the elderly who never went to school, know that rape is an offense regardless of whether you are a man or woman. Let them know it is not stigma but an offense like any other, for example, being beaten up. It is not normal to be raped, but it is normal to talk about it and take the case forward. I encourage all those women who have gone through this that it is not the end of life. There is hope to continue living.

I encourage parents whose children have gone through this that as you hide and accommodate the rapist, it will happen again. More importantly, if your son or daughter is a rapist and you hide it because you come from a well-off family and pay off the other family or intimidate the court, victim or the witnesses, God in heaven is watching and you will not buy God on judgement day. You might think that the family will leave you and continue living with the scar, but the scar might follow you in other ways other than rape. You will live a miserable life for torturing another person's life.

Kenyans, let us be very open about rape or attempted rape. People believe that it is rape when sex happens. There is also attempted rape. Maybe you are stronger and overpowered the rapist because the person was probably drunk. He or she tried to get to the act but you managed to escape it. That is attempted rape and even that, should not go unpunished.

I congratulate Hon. Donya and request all our Members to support this Amendment. In our campaigns, let us freely talk about rape. May God bless Kenya and all our leaders.

The Temporary Speaker (Hon. (Dr) Rachael Nyamai): Thank you. Having exhausted that list, let us have Hon. Julius Ole Sunkuli, Member for Kilgoris.

Hon. Julius Sunkuli (Kilgoris, KANU): Hon. Temporary Speaker, I join the Mover of this Bill and the many good comments that have been made by our honourable ladies. Hon. Cynthia Muge said that the problem we are trying to solve is not short of legislation. There are quite a number of laws including the Sexual Offences Act, 2006, that addresses this issue.

Allow me to wear the glasses of a lawyer because after all the sentiments we have stated about the ills of sexual offences, we must go back to the amendment that Hon. Donya has brought to see whether this is a cure to the problems that have been stated in this House.

In the amendment Hon. Donya has proposed to Section 2, the definition of a Cabinet Secretary is being amended. The definition of Cabinet Secretary in the current Act says that it is the Minister responsible for matters relating to legal affairs and public prosecutions. However, in the proposed amendment by Hon. Donya, for some reason the full stop ends at, 'matters with legal affairs' and the words 'public prosecutions' have been deleted. Hon. Donya has not explained why the Cabinet Secretary is no longer in charge of public prosecutions. I would have loved to see Hon. Donya defining the Cabinet Secretary in a better way because even the current definition is not good enough.

Who is the Cabinet Secretary responsible for legal affairs? Is the Attorney-General under the laws of Kenya a Cabinet Secretary? There are three categories of people who sit in the Cabinet under Article 152 of the Constitution, one is the President and is not a Cabinet Secretary; the second one is the Deputy President who is not a Cabinet Secretary; the third one is the Attorney-General while the fourth category is not more than 22 Cabinet Secretaries. Therefore, in our laws, we leave a responsibility to a Cabinet Secretary while at the back of our minds, we mean that is the Attorney-General? Hon. Donya should have left it the way it was because when you add the words, 'and public prosecutions' at least, that points to the direction of the Attorney-General. If you leave it at legal matters, you do not know who is responsible or who is not in terms of legal matters. That particular amendment on the definition of Cabinet Secretary, therefore, does not succeed.

Hon. Temporary Speaker, I do not know whether the honourable Members have tried to internalise the meaning of this amendment. The first thing is to create a situation for sex education. If you say that the Cabinet Secretary should do it, it would be very good in itself.

But when you say that the Cabinet Secretary shall consult the Cabinet Secretary for Education, you are bringing these matters to schools. And when such matters are brought to school without public participation, it brings about a very dangerous situation because we know that these are hotly debated matters.

The Hon. Member who moved and the seconder might belong to the Seventh-Day Adventist church, a church of very high conscience. I do not believe it was consulted. There are many people who still object to the introduction of sex education in schools. If it should be left to a Cabinet Secretary, let it not involve the Cabinet Secretary in charge of Education. He should be left out of it because we have not yet resolved whether sex education should be part of our curriculum or not.

When the Member for Kiambu Constituency says that this matter should be mentioned at the Assembly every morning, that is dangerous. Matters of sex education should begin with parents, the church and other people with a conscience. We should not try to bring matters Sexual Offences Act into schools and call it sexual education. Let us delete the part that says that in consultation with the Cabinet Secretary for Education. If you insist it must remain with the Cabinet Secretary, let it remain outside the school. Let people be educated in barazas, on television and everywhere else but not in schools.

Hon. Temporary Speaker, there is a terminology....

The Temporary Speaker (Hon. (Dr) Rachael Nyamai): Member for Kilgoris Constituency, you are a very good debater. You have a lot of experience because you have been in this house for long. I would like to encourage you to raise all the objections in your debate, but avoid criticising what other Members have said because they also have a right to debate. Do not hit them too hard.

Hon. Julius Sunkuli (Kilgoris, KANU): I am sure that I will also be answered, because I am not the last speaker. We still have two and a half hours. I am sure somebody will have something against what I have said.

Hon. Temporary Speaker, new Clause 46(A) introduces another terminology called teenage pregnancy. Teenage pregnancy is not defined in the law as it is today. It is not defined in the Sexual Offences Act. So, what is teenage pregnancy? Teen in itself talks about 13, 14, 15, 16, 17, 18 and 19 years. The law draws a line at 18. Ages 18 and 19 have nothing to do with the law. So, what is teenage pregnancy? Let us not try and introduce another terminology that does not exist. I am looking at this from the lenses of a lawyer and not philosophically. When this law is handed to lawyers, how will they interpret it? It is not going to be interpretable in any way.

Lastly, there is a principle of law that says that the law cannot act in vain. So today, if we say that we are going to promote public awareness and sexual offences through nationwide education, how is this law going to be implemented? We should say to specifically legislate on what should be done so that we know exactly how this law is going to be implemented.

Hon. Temporary Speaker, in your debate, you personally said that we must put money to this Bill and that money is going to be required. The Mover of the Bill stated that it does not require any money and that it is not a Money Bill. Do you not think, Hon. Temporary Speaker, that the Bill does not require money? We need to be honest because we require to change something so that we can accommodate it financially.

Hon. Temporary Speaker, with a heavy heart, I do not agree.

The Temporary Speaker (Hon. (Dr) Rachael Nyamai): Thank you Member for Kilgoris Constituency. Hon. Caroli Omondi, Member for Suba South Constituency.

Hon. Caroli Omondi (Suba South, ODM): Thank you very much, Hon. Temporary Speaker. I actually rise to support, but I believe there is a bit of work to be done on this particular Bill. A country that does not support or protect its women has no future. If we clearly understand the various definitions of sexual offences, we would understand that this particular

problem affects both boys and girls. There is a lot of sexual violence against boys which is not talked about and which is not made public simply because there is greater stigma about that than sexual violence against girls.

I also agree that there is need for increased promotion of public awareness about sexual offences. I would like to suggest to the proposer of the Bill that we focus on mainstreaming sexual education or discussion about sexual violence against persons, whether boys or girls. The way this is done in many jurisdictions is that in places of employment, there is a requirement that employees are taken through some education process of what sexual offences are. That also applies to institutions of learning and places of work. It should be a matter of mainstreaming even in all activities, even within government structures. Newly recruited staff or regular ones should be taken through some form of education about promotion of sexual awareness about sexual offences.

Sexual offences in the Act include rape, attempted rape, gang rape, indecent act, which many people do not understand what that is. Sometimes it can be standing closely to the person of the opposite gender, extending your hand to places that you should not, rubbing yourself against them. Some things that people take to be normal socialisation processes, but which actually, under the Act, are criminal activities. Sexual assault does not necessarily include violence. It could just include the soft touching of a female body without her consent in a lift, which a lot of our people do not understand.

Child pornography is very clear and issues of sexual communication with young children. But there is even a bigger problem here when it comes to sexually transmitted diseases. It is a sexual offence when you deliberately infect somebody with sexually transmitted infections (STIs) or HIV and AIDS, whether in marriage, out of marriage or in a relationship, even when there is consent to the sexual act, but not to the infection itself. We need to try and understand and go further. I encourage Hon. Donya to expand some of the remits of the Bill so that we include awareness and counselling in churches to those who are getting married that you can actually commit a sexual offence in a marriage.

For me, it is one of those things that I have proposed under the Education Laws (Amendment) Bill, which was published and will be introduced in the House soon under Nationhood Science so that it is mainstreamed as part of our education system curriculum that people are taken through this. That is what happens in other jurisdictions where children are taught how to relate with each other and how not to commit sexual offences against each other.

As the Chairman of the Constitutional Implementation Oversight Committee, I visited several men and women prisons in Kilifi County. What surprised us was the high number of young boys accused of defilement. There is a terminology used when one is accused of committing certain sexual offences, namely, ‘penetration’, but there are instances where penetration is not an element of the crime such as where you have touched somebody or sexually assaulted them. Majority of the offenders in prisons in Kilifi are young men under 18 years of age who had sexual intercourse with girls who are under 18 years old. We need to address that problem. What happens when sexually active teenagers who have not reached the age of majority engage in consensual sex? It is the boy who pays the price. I saw many of them. They made up the majority of inmates in remand and jail, but when you look at their files and talk to the prisoners and court assistants, they engaged in consensual sexual acts with their contemporaries and age mates. We need to look into that.

Hon. Donya, we also need to look into expanding the remit of this Bill. Sexual harassment and exploitation occur when those in authority use their positions and power to extort sex from those who report to them. It is mostly common in employment institutions or in cases where a politician intimidates or extorts sex from his or her constituents. It is not just males who are guilty of such, even females use their positions of authority to force those who work for them into sexual relationships. Some have become very notorious in this country.

There is a new element of ‘sextortion,’ where the person coercing the other into a sexual relationship is in a position of power and he or she deliberately distorts your image online, creating images of you engaged in sexual activity, or claiming that you are in a relationship with them. They edit the pictures to remove your clothes and expose your nudity. There are also circumstances where they blackmail you by digitally manipulating pictures to depict you holding hands with somebody and then extort money from you. We also need to include such offences in the Sexual Offences Act. ‘Sextortion’ is another element of this crime where one does not need to be in a position of authority to be guilty. Anybody can do it.

Another common offence occurs amongst those of the Muslim faith where girls are abused, sexually assaulted, harassed or raped, and then the matter is resolved without a court process. In some instances, the girls are forced to marry their rapists. That is the most grievous assault. We should have express exclusions. When it comes to sexual offences, the matter must proceed naturally to a court of law for adjudication.

Hon. Omar Mwinyi (Changamwe, ODM): On a point of order, Hon. Temporary Speaker.

The Temporary Speaker (Hon. (Dr) Rachael Nyamai): Order, Hon. Caroli. There is a point of order by the Member for Changamwe. What is out of order, Mheshimiwa?

Hon. Omar Mwinyi (Changamwe, ODM): Hon. Temporary Speaker, Hon. Caroli has insinuated that Muslims engage in such arrangements where they force assaulted girls to marry their rapists. I want to inform him that we do not allow such things in our faith. If it happens, it is not because they are Muslims, but because they are just human beings. He should withdraw the insinuation that it only happens within the Muslim faith. The same happens amongst non-Muslims. They also have such arrangements. He should not insinuate that that only happens amongst Muslims.

Thank you, Hon. Temporary Speaker.

The Temporary Speaker (Hon (Dr) Rachael Nyamai): What is out of order? Is it that the Member is not truthful?

Hon. Omar Mwinyi (Changamwe, ODM): Yes.

The Temporary Speaker (Hon (Dr) Rachael Nyamai): Okay. *Wakili.*

(Hon. Omar Mwinyi spoke off the record)

No, I want to give him a chance to respond. He was on the Floor debating, so if he wants to, he can comment on it.

Hon. Caroli Omondi (Suba South, ODM): What my dear friend should have asked me to do is to include Christians as well because the matter happens amongst Muslims and Christians. He should not ask me to exclude Muslims. There was a recent documentary on NTV about a girl in Wajir who clearly said that she had been raped. The family told her not to file a complaint in court and there was even a suggestion that dowry be paid and she gets married to her rapist. So, let me say that Muslims and Christians who practise that arrangement should stop. We cannot close our eyes to it. It is happening in all faiths and communities.

If someone commits rape or any other sexual offence, the matter should be addressed in court. There should be no pathway to settlement out of court for such crimes. There should be no limitation in law. A limitation in law is the timeframe within which certain things must be done. It is good that there are no limitations in law for criminal activities. Therefore, even if you committed a violent sexual act against a woman 20 years ago, you can still be prosecuted if there are witnesses.

With those remarks, I support the Bill. I urge the sponsor of the Bill to allow certain amendments to be introduced to strengthen her Bill.

The Temporary Speaker (Hon (Dr) Rachael Nyamai): Hon. Liza Chelule. Hon. Members, since I see a lot of interest in this Bill, you may choose to speak for five minutes instead of 10 minutes, so that all of you can have an opportunity to speak. You may proceed bearing in mind that we have not set limits for how long you can speak. You can speak for up to 10 minutes, but for the sake of other Members, you may choose to summarise your contribution, so that more of you can contribute.

Hon. Liza Chelule (Nakuru County, UDA): Ahsante, Spika Wa Muda. Ningependa kuchangia kuhusu Mswada huu wa jinsia na mambo ya kimaisha. Kabla sijachangia, ningependa kumpongeza Mheshimiwa Donya kutoka Kaunti ya Kisii ambaye ameleta marekebisho ya sheria iliyoko. Mswada huu ni muhimu sana kwa sababu unawafunza na kuwaelimisha wananchi, watu wazima na wanafunzi shuleni.

Siwezi kumuunga mkono Mheshimiwa Sunkuli aliyesema kuwa mambo ya unajisi yasizungumziwe shuleni. Ninapendekeza masomo hayo yafunzwe shuleni. Nimemsikia Mheshimiwa Caroli akisema kuwa watoto wachanga wanajisiana au kufanya ngono. Mambo hayo yanafanyika shuleni na hata nyumbani. Kuna haja sana ya kuwepo kwa elimu ya kutosha.

Ningependa pia kuwaelimisha wazazi. Mheshimiwa wa Kaunti ya Nandi alisema kuwa kuna wazazi wanaofanya makosa wakati watoto wao ama wao wenyewe wamenajisiwa. Wanaoga ama kuosha nguo zao za ndani. Jambo hilo linapaswa liangaliwe kwa umakini sana. Waelimishwe kwamba hawapaswi kuoga au kuosha nguo zao kabla hawajarioti visa hivyo katika vituo vya polisi kwa sababu hiyo ndio *evidence* ambayo itapelekwa kortini.

Mswada huu ni wa maana sana na nawapongeza Wajumbe ambao wameuchangia. Hatupaswi kukaa chini na kuchukulia mambo hayo kama yako sawa. Unajisi ni jambo baya sana ambalo hatungetaka liendele. Hakuna yeote ambaye angefurahia ikiwa mtoto wake angenajisiwa ama kulawitiwa. Hakuna mtu anayefurahishwa na mambo hayo. Mambo hayo yanafanyika kwa hivyo, ijapokuwa kuna sheria za kutosha, wakati umefika kwetu sisi kuboresha sheria zilizoko. Mheshimiwa Caroli amemuelimisha Mheshimiwa Donya kuhusu Mswada huu na kusema kuwa unapaswa uboreshwe zaidi. Inafaa tuketi pamoja na Mhe. Donya kuijadili kabla ya Kusomwa kwa Mara ya Tatu.

The Temporary Speaker (Hon. (Dr) Rachael Nyamai): Member for Nakuru County, are you trying to call Hon. Caroli Omondi, Caroline?

Hon. Liza Chelule (Nakuru County, UDA): No! *Nimesema* Caroli. *Sikusema* Omondi but I know his name is Caroli Omondi *sikusema* Caroline. I do not know if Caroli is the opposite of Caroline. He is Caroli and I mentioned *Mhe.* Caroli.

Mimi kama Mjumbe kutoka Nakuru, huongea na wazazi na *relatives* wa wale watoto ambao hunajisiwa. Mimi huwaeleza kuwa si vizuri kuketi kijijini na polisi na kuongea kuhusu kuhonga wazazi kwa niaba ya watoto wadogo ambao hawaelewi kinacho endelea katika maisha yao. Itakuwa vizuri kuondoa katika sheria nafasi ya watu kuongea kwa mfano, waseme tuwapatie waathiriwa ng'ombe au pesa, au aliyetekeleza tendo la unajisi amuoء msichana aliyenajisiwa kwa sababu si suluhisho. Ni lazima kila mtu ajue kwamba unajisi ni makosa na sheria ipo ambayo itamfunga mhusika kwa miaka minge.

Ningependa kuchukua nafasi hii kumwambia Mhe. Donya tuketi na tuangalie mambo ambayo tunaweza kutaja kabla ya kipitisha sheria hii. *Otherwise*, nasema ahsante kwa Wajumbe ambao wameongea *positively*. Kitu ambacho nitasema ni, Wizara husika ihakikishe ya kwamba elimu au *sensitisation* kuhusu ubakaji inaendelezwa. Kuwe na *programme*, hata kama itawekwa kwa *vernacular stations*, ya Wajumbe walio hapa kuongea na kuelilmisha watu walio manyumbani. Elimu hii iwekwe kwa *curriculum* ya masomo yetu hapa nchini kuhakikisha kuwa kila mtu anajua unajisi ni nini na ni *steps* gani zitafuatwa wakati unajisi unatendeka. Naunga mkono.

Ahsante.

The Temporary Speaker (Hon. (Dr) Rachael Nyamai): Asante. Mhe. Erick Wamumbi, Mbunge wa Mathira.

Hon. Eric Wamumbi (Mathira, UDA): Thank you, Hon. Temporary Speaker. I rise to support the Second Reading of the Sexual Offences (Amendment) Bill (National Assembly Bill No. 78 of 2023). Sexual offences have become too much in this country. It is high time as a country we have a serious conversation about this matter. In Mathira Constituency, we had a very sad case that happened yesterday of a nine-year-old girl, Shantel Waruguru from Kianjogu Village who was raped, killed and thrown into a pit latrine. It is alleged that that was done by her uncle. I strongly condemn that incident and I will be joining the peaceful people of Mathira who will be walking on Saturday from 9.00 a.m. to condemn that act.

I want to agree with my colleagues who have said that a rape case should be between the State and the rapist. We have seen many rape cases being settled out of court. A rapist, just like a murderer, should be denied bond. I must thank the Member for Kisii County for coming up with this amendment Bill so that we have this conversation as a country. I agree that we have to do sensitisation. When we talk about tree planting and lifestyle diseases, we do a lot of sensitisations on them. We have enough structures. We have National Government Administration Officers, Universal Health Promoters and many other structures that we can use to sensitise our people on this matter.

The next public holiday should be themed on this matter so that as a country we can have a conversation on this matter and find a solution. We should sensitise our people on the consequences of this offence. I join my colleagues who said that we need to elaborate and widen this discussion. Because the Member for Kisii has brought it up, we need to ignite and broaden its conversation so that everyone is sensitised through churches, the National Government Administration Officers and all other existing structures that we have. I support.

Thank you.

The Temporary Speaker (Hon. (Dr) Rachael Nyamai): Thank you very much. Hon. David Ndakwa, Member for Malava.

Hon. David Ndakwa (Malava, UDA): Thank you, Hon. Temporary Speaker. I would like to congratulate Hon. Dorice Donya for coming up with the Sexual Offences (Amendment) Bill (National Assembly Bill No. 78 of 2023). Looking at the Bill, there is a section that states that the Cabinet Secretary should establish a programme to safeguard, protect and promote the right to education of victims of sexual offences. It is good that we have that in the Bill because it aligns with the Constitution and the society will be a safe place to live.

Providing public awareness on sexual offences will build a safe society and give a good face to a responsible society. The society will be informed. When you educate people on sexual offences, it helps them to know what is right for them after understanding the sexual offences boundaries. The public will know what the law states. That will reduce the sexual abuse cases significantly.

The vulnerable groups of children, persons with disabilities and marginalised groups are the most affected because they have no voice. If we have public education, it will empower these vulnerable groups and it will give the guardians of these groups knowledge on how to identify, prevent and report the sexual offences cases. Sexual offences cases go unreported due to fear, stigma and ignorance because most societies have no awareness means. If programmes are put in place to help victims to understand their rights and avail them support systems like the police, hospitals and counselling services, there will be reduced sexual offences and we will have a society that has a good face.

When we have informed communities, they become aware and safeguard themselves. Hon. Sunkuli said they need to go to schools. At an early age is when one needs to understand well what it means to have a dignified life. That can be extended to churches, schools and even

working places where you may assume there are responsible people until there is an issue then you realise that there is moral decay in working places.

We need to raise awareness in society and public places so that we live a dignified life.

I am happy to support this amendment because cultural taboos often prevent these issues from being discussed. With increased public awareness, we can address sexual offences constructively by creating safe spaces for survivors to share their experiences. We will then transform personal narratives into powerful learning tools. This fosters an open society where dialogue is encouraged and no one has to suffer in silence.

As I conclude, educating citizens on sexual offence laws helps them to understand the consequences of the crimes and the seriousness it deserves. They might reduce the crime because of the penalties involved. Therefore, I commend Hon. Dorice Donya for her wisdom in proposing this essential amendment for our society.

The Temporary Speaker (Hon. (Dr) Rachael Nyamai): Thank you very much. Hon. Elizabeth Kailemia, Member of Meru County.

Hon. Elizabeth Kailemia (Meru County, UDA): Thank you very much for giving me this opportunity. I thank Hon. Dorice Donya for bringing this for Second Reading. I really do not know what to say because this thing is so rampant. In my opinion, we need to emphasise awareness and advocacy. I mean anything we can do to make the public aware that they have rights. Particularly those who have been defiled. A girl in my area was raped while several others clapped. It was so sad that fine morning I learned of that episode. The girl hid herself because, obviously, the family did not want to be embarrassed. The girl had to hide. She also did not want to be known. It has taken such a long time to catch the culprits. I think they are still at large even today. They have not been taken to the police because, in the first place, the girl was not cooperating.

That is why I really want to emphasise that we should create awareness in our people. Particularly the parents who want to hide this sin knowing very well their girl was defiled by her uncle, brother or father. Still, they want to hide this offence. I really support a Member who proposed adding more money for awareness in the budget. Thank you, Hon. Dorice Donya. I do not know what has happened lately in my place. Boys were being defiled on the other hand while we are thinking about girls. It is not for girls only. Even boys are being defiled by fellow men.

We talk of sex education. I could see *Mhe. Sunkuli* did not want to talk much about it. It is about time. It had been raised many times in Parliament even before I became a Member. Do we need to have sex education in our schools? I say yes because those poor girls and boys do not know what is happening to them. Of course, they are made to keep quiet. They will come out and talk about it if they know that the State is supporting them and will defend or protect them. A majority of defiled people have not come out to talk. As someone mentioned, it is so rampant everywhere including in the whole world. Let us take care of our people. Not only children but even grown-ups.

Thank you very much, Hon. Donya, for moving this Bill at this time.

The Temporary Speaker (Hon. (Dr) Rachael Nyamai): Hon. Beatrice Adagala, Member for Vihiga.

Hon. Adagala Beatrice (Vihiga County, ANC): Thank you, Hon. Temporary Speaker, for giving me this opportunity to speak on the Sexual Offences (Amendment) Bill which has been brought by Hon. Donya. There is a very big problem across all the counties because a lot of sexual offences take place. Our young girls are being defiled left, right and centre. There is a case where a two-year-old child was defiled. You wonder if that child is mature enough to know anything about sex. This Bill has been brought at the right time, and should be passed. I support it. We want it to pass so that appropriate measures can be instituted.

Teaching sexual offences should be done in the whole country. A Member rose on a point of order. We have to do public awareness everywhere, be it in mosques, churches or schools. This issue must be addressed because it is becoming too much. It is all over. People do not even have respect for others. We have heard of old women defiling young boys. It is rampant. Sexual offences should be declared as a national disaster and handled throughout the country. The Cabinet Secretary for Education must plan for it to be taught everywhere, even in the chiefs' *barazas* and village elders' *barazas*. This is because we have cases where young girls are defiled by old people, even by their grandparents. A grandfather defiles a grandchild who is below the age of five. I always see cultural festivities all over at the end of the year. The village elders should teach people not to rape young children or have sex with their relatives: granddaughters, daughters and sons. The society is going berserk. Something has to be done. This is a national disaster.

A young girl was defiled. The relatives reported, but the case was resolved within the family. The mother did not give evidence because she was raped by her uncle. The people who are raped face stigma. Some women are told if they report their brother-in-law has raped a girl, they will suffer the consequences. So, they fear reporting these cases. In some police stations, girls and their parents go to report these cases, but they are humiliated. They are not assisted. However, we thank some police stations for putting up centres which handle sexual offences cases. In addition, the National Police Service Commission has trained a few police officers to handle them. Improvements are in some counties, but not in others.

We have put up GBV centres in some counties, while they are not there in others. Sexual offences have to be addressed collectively. Hon. Donya has brought this Bill at the right time. There is the Committee on Implementation in this House. We pass some Bills here, but they are never implemented. We are crying out about defilement of young girls and boys. Old women are also raped. We are having it rough, especially we County Woman Representatives who deal with such matters in the counties. Rape cases are all over the counties in various constituencies. You run all over. It is very difficult. The Cabinet Secretary has to step up and do what is needed.

I support this Bill. I am sure every Kenyan supports it. There is no Kenyan who will see a daughter, an aunt, a mother or any other young child being mistreated. I support the Sexual Offences (Amendment) Bill that has been brought by the Member for Kisii County, Hon. Donya. Let us work on it. I support.

The Temporary Speaker (Hon. (Dr) Rachael Nyamai): Hon. Jessica Mbalu, Member for Kibwezi East.

Hon. Jessica Mbalu (Kibwezi East, WDM): Thank you very much, Hon. Temporary Speaker, for giving me this opportunity. From the outset, I support the Sexual Offences (Amendment) Bill (National Assembly Bill No. 78 of 2023) by Hon. Donya. She was once a member of Wiper Party and we know what she is able to do.

Hon. Donya has clearly explained the Sexual Offences Act (Cap. 63A). She called upon the Cabinet Secretary responsible for legal affairs, to promote public awareness of sexual offences through nationwide education, information campaigns, and any other way such that the public is aware of the offences. She has explained the definition of sexual offence as an offence prescribed by the Act, talking of offences which include rape, sexual assault, defilement, sexual harassment, among others. We are going to bring more amendments to make sure the Bill covers each and every area. Having listened to the Member, there is so much input from Members. I really want to associate myself with her, including by recalling my Bill from the last Parliament.

The Temporary Speaker (Hon. (Dr) Rachael Nyamai): Order, Hon. Jessica. Hon. Members, I would like to take note that we have several Members who have dedicated interest, including Hon. Leo Njeru, Hon. Omar Mwinyi, Hon. Caroline Ng'elehei and

Hon. Beatrice Kemei. I would like to encourage you to be available on Wednesday so that you can debate. Hon. Jessica Mbalu will have a balance of eight minutes. So, if you are available on Wednesday, you will have an opportunity to debate.

I thank Members who have participated.

ADJOURNMENT

The Temporary Speaker (Hon. (Dr) Rachael Nyamai): The time now being 1.02 p.m., the House stands adjourned until today, Wednesday, 11th February 2026 at 2.30 p.m.

(The House rose at 1.02 p.m.)

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