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THE HANSARD

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Wednesday, 18th 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, ring the Quorum Bell for 10 minutes.

(The Quorum Bell was rung)

Hon. Deputy Speaker: Serjeant-at-Arms, ring the Bell for five more minutes.

(The Quorum Bell was rung)

PAPERS

Hon. Deputy Speaker: Leader of the Majority Party.

Hon. Silvanus Osoro (South Mugirango, UDA): Hon. Speaker, I beg to lay the following Papers on the Table:

Reports of the Auditor-General and Financial Statements of the National Government Constituencies Development Fund (NG-CDF) for the year ended 30th June 2025 and the Certificates therein in respect of the following constituencies—

(a) Butula	(u) Ruiru
(b) Lurambi	(v) Sabatia
(c) Machakos Town	(w) Samburu North
(d) Malindi	(x) Sigor
(e) Maragwa	(y) Soy
(f) Marakwet West	(z) Starehe
(g) Matuga	(aa) Suba North
(h) Mbooni	(bb) Suba South
(i) Mosop	(cc) Suna West
(j) Mt. Elgon	(dd) Taveta
(k) Mukurweini	(ee) Tetu
(l) Mwatate	(ff) Tiaty
(m) Naivasha	(gg) Turbo
(n) Nandi Hills	(hh) Turkana South
(o) Ndhiwa	(ii) Ugenya
(p) Njoro	(jj) Ugunja
(q) North Mugirango	(kk) Uriri
(r) Nyali	(ll) Vihiga
(s) Nyaribari Chache	(mm) Wundanyi
(t) Pokot South	(nn) Yatta

Thank you.

Hon. Deputy Speaker: Next Order.

BILL

Second Reading

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

*(Moved by Hon. Dorice Donya on
11.2.2026 – Morning Sitting)*

*(Resumption of debate interrupted
on 11.2.2026 – Morning Sitting)*

Hon. Deputy Speaker: Hon. Members, when we adjourned this debate, Hon. Jessica Mbalu was on the Floor and she had a balance of eight minutes. If she is here, she can proceed. She is not in the House. Members who want to contribute, kindly press the intervention button. Hon. James Nyikal, you are the first one on the Sexual Offences (Amendment) Bill.

Hon. (Dr) James Nyikal (Seme, ODM): Thank you, Hon. Deputy Speaker, for this opportunity. Let me start by saying this is an extremely important Bill as regards the Sexual Offences Act and how it affects the victims, particularly girls, young girls specifically.

This Bill seeks to address two issues. Let me start with a little peripheral one. It defines the Minister, essentially aligning it with the Constitution. I want to raise an issue there. What is in the Sexual Offences Act also defines a Minister as a Minister responsible for legal affairs and so on. What came through my mind, and you as a lawyer probably can guide on this, in this country today, who is the Minister responsible for legal affairs? Is the Attorney General a Minister?

It brings to my mind that even as we talk about the Act itself, I have a feeling the Act is hanging in terms of which Minister should administer the Act, for the Act says the Minister responsible for legal affairs. The structure of the Government, as we know it, is that we have an Attorney General who is sitting in the Cabinet, but is the Attorney General a Minister by definition?

As we align this with the Constitution, that is something we can look at. I am unsure whether we can take advantage of this opportunity, or perhaps we should consider it in the Departmental Committee on Justice and Legal Affairs or the Constitutional Implementation Oversight Committee, which still exists, to examine that issue and define what a Minister for Legal Affairs is. Other Ministers are clear. When you say Health or Education, we understand, but when you say Legal Affairs, there is an issue there. That was important to me. But I support the fact that we should align it with the Constitution by calling them Cabinet Secretary instead of Minister. I support that.

The second issue with this is actually to support the way to impart education regarding sexual offences. This is extremely important. There are many issues that people actually do not realise. Even when somebody is affected, like in issues of defilement or rape, how you conduct yourself immediately, how people conduct themselves immediately, like they would say, okay, this has happened, let somebody take a bath and let us go and report. The moment you take a bath and go and report, you have actually destroyed the evidence.

People need to know exactly what happens if you are going to follow a legal process and how you report. We also know that even in the places where people report, when you go to police stations and so on, the way people are treated is actually not supportive. Sometimes the victim is subjected to behaviour that seems to imply that the victims called this upon

themselves. We need education in those areas so that the public knows that, in many cases, this is somebody who has been grossly offended. I do not think there is any violation for a human being that is greater than a sexual offence that is inflicted on a person.

The psychological impact is huge, and there is a need for widespread education to understand the circumstances surrounding it, the legal issues, the psychosocial issues, the physical trauma, and even the possible long-term physical and health impacts of this. These are things that should actually be known. The Bill itself is general enough so that we can literally craft many issues on that.

That bit on the new Section 46A promotes public awareness of sexual offences through national education and information campaigns. I support that, for we can put everything literally on that, the circumstances surrounding it, what really happens, who the perpetrators are, and how we deal with it. Sometimes people impose alternative dispute resolution on themselves. I do not believe this is a situation where you would want to use alternative dispute resolution. This is something that has happened within the family, so let it just go or offer some compensation. The family may feel that they have received compensation, but what about the victims themselves? Throughout their lives, will that compensation truly heal what they are experiencing? That is extremely important.

The other thing is the legal processes that are involved. How do people go about them? There is also an issue of stigma and shame. People do not want to come out, particularly if it happens in private. In many cases, it always happens within families. People do not want to come out and say what happened because of the stigma and shame. They live with this for years. We have children who are affected for life. Something that was hidden. Even the people seeking peace looked at the relationships within the families and the area and forgot to look at how it affects the victims themselves.

In that area of promotion, we can broaden it. The two Cabinet Secretaries who are involved will really have to get a huge programme. We are giving the task primarily to the one in charge of legal affairs but to a large extent, the Cabinet Secretary for Education will have a mandate in terms of education. Schools are the best areas for changing people's character. How will that be done? I support when you have A and B in consultation with the Cabinet Secretary for Education. As I said, that is a big one. It is a big area.

When looking at education, victims are particularly young girls and even boys. Boys also get sexually molested. This is an area where a lot is hidden. How does it affect their education psychologically? How do they perform after that? How does it affect their behaviour? They may either drop out or be very rude and uncontrollable at school without people realising that the basic is what affected them. On girls, if they get pregnant, leave alone the stigma of what happened to them, how are they affected by their mates in school? How are they handled by the teachers?

The teachers themselves need to be educated. That is important. Should they get pregnant, then you have another extremely big issue, though in the country, we have eased a bit. Girls can go back to school after giving birth. But I do not think there is a legal framework to protect them from being sent away from school. Sometimes they have to go to another school. We need a legal framework on how to handle them.

What support do they need? It is not only in senior schools, but also in tertiary institutions. People are still affected if this happened. Are there any ways that they can be supported? This makes them vulnerable when it happens. When you are talking of vulnerability, somebody who has been a victim of sexual violence is vulnerable. It must be taken into consideration, particularly if they become pregnant. Do we give them the support? How do they look after? Do they take the two roles?

Biological forces are much greater than social forces. If you take a girl who is pregnant and you put the welfare of her child against education, she will pick the welfare of the child.

They will need the support so that the welfare of the child is taken care of so that they can continue with education. That is the specific support that we should look at.

I see this as an extremely important Bill that we should support. As I had said earlier, the definition of the Cabinet Secretary is something we will look at.

With that, Hon. Deputy Speaker, I support.

Hon. Deputy Speaker: Thank you. The Member for Malindi, Hon. Amina Mnyazi.

Hon. Amina Mnyazi (Malindi, ODM): Ahsante sana, Mhe. Naibu wa Spika. Nasimama kuunga mkono Mswada wa Marakerekebisho ya Makosa ya Kijinsia ilivyopendekezwa katika Kifungu cha 46A kupitia uhamasishaji wa umma kuhusu makosa ya kijinsia.

Tutakuza utamaduni wa heshima, kuzuia unyonyaji ya makundi yaliyokatika mazingira hatarishi, kupunguza unyanyapaa unaozunguka makosa ya kijinsia na kukuza usawa wa kijinsia. Hata hivyo, ninapofikia kuanzisha kwa mipangilio ya kulinda, kuhifadhi na kuendeleza kazi hii, haki ya elimu kwa waathiriwa wa makosa ya kijinsia wakiwemo waathiriwa wa mimba za utotoni, pia napendekeza mamlaka ya uchunguzi zihusike kikamilifu katika kutekeleza sheria dhidi ya wahusika wa makosa.

Katika eneo bunge langu, na ndio sababu naunga mkono Mswada huu, tumeweza kuona kwamba watoto wadogo wameweza kunyanyasika na kutumika vibaya kwa muda mrefu. Mwaka jana tulipata mtalii mmoja kutoka nchi ya Afrika Kusini na aliweza kulala na kuhadaa watoto zaidi ya kumi ndani ya Malindi. Hakuna jambo lolote ambalo lilifanyika baada ya hapo. Mimi naunga mkono Mswada huu kwa sababu hata wale walikuwa wameathirika hawakujua athari kwa yale walikuwa wamefanyiwa na huyo mzungu. Hawakujua jinsi ya kujibeba na kuenda polisi na jinsi ya kutetea haki zao.

Vitu kama hivi ni lazima watu waweze kufunzwa. Mafunzo haya yaweze kupitia hapa Bunge. Kuna sisi viongozi wa kina mama na mawaziri. Mambo kama haya tukiweza kuyazingatia kwa ukamilifu, tutaweza kusaidia wale watoto wetu kule nje ili waweze kujua haki zao, ili wajue vitu kama hivyo vikifanyika, wanapaswa kufanya nini, wafike wapi ili waweze kujisaidia kuweza kupata haki yao.

Vilevile, naona kwenye mitandao ya kijamii kuna mzungu anayezunguka huko nje na inasemekana kuwa ameweza kuhadaa na kulala na wanawake wetu wengi. Naomba Serikali ichukue hatua na sheria iweze kufuata mkondo wake ili yule mtu ambaye ameweza kufanya masuala kama haya aweze kushikwa. Labda ni kweli watu walikuwa wameelewana kujihusisha katika matendo kama yale. Lakini inafaa tuangalie katika kuelewana kule, hakukuwa na maelewano kwamba yale matendo ambayo yametendeka wakiwa watu wawili yalikuwa yawekwe hadharani. Saa hizi kuna nyumba za watu ambazo zinavunjika na kuna ndoa za watu ambazo zinavunjika. Kwa hivyo, vitu kama hivi vinatulazimu kupigia msasa ili wananchi wetu wasaidike.

Hata juzi, tumesikia kule na ninazidi kufuatilia na polisi wangu kuwa sehemu za Watamu kuna mzee wa zaidi ya miaka 75 ambaye amelala na kumhadaa msichana mdogo wa miaka 15. Vitu kama hivi vinaturudisha nyuma na ni aibu kama nchi kama vitaendelea bila ya Serikali kuweza kuingilia kati. Sisi lazima tusimame tuweze kuweka mikakati na sheria sawa sawa ile tusaidie watu wetu.

Naunga mkono sheria hii kikamilifu ili tuweze kuokoa watu wetu na tuweze kujua ni jinsi gani tunaweza kuwasaidia.

Ahsante sana, Mhe. Naibu Spika.

Hon. Deputy Speaker: The Member for Kitui West, Hon. Edith Nyenze.

Hon. Edith Nyenze (Kitui West, WDM): Thank you, Hon. Deputy Speaker, for the opportunity to air my views on this Bill. This is a very important Bill. It is trying to deter the acts of offenders against the victims of sexual violence. It is very important

to have strict and harsh penalties for people who commit such offences. This one will ensure that, in the future, we reduce the numbers. If we continue like this, then this will affect society. These offences result in unwanted pregnancies.

This affects our children's education and health due to sexually transmitted diseases. As such, our children or the victims are psychologically affected and so they need a lot of counselling and treatment. This should be introduced in schools so that the young children would identify the sexual offenders. This will ensure that our children are taught early. This Bill aims to bring justice by ensuring that the evidence is collected and witnesses are protected because when such offences happen, people may fear to come out as witnesses. This Bill aims to protect the survivors by establishing safe spaces and shelters for the victims and by doing so especially if the offence is committed within the family, which can be done repeatedly thereby affecting the victims in such a way that they may not have an escape route. If there are safe spaces and shelters, then these people can be put in a secure place where they are free to discuss their ordeals and are counselled to heal from the stigma.

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

*[The Temporary Speaker
(Hon. David Ochieng') in the Chair]*

This Bill aims to improve the collection and preservation of forensic evidence to support prosecutions which will deter future offences and reduce the number of people who would be involved in such offences. So, Hon. Temporary Speaker, there should be mandatory compensation where offenders will be required to pay compensation to their victims in addition to serving prison sentences which will deter future offences. This Bill has come at the right time and I support it.

The Temporary Speaker (Hon. David Ochieng'): Thank you. Hon. (Dr) Robert Pukose.

Hon. (Dr) Robert Pukose (Endebess, UDA): Thank you, Hon. Temporary Speaker. I rise to support this Bill by Hon. Donya Aburi on amendment to the Sexual Offences Act of 2006. It is a short Bill that seeks to amend the word 'Minister' in line with the new Constitution to read 'Cabinet Secretary'. It is also introducing a new clause that says the Cabinet Secretary shall promote public awareness on sexual offences through national-wide education and information campaigns. I think this goes a long way to inform the public on what these sexual offences are because occasionally you might find that people do things which they think might be normal but the law interprets them as sexual offences. A person should therefore be held accountable for that.

Clause 46(b) states that:

In consultation with the Cabinet Secretary responsible for matters relating to education, establish programmes to safeguard, protect and promote the right to education of victims of sexual offences including victims of teenage pregnancies.

Hon. Temporary Speaker, you find that once somebody has been involved in sexual offences, normally the victim carries a lot of weight and more often the victim is looked down upon and withdraws. This victim needs psychosocial support and psychiatric assessment to be able to integrate back to the society. You also have teenage pregnancies and this is a very common thing. They should also be assisted to get back to their education so that they can be productive citizens. More often than not, you will find that in many societies where you have

teenage pregnancies, the victim drops out of school and the parents are not supportive. Therefore, once we provide this in law, then we make it mandatory that anybody whether affected by teenage pregnancy or sexual offences can be integrated back into the society and get education to a level that ensures this person is a productive member of the society.

With those few remarks Hon. Temporary Speaker, I support.

The Temporary Speaker (Hon. David Ochieng'): Thank you. Member for Uasin Gishu.

Hon. Gladys Boss (Uasin Gishu County, UDA): Thank you, Hon. Temporary Speaker. First, I want to begin by congratulating and appreciating my colleague, Hon. Donya Dorice for having the foresight to introduce this amendment to the Sexual Offences Act. Ever since the Sexual Offences Bill was passed, yes, we have put many things in the law and we should be safer but unfortunately there has been lack of awareness of what the law provides and the various protections that they can give to victims of sexual offences or survivors of sexual offences. This particular amendment serves to cure that mischief that we have put everything in the law but the implementation has been wanting because of the lack of awareness.

What is laudable about this amendment is that it goes back to the very source where information can be given to our children and young people. There has to be aggressive campaigns starting from schools. If you look at countries that have successfully dealt with or mitigated the mischief of sexual offences, they have had campaigns and awareness at schools, where children even have books from a very early age that informs them what a sexual offence is; What is 'bad touch' and what is 'good touch'. Also, what are the rules; for example, many schools will not allow a male teacher to be with a female student with the door closed, it should be open. In certain circumstances there has to be another person in the room. It is the same thing with health workers, whereby there must be another person in the room so that there is not only prevention but it also ensures that the victim is not exposed to more abuse.

When we talk about awareness and more education programmes, it is also important to ensure that even the manner in which we have our reporting system, should be one that is protective. For example, I have constantly appealed to the Inspector-General of Police and even the advisor on security matters to the President. For example, I have constantly appealed to the Inspector-General of Police, and even the advisor to the President on security matters, that we must have those gender desks in the police stations relocated to hospitals and dispensaries. This is because when a person is defiled or raped, the first place they should go to is a hospital and not a police station. Actually, one should go to a hospital first then to a police station to get a P3 Form then go back, again, to the hospital and so on. The police station does not feel safe! The place everyone should run to is the nearest hospital. As we carry out these public campaigns we tell people, "When this happens, your first stop of call is a health centre where you can get help and where you will feel safer speaking to a police officer who is stationed there and where you have the protection of health support workers".

Also, there is still need to be more aware in relation to the way the community deals with it. I know that once upon a time in the history of this country, right in this House, there was a Member who was accused of defilement and impregnating a young girl. When he was about to be arraigned or investigated, he married the girl and got away with it. But that was before we had the Sexual Offences Act. Therefore, such acts still continue in certain areas that the public does not know. In fact, some families think in order to cure the shame, the girl should be married off. It is even worse when it is a boy child who is sexually abused because

it is almost taboo and nobody reports it. In fact, they are told to man up and not say anything about it. Therefore, this is extremely important.

With this awareness and education, this Bill will also curb the problem of teenage pregnancies. The last time I checked, the World Health Organisation (WHO) put Kenya as having the highest number of teenage pregnancies in the world. Kilifi County has the highest number of teenage pregnancies. One can only begin to imagine what big a problem this matter is.

Therefore, I wish to support these amendments and encourage our Members of Parliament that the law is not static. We must continue changing it as new challenges emerge. So, if we find that after these amendments are enacted we still need to put in more, then we should not tire to do so. Following this particular proposed amendment on the substantive legislation, we must make sure we have in place a way in which we conduct public awareness. We need to establish education programmes to safeguard, protect, and promote the right to education of victims of sexual offences. It is important that the Committee on Delegated Legislation immediately begins to develop regulations that will guide this particular amendment.

With that, I support and appreciate, again, the Members of Parliament who have been very supportive of this particular amendment. Thank you, Hon. Temporary Speaker.

The Temporary Speaker (Hon. David Ochieng'): Hon. Makali Mulu.

Hon. (Dr) Makali Mulu (Kitui Central, WDM): Thank you, Hon. Temporary Speaker, for this opportunity. I join colleagues in supporting these amendments to the Sexual Offences Act. As has been said, there are only two amendments. One is aligning the Bill to the new Constitution,

where instead of talking about ministers, we talk about cabinet secretaries. The second amendment targets creation of awareness on issues relating to sexual offences.

Hon. Temporary Speaker, when I listened to the Deputy Speaker make her remarks, it reminded me of something I have always been thinking which we might consider as we go to the future. I do not know whether we have a mechanism of finding out how the Acts of Parliament we pass here are performing out there, in terms of implementation. Maybe that feedback might help us have more targeted amendments in the future.

Having said that, the issue of sexual abuses is all over the place. These abuses have been experienced in churches, villages, offices, and even in our homes. I think the proposal to create awareness is very important because the victims need to know at what point they are abused and at what point they have a case to push forward. This is because in some circumstances, it might happen that there is an agreement. I think where there is an agreement, then you cannot start complaining after having agreed. However, it is important that all Kenyans are trained or educated on what the borders are for one to say that they have been abused sexually. This is a very common thing and I really thank the Hon. Member who came up with this because once people are educated, it will be very easy to have the offenders arrested, taken to court, and punished for the bad act.

This is applicable to both girls and boys. It is also applicable to adults. What we need to ask ourselves is: what really is the main cause of this problem? I think there could also be a social disorder. Culturally, people do not expect to do these things in a forced way. You do not need to use force. You use persuasion. So, in a situation where force is being used, then it could be a trigger to some other problem and we need to find out what really causes it. Is it a result of psychological issues or mental issues? Remember, issues of mental health have become very common.

*[The Temporary Speaker
(Hon. David Ochieng') left the Chair]*

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

Hon Deputy Speaker, the other thing we need to ask ourselves is this: could this also be resulting from exposure? You know young people are watching too much television. The adults are also watching television. Could it be influencing them to the extent that people really practise some of the things they see without really factoring in the cultural issues?

Even as I support this, I think we need to have a very well-structured way of creating awareness. It could be in schools or families because most families have actually abrogated their roles in terms of talking about sex. It is hardly discussed in a family setup. I think we need to go back to our earlier arrangement where at family level, the grandfathers and grandmothers could sit with the young ones and educate them on sexual issues. Schools and the church can also help.

Hon. Deputy Speaker: Hon. Makali, when you started, I was trying to hear you properly.

Hon. (Dr) Makali Mulu (Kitui Central, WDM): Yes.

Hon. Deputy Speaker: Are you trying to make excuses for a sexual offence?

Hon. (Dr) Makali Mulu (Kitui Central, WDM): No! No! I am not making excuses.

Hon. Deputy Speaker: There is no excuse.

Hon. (Dr) Makali Mulu (Kitui Central, WDM): There is no excuse. I am just saying that I support the creation of awareness.

Hon. Deputy Speaker: Okay.

Hon. (Dr) Makali Mulu (Kitui Central, WDM): But it has to be very structured as I said. It can even start at the family level, then it can move to the church, schools and barazas. Even Members of Parliament do a lot of barazas. I think in those barazas, we could share with the people who vote for us some of the basics in terms of what one needs to do in case they are sexually abused so that the offenders can be punished. Otherwise, most of the offenders are getting away with it because, maybe, there is no evidence or the way the case has been structured is not the way it should be. Once you create awareness, I see a situation where we can reduce this problem to a bare minimum.

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

*[The Temporary Speaker
(Hon. David Ochieng') in the Chair]*

Hon. Temporary Speaker, with those many remarks, I support and thank the Hon. Member who introduced these amendments. Thank you so much.

The Temporary Speaker (Hon. David Ochieng'): Hon. Members, as commented earlier, those who want to contribute to this Bill, please, press the intervention button. The next Member on line is the Hon. Member for North Imenti, Hon. Dawood.

Hon. Rahim Dawood (North Imenti, Independent): Thank you, Hon. Temporary Speaker. I support this Motion by Hon. Doris Donya. It started off with Hon. Njoki Ndung'u, the current judge of the Supreme Court when she introduced the Sexual Offences Bill in 2006, which was enacted as an Act of Parliament. I think from there we have taken off. It is quite well to talk about public awareness, and I think it is a good thing. There was a report by the Gender-Based Violence Task Force, which the former Deputy Chief Justice, Dr Barasa,

presented to His Excellency the President. It recommends that sexual offenders should be castrated chemically. I agree with that completely. If possible, we can amend this Bill to include that provision. It will go a long way.

We cannot be talking about teenage pregnancies at a time like because there must be men behind them. We need not just leave it at that but we need to conduct DNA tests, take them to court, charge people who impregnate girls and let them be sentenced. But, if our public awareness is just saying we have teenage pregnancies but do not deal with them, we will not go far enough. We need to go further than that.

When speaking about awareness, like one of the speakers has said, we should also know where to report. Sexual offences reporting is very low in this country because of stigma. When a person who has been violated goes to report, they are laughed at and asked for minor details. We need to keep that aside and have proper gender desks in police stations. I suggest to Hon. Donya to introduce reporting desks in hospitals. That is where the first reporting station should be. When somebody is sexually defiled, they are first taken to hospital. If possible, we should have gender desks to report such cases in hospitals then we do a follow-up. Otherwise, going to a police station and not finding a female officer available to take your report makes it very difficult to report. In the absence of female officers, one is ridiculed and nothing is taken into account.

Earlier, Hon. Nyenze talked about the penalties in this Bill but there are no penalties in the Bill. She may have been reading another Bill. We need to introduce penalties. We need to remove the gender desks from police stations to the hospitals. I had suggested to the Principal Secretary for Medical Services, Madam Mary Muthoni, that we need to change the way we work. Let us get DNA tests for people who we suspect have done these crimes.

I congratulate Hon. Kuno and hope for the Member's Bill regarding *Maslaha* which sorts out the issue of sexual violence in the community. It should not be sorted out in the community rather it should go to an open court of law. Sorting it out hinders the rights of the offended.

If we could do those few things, we could change the history. But I am for castration, whether it is chemical or any other. *Wacha wakatwe. Mungu awabariki.*

The Temporary Speaker (Hon. David Ochieng'): Thank you.

Hon. Members, before Hon. Irene Mayaka contributes, join me in welcoming students from Pharo School, Embakasi Central Constituency, Nairobi County. They are here to follow proceedings this morning and are welcome.

I urge Hon. Mayaka to welcome them as she makes her contribution.

Hon. Irene Mayaka (Nominated, ODM): Thank you, Hon. Temporary Speaker. Before I begin, let me take the opportunity to welcome the students to Parliament. It is a great opportunity for them to learn what it is that their legislators do. *Karibu sana* to the students.

Hon. Temporary Speaker, I would like to also add my voice to this Bill, which seeks to amend Section 46A of the Sexual Offences Act. It is sponsored by my sister, Hon. Doris Aburi. I would really like to thank her for bringing this Bill and sponsoring it.

This is a very important Bill, especially at this particular point. An assumption is made that there is awareness in terms of what a sexual offence is and how sexual harassment even begins. Clause 7 of the Bill amends the principal Act by inserting new Clause 46A(1)(a) that talks about promotion of public awareness on sexual offences through a nationwide education and information campaign.

This last weekend, we were treated to very embarrassing videos of a Russian guy who was trying to woo Kenyan women. The women were quite unaware because he was wearing gadgets that were taking videos while he was trying to woo them. Article 43(1)(f) of our Constitution speaks about general rights of education for everyone. I actually think that this

education is not even important for just children. Even we adults need this education because people need to be aware of their surroundings and people who are trying to woo them in that direction. It was very embarrassing to see grown women in Kenya being wooed into hotel rooms and Airbnb without being aware of their surroundings. They did not even know if the person wanted to harvest their organs, rape them, or something like that. Awareness on this is very important and it begins from the girls knowing that it is okay to say no. Some of them do not know that it is okay to say no.

They think they are doing men a favour, or they think by saying no they are being disrespectful. So, this education is very important.

On the issue of stigma, many times the reason sexual offenses are not brought to justice is because of the stigma attached to it. So, people in homesteads do not even want to report that their child has been raped even when it is done by a relative because they feel it brings embarrassment to their home. It is, therefore, very important for people to be aware that it is okay to actually report these crimes.

Section 2 of the amendment seeks to ensure that the Cabinet Minister responsible for matters of education ensures that this particular education is conducted. I heard Hon. Nyikal asking who the Cabinet Minister in charge of legal affairs is. Right now, under our current constitutional dispensation, we do not have a Cabinet Secretary for justice and constitutional affairs as we did in the previous dispensation, but we have the Attorney-General who has the legal affairs department that sits under her office.

Second, we also have a gender advisor to the Cabinet who advises the President on matters to do with gender affairs and policies relating to women. We have people who are sufficiently representing us in Cabinet in terms of these particular affairs and they can actually take this up. I really want to believe that once the Bill is actually assented into law, we will have the necessary steps taken in place by the Cabinet Ministers in charge so that we can have a comprehensive curriculum on sexual matters in this country. We should not take these things for granted.

The Constitution already covers the fact that we have a right to education, not only in terms of compulsory basic education as is indicated in Article 53(1)(b), but also as mentioned in Article 53(1)(f) that talks about general right of education, Article 55(a) that talks about statute of ensuring there is relevant education and training to the youth, and Article 55(b) that talks about the minority and marginalised in terms of guaranteeing specialised opportunities in education. So, this is already covered constitutionally. Does that address the issue of education, sexual offences, and ensuring that our children and youth are aware of these issues from the onset?

I support this Bill because our country is in a very grave situation. We have many cases of teenage pregnancies. As leaders in this country, and even at the level of the Cabinet Secretary, we need to take responsibility and ensure that specialised education on sexual offences is made available to victims of teenage pregnancies. We should also consider the stigma attached to such matters and practically implement the Amendment Bill.

With those few remarks, I support and submit.

The Temporary Speaker (Hon. David Ochieng’): I cannot see the Member for Lamu East in the House. Is she in the House? Member for Elgeyo Marakwet County, Hon. Ng’elechei.

Hon. Caroline Ng’elechei (Elgeyo Marakwet County, Independent): Thank you very much, Hon. Temporary Speaker, for giving me this opportunity to contribute to the Bill. I appreciate Hon. Donya for bringing the Sexual Offences (Amendment) Bill (National Assembly Bill No. 78 of 2023).

This issue has been affecting our communities for a long time and we have never

figured out the proper way of making our children and even adults, as Hon. Mayaka has said, aware of what is happening. As much as we have the Sexual Offences Act, we lack advocacy. Therefore, if we implement this Bill as intended by *Mheshimiwa* Donya, by addressing the gap in law and mandating the Cabinet Secretary responsible to promote public awareness on sexual offences through nationwide education and information campaigns, that will improve how we deal with cases of sexual offences.

We live in communities where some issues are kept private, as ugly as they are or even when they affect individuals for a lifetime. Some communities and individuals prefer not to discuss certain issues and to keep mum. Maybe their child has been molested, raped, or abused, yet they prefer to keep quiet for fear of shame. It could also be that the law is insufficient or it may not protect the victims.

I am a staunch Christian and I wish all Christians a happy Lent and all Muslims a happy Ramadhan. Proverbs 22:6 says, “Train up a child in the way he should go, and even when he is old, he will not depart from it.” Our children will never depart from some of the lessons we teach them. One of the issues that I advocate to be taught to our children is what is wrong and what is right. They should also be taught what to do when somebody does something wrong to them that could bring lifelong challenges or complications.

There is a very high rate of teenage pregnancies in our society. Those teenagers are underage girls who are minors constitutionally. They did not consent and most of them have been impregnated by adults who are supposed to be their caretakers and teachers. You then wonder why there are so many pregnant teenagers or teenagers with children, yet no one is being charged for impregnating or abusing them. There is a problem and a gap. Those girls do not know where to run to. They do not know where they should go to report abusers who molest, abuse and impregnate them, or leave them with lifelong diseases. They also have to deal with the consequences of unwanted pregnancies such as taking care of children they did not plan for with people they did not intend to have children with.

It would be good if this education was introduced. Last week on Wednesday, a Member said that if we introduce this education early in primary school, we will be exposing our children to information they ought not to know. But remember, if a child is abused, the abuser has already introduced them to things they were not supposed to know. It is better to get ahead of abusers who may want to abuse our children. If possible, this education should even become part of the curriculum. A child would then know that if certain things happen to them, even if they fear their parents, they can report the matter to the chief, the police station, or even to their teachers. Those who are bold enough to report to their parents should do so early enough.

Remember that there are other challenges apart from pregnancies or the physical effects of rape and abuse. A child might contract a lifelong disease. However, introducing this education early will help a child know that in case of rape or abuse, they need to go to a doctor within 72 hours to receive Post-Exposure Prophylaxis (PEP) so that they do not contract sexually transmitted infections (STIs) or sexually transmitted diseases (STDs). If they are not aware, they may decide to keep quiet and tell nobody. Evidence is usually required once a rape report is made in the case of a minor. In most cases, victims are advised not to shower or change clothes. If a child is not aware, the child may bathe or sanitise themselves or change clothes, which may tamper with evidence.

This education should be made public, not just in schools, but also in villages where some people are illiterate or semi-illiterate. Some have gone to school while others have not. You may meet teenage mothers and ask their parents what happened and they will tell you that they do not know who the father is because the child never told them anything. When they later realise the child is pregnant, it may turn out that the perpetrator was an uncle, a chief, or another respected member of society, yet the parent does not want to speak out for fear of the

consequences. We should ensure that these people are exposed.

In the early 1990s when there was a rampant spread of HIV/AIDS in the country, there were advertisements on billboards, radio, and television before and after the news. That constant awareness helped Kenyans to know how to control, manage, prevent and even live with the disease. Awareness should not be a one-day event. Some have suggested that it should be done in public barazas which is good, but not everyone attends public barazas and they do not take place every day. Mainstream awareness should be conducted in churches, mosques, schools and public barazas. If possible, it should be included in the syllabus when children are still young and able to learn and understand it better.

To conclude, I would urge Members of this House to leave a word on sexual awareness when we have opportunity to address people at rallies, weddings, burials and other social gatherings. At times, people may regard it as a minor issue in the community, but the effects are significant. Every family has been affected, and the consequences will remain with us for a very long time. There are behaviours that people carry into their adult lives. For example, someone could be a serial rapist and when asked, they say that they were molested when they were young. A girl may become unruly or socially withdrawn due to shame or the trauma developed after being harassed or sexually abused. I support this Motion and appreciate the Member for bringing it forward. It should be widely publicised.

Let me be clear that it should be incorporated into basic education so that our children learn about it from a young age. Thank you.

The Temporary Speaker (Hon. David Ochieng’): Member for Makueni County.

Hon. Suzanne Kiamba (Makueni, WDM): Thank you, Hon. Temporary Speaker, and I am from Makueni Constituency.

I also wish to add my voice to this very important Bill by Hon. Donya. The amendment is timely because, when we look at the Sexual Offences Act, there is a gap that it did not address. This creates a disconnect between the law and practice. While the law is clear on what ought to be done regarding sexual offences, the practice continues in our communities due to a lack of knowledge. I believe that is what this amendment seeks to address. When communities remain unaware of issues relating to sexual offences, even a clear law does not prevent violations. That is where the tyre touches the road.

I am very excited because yesterday, I had a meeting with members of my community and this matter arose prominently. We are investing heavily in the Competency-Based Education (CBE) for many learners, yet we are experiencing high dropout rates due to early pregnancies in schools. Those who commit these offences are often embraced within the community. Elders who attempt to settle such cases rely on traditional approaches. They may even request the man to marry the girl. When this happens, the girl loses her opportunities in life. They make such decisions with what they believe is a clean conscience, thinking they are helping the girl to live better with a husband.

One can imagine how painful it is for a girl to be compelled to become the wife of the person who raped her. If implemented, this amendment will add significant value because it will provide awareness to girls so that the Sexual Offences Act can genuinely protect them.

It is also important to recognise that the socio-cultural set-up of our communities continues to promote some of these practices, including wife bartering, driven by long-standing gender biases. Many do not see this as an offence. This does not only harm the woman; it affects the entire family. With proper awareness, more people in society will stand up for the vulnerable and disadvantaged. That will enhance security at both the household and community levels.

Hon. Temporary Speaker, what is not budgeted for is rarely implemented. If this mandate is placed under the Cabinet Secretary, it will create an opportunity for issues related to gender- based violence to be budgeted for. These matters are often dismissed as minor, yet

they cause immense harm. People may think that water and classrooms are the only pressing issues, but these matters, though appearing small, affect the very fabric of society. This amendment will enable the responsible Ministry to allocate funds for advocacy and awareness-raising down to the community level. That will add significant value to society.

I heard one Member recommend castration. The issue is not merely the act; it is also about dignity. We are not only concerned with pregnancy. Even if castration were implemented, we must ask what it does to the dignity of the woman, the girl, or the boy. In my view, castration would not add much value. Even men are entitled to sexual dignity and must be protected. What we seek is discipline and respect for human dignity. A sexual offence is not only about women. Men also have sexual dignity that must be safeguarded. Awareness is, therefore, essential.

My final point concerns informal education. I support this strongly. Once awareness is entrenched in the community, it should also be reinforced in schools. When there is a divide between informal education in the community and formal education in schools, progress becomes slow. If awareness reaches the community level, we are more likely to transform society and promote values. In summary, this amendment will help build a society guided by values that promote well-being.

I support and congratulate the Member. Thank you.

The Temporary Speaker (Hon. David Ochieng'): Member for Masinga.

Hon. Joshua Mwalyo (Masinga, Independent): Thank you, Hon. Temporary Speaker, for the opportunity to speak on the Bill. The principal object of the Bill is to amend the Sexual Offences Act (Cap. 63A) to mandate the Cabinet Secretary responsible for legal affairs to promote public awareness of sexual offences. This amendment comes at a time when our country is deeply affected by such offences in our communities, villages and across all areas of society. When such incidents occur, the dignity of the victim is severely compromised, and the shame may follow them throughout their life. These offences have become rampant, affecting women, men, young and old alike. Awareness must, therefore, be promoted everywhere.

Just as the Ministry of Health promotes public health issues, this matter should be promoted with equal seriousness so that everyone understands that a sexual offence is harmful, is a crime, and is an offence that needs no forgiveness. This is one of the worst crimes one can commit to anyone because it forces somebody to do something without their permission. Its awareness campaign should be similar to announcement of bursaries in our constituencies, which is done in churches and at every public meeting venue. Everybody should be made aware that this is a crime. Often, when many of these offences are reported, police officers help the perpetrators get away with them. They even show them tricks on how to evade them. Some of them take bribes. I know a few police officers in my constituency who took bribes to help perpetrators get away with sexual offences on minors. We should create awareness on sexual offences, including consequences to perpetrators and police officers who help offenders to get away with them.

The Bill also seeks to create awareness in schools through the Ministry of Education. This can be a helpful channel because many of the victims are young children. When they are sensitised and they see someone trying to trick them with money, biscuits or chips, they will know that they are being seduced to engage in underage sex, which is not permitted. I fully support sexual offences awareness in schools and community gatherings. It should be talked about openly because parents are the biggest contributors to secrecy. Once a child is molested, they try to hide to avoid embarrassing the family. However, hiding the truth is not the cure. The cure is teaching children that they should report and avoid bathing to enable doctors verify the abuse.

I support this Bill by Hon. Donya. It should be passed so that it creates awareness

among the old, young victims and future perpetrators that it is a crime punishable by law. Everybody should desist from such offences.

With those few remarks, I rest my case.

The Temporary Speaker (Hon. David Ochieng’): Hon. Umulkher Harun.

Hon. Umulkher Harun (Nominated, ODM): Thank you, Hon. Temporary Speaker. I also wish to contribute to the Sexual Offences (Amendment) Bill. I congratulate Hon. Donya Dorice for being prompt on women matters and sexual offences. I support this Bill because it raises a very critical issue on public awareness, which has greatly deteriorated over the past few years.

When I was growing up as a student, I remember there was a particular campaign ran in our schools called *Tumechill*, which was aired on television at prime time. It brought out the importance of sexual education, sexual discipline and morality. However, if you leave here, the immediate billboards showcase massage parlours which advertise unnecessary and ungodly acts. Our country is guided by morals. The Constitution also emphasises our national values. We have seen how sexual offences happen across the globe, with countries like United States of America (USA) currently handling the Epstein Files – a case where young girls are victims of sexual offences.

If we continue to allow public advertisement of massage parlours, pubs or bars on billboards, young women will incriminate themselves not out of choice but because there is lack of proper awareness. This Bill brings out this matter to ensure that young people like me and the subsequent generations are informed on the importance of having sexual discipline to enable us address this issue. If I am not wrong, Hon. Raphael Tuju ran a campaign which created awareness for children in schools. We need to bring this back. I thank Hon. Donya for introducing this particular angle to the Sexual Offences Act.

The second issue is on *maslaha*. I come from a region where it is widely practised. We know that the Constitution allows for alternative dispute resolution. However, explicitly, rape or murder matters cannot be handled under trees or where elders come together to address them. Hopefully, this amendment will seal that loophole. It is something that I intend to continue adding my voice to as we head to the Committee of the whole House.

Hon. Temporary Speaker, the third issue is on technology-facilitated offences because of emerging technology today. An example is what we saw with the Russian who was in our country recently. He simply wore Ray-ban meta glasses like the ones I am wearing and secretly recorded young girls. Whether the recording was consensual or not, it was a technology-facilitated offence. My recommendation is that we include non-consensual sharing of explicit images in the Sexual Offences Act. This is already covered in the Computer Misuse and Cybercrimes Act but it does not explicitly classify technology-facilitated offence as a sexual offence. During the Committee of the whole House, I recommend that the Mover of the Bill captures this to enable us to completely seal these loopholes.

Technology keeps changing every day. The vulnerable people will always be young women, girls and children. Part of the awareness campaign should be on sexual education, morality, sexual discipline and protecting the rights of our girls. The courts should also serve as a strong example. Court cases drag for more than two or three years. This encourages more offences and injustices to be meted out on young girls. The courts must make their pronouncements on sexual acts and sexual offences. A person presented in court for raping, assaulting or defiling young girls should not be released on bond. This shows that courts are weak. You later find the same person who has been released on bond assaulting other young girls in the community.

Therefore, we need to add a clause to this Sexual Offences (Amendment) Bill to provide for a timeline within which a case should be concluded once somebody has been presented in court. For instance, we can provide that such a case should be concluded in not

less than a year. That way, it will serve as an example that as a country, we should not joke about sexual offence or anything that violates the rights of our children and our country, Kenya.

I would like to, once again, congratulate Hon. Donya. I will submit my recommendations to her to be added into the Bill during the Committee of the whole House.

The Temporary Speaker (Hon. David Ochieng’): Thank you for that. Hon. Umulkher, I hope you know that you can also file amendments to this Bill by yourself.

Before I give opportunity to the Member for Kibwezi West, in the Public Gallery are students from Kamuwongo Mixed Secondary School from Mwingi North Constituency, Kitui County. They are here to follow our proceedings this morning and to visit Parliament. We welcome them to the hallowed House of Parliament.

Member for Mwingi North, you have one minute, if you must.

Hon. (Eng.) Paul Nzengu (Mwingi North, WDM): Thank you, Hon. Temporary Speaker, for giving me this opportunity to welcome students from Kamuwongo Mixed Secondary School from Mwingi North Constituency.

I welcome them to Parliament, the august House, and encourage them that is a step in the right direction. It reminds me of the years when I was their age. I sat where they are seated and watched the likes of Hon. Martin Shikuku debate. Little did I know that one day I would become the Member of Parliament for Mwingi North. I want to tell them that I also wish them well. At some point in their lives, some of them could find themselves in this House. Therefore, welcome and feel at home because you are in the right place.

Thank you, Hon. Temporary Speaker.

The Temporary Speaker (Hon. David Ochieng’): Hon. Jessica, I am informed that you contributed to this Bill last time. Today, when we started the House, you were not in, so you lost eight minutes. Approach the Chair, please. As she does that, we will have the Member for Mwingi West contributing.

Hon. Charles Nguna (Mwingi West, WDM): Thank you, Hon. Temporary Speaker, for giving me this opportunity. I thank Hon. Dorice, Member for Kisii County, for bringing this Bill at a time when we witnessed the Russian’s scandal over the weekend. I call it a scandal because exposing women is being very insensitive.

This Bill seeks to align with the new Constitution that we got in 2010 by including the role of the Cabinet Secretary in creating awareness on sexual offences. We note with concern that we have so many sexual offences Bills which have been introduced in this Parliament, starting with the one that was introduced by Hon. Njoki Ndung’u. However, the implementation of the penalties in that Act has been lacking. It has not given enough attention to offenders. This Bill, if implemented properly and all the stakeholders play the roles they are supposed to play, is going to reduce the number of unwanted pregnancies. Secondly, it is going to reduce or curb significantly, the rising cases of teenage pregnancies that we have recently witnessed in Kenya.

I like the fact that the Bill talks about sexually transmitted diseases. Last year, I recall that when I was reading an article in a newspaper, there was a lady who was very proud of exposing the list and number of male partners that she had infected with HIV. That was completely out of order. The passage of this Bill, and subsequent implementation of the resultant law, will address the issues of sexually transmitted diseases. We also need to impose severe penalties on perpetrators who knowingly expose others to sexually transmitted diseases. The Bill is also going to curb immorality. Prostitution is a criminal offence in Kenya. Most of the time, when prostitutes go...

Hon. Members: Point of order! Point of order!

Hon. Charles Nguna (Mwingi West, WDM): Hon. Temporary Speaker, just ignore them. I know they want to...

The Temporary Speaker (Hon. David Ochieng'): Order! I would if you did not go where you are going. You are going on a terrible tangent.

Hon. Caroli Omondi (Suba South, ODM): On a point of Order, Hon. Temporary Speaker.

The Temporary Speaker (Hon. David Ochieng'): Member for Suba South, what is out of order?

Hon. Caroli Omondi (Suba South, ODM): Thank you, Hon. Temporary Speaker. Is it in order for the Hon. Member to mislead the House by saying that prostitution is a crime under our laws? The only crime is living off the proceeds of prostitution. That is what I know to be the crime under our laws.

Hon. Charles Nguna (Mwingi West, WDM): Hon. Temporary Speaker...

The Temporary Speaker (Hon. David Ochieng'): Order! He is out of order, but you have informed him and he is now aware.

Proceed, Hon. Nguna.

Hon. Charles Nguna (Mwingi West, WDM): Hon. Temporary Speaker, prostitution may not be illegal in Kenya but it is immoral and against our religion. Our Constitution recognises the supremacy of the Almighty God. That is why I am saying it is an illegal exercise in Kenya.

Going forward, I would like to say that the law is not static. We need to keep amending the Sexual Offences (Amendment) Bill in many ways. Firstly, we should ensure that there are heavier penalties for the perpetrators or sex offenders. Secondly, we need to educate victims on the procedure to follow when they become victims of sexual offences. For example, when a girl is exposed to this act, she might not know where to start and how to go about it. She may even end up feeling that she will be stigmatised or discriminated against if she reports the matter. This will create awareness. It will be the best practice for us to protect our society. The Bill also needs to compel players in the health sector to provide emergency medical attention if somebody is sexually exposed or raped and there is no medical attention given to them.

With those few remarks, I fully support this Bill.

The Temporary Speaker (Hon. David Ochieng'): Next is Hon. Ruweida.

Hon. Ruweida Mohamed (Lamu East, JP): Asante, Bwana Spika wa Muda kwa kunipa nafasi nami nichangie mswada wa sheria ya makosa ya kijinsia.

Mwanzo, namshukuru Mhe. Dorice Donya kwa kuuleta Mswada wa sheria hii muhimu. Kuna watu wanapata shida kama kunajisiwa na mambo mengi mengineyo yanayotokea ila hawajui sheria wala haki zao. Hivyo sheria hii itaongeza ufahamu wa dhuluma za kijinsia ili watu wafahamu hizi dhuluma ni zipi. Wakati mwingine, mwanaume anaweza kumwambia mwanamke kitu ambacho ni dhuluma ya kijinsia ila yeye hajui. Hivyo ananyamaza na kuvumilia. Ni vizuri watu wote, miongoni mwao wakiwa watoto, wanaume na wanawake, wayajue makosa ya kijinsia kwa mujibu wa sharia za nchi yetu. Makosa ya kijinsia hayatokei kwa wanawake peke yake bali hutokea pia kwa wanaume. Kwa hivyo sheria hii itamtunza kila mtu. Haimaanishi hii sheria ni ya wanawake peke yake. Makosa ya kijinsia ambayo nitayataja ni ya ubakaji, picha za haramu na mashambulio. Ubakaji hutokea ila watu wanaficha. Wanafunzi wafundishwe shuleni ili wajue haki yao ili hata mzazi akitaka kuficha mtoto aweze kukataa.

Nampongeza sana Mheshimiwa kwani hii sheria itaokoa jamii. Kuna mambo mbali mbali yanayotokea hata kwa sisi viongozi wanawake. Tunaambiwa mambo mengi ambayo tunavumilia kwani tunaona itaharibu lakini ni makosa. Katika matiaifa mengine, ukienda kwenye *reception* upate msichana na uanze mambo yako, unashtakiwa. Sio kama hapa Kenya ambako eti ni lazima kitendo kifanywike ndio uwe umemkosea msichana. Kwingineko, kutamka tu huwa umekosea.

Ni vizuri hii *awareness* watu wajue. Ianze shule ya chekechea ili waschana na wavulana wajue kuwe haya ni makosa. Tena, wazunguke Kenya nzima. Pia tuwe na kitengo cha kuendeleza hii sheria. Sheria ikiundwa ni ya Kenya nzima, isiwe ni hapa *town* wanafanya *awareness* au wanaitana kwa mahoteli. Yafaa iwe wanaenda kila *ward* na kila eneo bunge ili watu wajue haya mambo. Hivi sasa, jukumu hili ni kwa Mbunge na *Woman Representative*. Na ukumbuke sisi pia tunatafuta kura. Ukienda kuzungumza, ushaweka maadui. Itabidi hii *program* ifanywe kuanzia kwa nyumba kumi ama kupitia machifu, isianze *boardroom*. Hivyo, itafikia wananchi. Saa zingine mzazi anaweza akasema kwa sababu ya aibu, wacha nifiche. Kwa mfano, kule kwetu mimba ya mapema ikitokea mtu anaona ni aibu, na wangetaka kuificha. Katika kule kuficha, wanaendeleza makosa. Inafaa kuanzia kwa walimu na jamii nzima ijulikane kuwa haya ni makosa na makosa yatafuatiliwa vipi.

Pia ziwekwe mbinu za kufuatilia haya maoni. Kuna sehemu huwa hazina polisi na wasaidizi karibu. Hata mtu akajua haki yake, kufuatilia kupata haki yake inakuwa shida. Inabidi mtu anyamaze. Anaona ni heri afiche kwani itamgharimu pesa nyingi. Kuna wakati hufika pengine msichana amenajisiwa lakini anaoga, hivyo hahifadhi ushahidi. Utapata kwa kweli msichana amenajisiwa lakini kesi ikifika kortini, *judge* anaamua kwamba hakuna ushahidi kwani mzazi aliharibu.

Kule Lamu, nilijenga nyumba za hifadhi. Ningeomba ziwezeshe ili iwafikie watu mashinani kuwa ukinajisiwa, inatakikana mikakati fulani ifuatwe—kama vile sisi tanavyo enda mbio wakati tunaomba kura nakujitangaza. Haya mafunzo yawekwe kwa *billboards*, kwa *TV* na *program* za kuhamasisha watu kwa radio ili sote tuchukwe jukumu na tuhamasisha wananchi. Tunapojadili sheria hii leo, ni mwanzo wa kuonyesha sisi tunahamasisha kuhusu ufahamu wa makosa ya kijinsia kwani mazungumzo haya yanaonyeshwa sehumu nyingi. Sheria ikiendelea, na sisi pia tuendelea kuhamasisha.

Mahali uko, wewe ni aidha mwanafunzi shuleni ama muhudumu pale kazini, utapata pengine kiongozi ambaye yuko pale anatumia cheo chake kuendeleza makosa haya. Kwa mfano, mtu ako kwa *position* na hakubali mtu apate *promotion* mpaka muanze kulegezeana macho au kuambiana maneno mengine. Hayo yote ni makosa ya kijinsia. Inafaa kama mwajiri anafanya vituko kama hivyo ashtakiwe na afungwe. Ili hayo yaweze kufanyika, itabidi sheria iwekewe mkazo na wale *ma-judge* wanatumia hizi sheria.

Waschana na wavulana wetu wanayapitia haya mambo shuleni na pengine wanaficha kwa sababu ya woga ama wazazi ni wakali. Mtoto akija kukwambia amefanyiwa jambo fulani, mzazi unakuwa mkali mpaka mtoto anaogopa kusema. Inaweza kuwa anadhalilishwa na mtu wa nyumbani kama vile mjomba wake au mtu mwingine wa karibu. Kuna ile tabia ya kuwambia watoto watu fulani waheshimiwe. Basi unapata anamheshimu hadi anapoguswa mwili wake anaendelea kuheshimu. Pia sisi wazazi tuhakikishe kwamba tunaangalia watoto wetu na tunawafanya marafiki wetu.

Ahsante, Mhe. Spika wa Muda.

The Temporary Speaker (Hon. David Ochieng’): Member for Khwisero.

Hon. Christopher Wangaya (Khwisero, ODM): Thank you, Hon. Temporary Speaker. I also join my colleagues in supporting the Sexual Offences (Amendment) Bill (National Assembly Bill No. 78 of 2023), which seeks to create awareness on sexual education in our schools. Though we have enough legislation around this area, we also need to ask

ourselves the causes of these behaviours. What causes rape, defilement and other ills like sodomy?

Firstly, before we start creating awareness in schools, I believe we, as parents, have a responsibility to guide our boys and girls as they grow up. We have not done well as parents of this nation in this area. Secondly, we must also help our children and protect them from exposure to some social media sites that incite them and they grow with that spirit, which eventually leads to these acts.

In Khwisero Sub-County in 2025, we instructed our principals and headteachers to provide us with a list of all girls who were pregnant. We realised that by the end of that Term 3, we had about 31 girls who were pregnant. Some of these girls were impregnated by their relatives, some by teachers and some by community members who care less about the future of this generation.

As we discuss this awareness, we must also know and appreciate that our Judiciary has not been firm enough in dealing with the culprits. Sometimes you find that somebody who has defiled a young one is given a bond of even Ksh20,000 because there is not enough evidence, giving them an opportunity to do more and creating havoc in the community.

We are fighting a Russian guy in this country who, from where I sit, has been able to supply ‘electricity’ to our women more than what Hon. Opiyo Wandayi is doing for this country. Why did this guy find himself...

The Temporary Speaker (Hon. David Ochieng’): What did you just say?

Hon. Christopher Wangaya (Khwisero, ODM): I said there is a Russian guy who has been misusing our ladies in this country, posting them on social media.

*(Hon. Millie Odhiambo-Mabona
spoke off the record)*

The Temporary Speaker (Hon. David Ochieng’): There is nothing out of order.

Hon. Christopher Wangaya (Khwisero, ODM): There is nothing.

Hon. Millie Odhiambo-Mabona (Suba North, ODM): On a point of order.

The Temporary Speaker (Hon. David Ochieng’): What is out of order, Hon. Millie?

Hon. Millie Odhiambo-Mabona (Suba North, ODM): Thank you, Hon. Temporary Speaker. He needs to give the correct information. He did not say what he just told you. He said there is a Russian who is ‘supplying electricity’. Given the fact that even what that Russian guy did is a form of sexual abuse against women, it is wrong to then demean it by equating it to supplying electricity.

The Temporary Speaker (Hon. David Ochieng’): Did you actually say that?

Hon. Millie Odhiambo-Mabona (Suba North, ODM): He did say that.

The Temporary Speaker (Hon. David Ochieng’): Hon. Aseka, did you actually say that there is a Russian guy supplying electricity?

Hon. Christopher Wangaya (Khwisero, ODM): Yes, Hon. Temporary Speaker.

The Temporary Speaker (Hon. David Ochieng’): What did you mean by that?

Hon. Christopher Wangaya (Khwisero, ODM): Electricity is in different forms. We have electricity that we use for lighting our homes. We also have electricity which excites our partners. The difference is the context. This person has been in our country, hoodwinking our women, calling them names, taking their videos and exposing them.

The Temporary Speaker (Hon. David Ochieng’): If that is what you meant, then I would ask that you withdraw the use of the words ‘supplying electricity’.

Hon. Christopher Wangaya (Khwisero, ODM): I withdraw the words ‘he has been supplying electricity’.

The Temporary Speaker (Hon. David Ochieng’): Proceed.

Hon. Christopher Wangaya (Khwisero, ODM): The Kenyan government, through the immigration office, must up its game in ensuring that it vets all tourists visiting this country. They should thoroughly check their backgrounds and ensure they are aware of the activities these tourists are undertaking in the country. Otherwise, I support this Bill.

Thank you.

The Temporary Speaker (Hon. David Ochieng’): Hon. Jessica Mbalu, you have four minutes to make your contribution.

Hon. Jessica Mbalu (Kibwezi East, WDM): Thank you, Hon. Temporary Speaker. I will use my four minutes well. I support the Sexual Offences (Amendment) Bill brought by Hon. Donya. During my consultations in our meeting room, I discovered that this Bill will help protect our children in schools. It is essential to note that this Bill is not exclusively for women. It is true that a sexual offence against any person, whether male or female, causes psychological trauma, social stigmatisation, infections and unwanted pregnancies, among other consequences.

This Bill by Hon. Donya clearly defines offences such as rape, defilement, indecent assault and unwanted touching. While we consider additional amendments to the Bill in the Committee of the whole House, it is also necessary to address technology-facilitated abuse, as highlighted by various speakers. Furthermore, we need to incorporate schools in the Bill. This was well captured by Hon. Caroli Omondi, who has a Bill nearly before the House that aligns everything with the school curriculum and integrates the education sector. We will discuss this when his Bill is presented.

It is important to note that the Bill seeks to prohibit out-of-court settlements. We have observed situations where parents and relatives settle these matters informally. Such actions will not cure the stigma carried by the survivors. The Bill also aims to impose significant penalties on offenders, which should help reduce or eliminate the incidence of such offences.

This Bill reminds me of my Bill on the one-stop gender-based violence centre in the last Parliament, which we need to revisit. Such centres would ensure that victims can access a counsellor, a doctor, a legal assistant and a safe place to avoid further harassment. They would also receive immediate treatment at the centres. I intend to follow up on the Bill to ensure that victims receive care immediately.

Additionally, we should consider the issue of age. During my visit to a police post in Mtito Andei, I encountered a very young boy who had been arrested.

The Temporary Speaker (Hon. David Ochieng’): Please wind up.

Hon. Jessica Mbalu (Kibwezi East, WDM): Thank you very much. The young man of 18 years old had had sex with a small girl. The boy was arrested while the girl was left. As we amend this Bill, we should consider such cases so that we can have an inclusive Bill.

Thank you.

The Temporary Speaker (Hon. David Ochieng’): Hon. Millie, I hope you can make your point in three minutes. We need to wind up.

Hon. Millie Odhiambo-Mabona (Suba North, ODM): Thank you, Hon. Temporary Speaker. I will try to make my points within those few minutes, but I request that you make the minutes five.

I am very happy that we are looking at the Sexual Offences (Amendment) Bill. I thank Hon. Donya for bringing this Bill. I was the author and architect of this Bill during my time in civil society. At that point, I was not in Parliament, and it was Hon. Njoki Ndung’u who sponsored it in Parliament. I appreciate the excellent work she accomplished.

After many years since the passing of the Sexual Offences Act, it is evident that there are many teething problems. When the rubber meets the road, that is when you actually see where the challenges are. Many problems raised in the implementation of the Sexual Offences Act indeed call for a thorough review. I am aware that there is a taskforce working on a comprehensive assessment, and the forthcoming Bill will provide a more detailed perspective. Nonetheless, I thank Hon. Donya for bringing forth this piecemeal amendment, even as we await that comprehensive review.

Some people are opposing the Bill. I do not think this is a problem. Even piecemeal amendments can effectively address some of the challenges we are facing. One such issue is awareness, which was highlighted by Hon. Aseka, who noted that we need a greater understanding of sexual offences within this House itself. At times, we inadvertently end up victimising the victims. In the case of the Russian individual who has actually victimised women, the victims are the women, not the Russian individual. The Russian individual is a criminal. I do not comprehend why people seem to celebrate him. While sex between consenting adults may not be a crime, it can raise moral issues. This might indicate a moral decline in our country. Perhaps we should question our religious institutions as to why they are not more effective in combating this moral decay, but we cannot classify it as a crime. The crime arises when someone engages in private sexual activity with a fellow adult and then discloses that information publicly. Additionally, someone has mentioned the issue of technology-facilitated sexual abuse, which predominantly affects young individuals but also impacts adults, as illustrated in this case. We must amend the law to encompass provisions for technology-facilitated sexual abuse.

Above all, I thank Hon. Donya for raising significant issues, particularly the matter of awareness. We must rethink and move away from our traditional notions regarding abuse. In the past, a woman was often not deemed suitable for marriage unless she was a virgin. Yet half the men here are marrying women who are not virgins, and nobody has prosecuted them for not marrying virgins. However, we cannot criminalise individuals based solely on moral grounds. We can only criminalise activities that are criminal in nature. Abuse is abuse. We need to clearly understand what constitutes abuse. We must also create awareness among our young people so that they do not find themselves in compromising situations that could lead to harm. For example, I continually hear people discuss the way individuals dress. It is not a crime to wear a short dress. Nevertheless, we must educate our girls that there are individuals with malicious intent who, upon seeing bare legs, may feel entitled to abuse them. We need to ensure our girls are safe and take responsibility for their own security. I pushed for the Sexual Offences Act because I worked at the CRADLE, which was founded to support children in conflict with the law. However, most cases that came to us were of children who were sexually abused. Some could have been avoided if we had given better awareness to our children and the community.

Because my time is up, I support and congratulate Hon. Donya. Thank you.

The Temporary Speaker (Hon. David Ochieng’): Well done. Hon. Donya, you have the chance to reply.

Hon. Dorice Donya (Kisii County, WDM): Thank you, Hon. Temporary Speaker. Before my final submission, I will give two minutes to Hon. Dorothy and three minutes to Hon. Nzengu. I will also give Hon. Melly two minutes.

The Temporary Speaker (Hon. David Ochieng’): Hon. Donya, you have ten minutes.

Hon. Dorice Donya (Kisii County, WDM): I give Hon. Dorothy two minutes and Hon. Nzengu two minutes.

The Temporary Speaker (Hon. David Ochieng’): Okay. Go ahead.

Hon. Dorothy Muthoni (Nominated, UDA): Thank you, Hon. Temporary Speaker. I add my voice to this important amendment and thank my sister, Hon. Dorice for bringing it before the House. The principal object of this Bill is to amend the Sexual Offences Act (Cap. 63A) and mandate the Cabinet Secretary to ensure public engagement and awareness on sexual offences. In most cases, perpetrators are people well known to the victims, especially children and young girls. Many victims remain silent due to trauma or stigma, particularly when the offender is a close relative. We have also lost girls through femicide at the hands of people known to them. These offences have negatively impacted our communities and it is time we act. Thank you, Hon. Temporary Speaker.

The Temporary Speaker (Hon. David Ochieng’): Hon. Nzengu.

Hon. (Eng.) Paul Nzengu (Mwingi North, WDM): Thank you very much, Hon. Temporary Speaker, for the opportunity to support the amendment. I thank my sister Hon. Donya for donating the two minutes to me. I support the amendment especially compelling the Cabinet Secretary to promote awareness. Many people do not fully understand sexual offences. Young people, including students, interact with teachers, parents or caregivers and may be subjected to sexual harassment without recognising it as an offence. Awareness must be created in institutions of learning and healthcare. Sexual harassment can also occur in hospitals when doctors mishandle patients. We remember the Alliance Girls case where former students confessed to sexual harassment by a teacher. I support the amendment. Thank you.

The Temporary Speaker (Hon. David Ochieng’): Hon. Melly.

Hon. Julius Melly (Tinderet, UDA): Thank you, Hon. Temporary Speaker. I support this Bill and commend Hon. Donya. Clause 7 directs the Cabinet Secretary for the Ministry of Education to ensure safeguards for learners affected by sexual offences, especially those who become pregnant, are stigmatised or traumatised. The Bill requires programmes and counselling to ensure victims, both boys and girls, do not drop out of the education system. This is a problem that is prevalent in our society. Sexual offenders are often known individuals who traumatise children and affect their education. This direction to the Ministry is important to ensure victims continue their education.

The Temporary Speaker (Hon. David Ochieng’): The offenders or those offended? Hon. Donya.

Hon. Dorice Donya (Kisii County, WDM): Hon. Temporary Speaker, please allow me to give Hon. Adipo one minute.

The Temporary Speaker (Hon. David Ochieng’): Hon. Donya, proceed to reply.

Hon. Dorice Donya (Kisii County, WDM): Okay. No problem, Hon. Temporary Speaker, I appreciate Members for their contributions, particularly on advocacy and awareness. We should not encourage arbitration in sexual offences or become soft on sexual education matters. We should not make things look good when they are not. Sex is very important; no one can run away from it. No one came from Mars; we all came out as a result of this act when it was done properly. Certain agnostophobia behaviour needs to stop, including inappropriate comments about others’ bodies. Some people comment about other people’s big breasts as if you want them to leave the big breasts at home. Comments such as you have big body parts. Having certain features is not an offence; we should live with it. As Mama County from Kisii, I encourage our people to speak out on sexual offences. It is a big challenge and the Government should be intentional in protecting young people. These amendments are vital because they will safeguard everyone in our society in curbing child sexual abuses because this has remained ugly and uncouth in the society.

Hon. Temporary Speaker, while Kenya has made significant progress in strengthening its legal framework against sexual offences, the persistence of these crimes in our society calls for renewed and deliberate action. For a robust law to achieve its purpose, the people need to fully understand its provisions, their rights and the mechanisms available for protection and redress. This objective given to the Cabinet Secretary is simple yet weighty. It seeks to move beyond reactive enforcement and embrace proactive prevention through education.

By mandating structured and nationwide public awareness initiatives, these amendments will ensure that every Kenyan understands what constitutes a sexual offence under the law, the rights and protections available to victims, the legal consequences faced by offenders and the procedures for reporting, and accessing support services such as counselling. No one should ever feel embarrassed when reporting matters...

The Temporary Speaker (Hon. David Ochieng’): Hon. Member, please proceed to wind up.

Hon. Dorice Donya (Kisii County, WDM): Hon. Temporary Speaker, it is important to note that whereas the Bill mandates the Cabinet Secretary responsible for legal affairs in consultation with the Cabinet Secretary responsible for education to establish programmes to safeguard, protect, and promote the right to education of victims of sexual offences, it is the Ministry of Education that is responsible for making and implementing policies on the right to education, including programmes to protect and promote the right to education of victims of sexual offences.

Therefore, this proposal may be amended to leave these functions as responsibilities of the Cabinet Secretary in the Ministry of Education. I hereby beg to reply but request you do not put the question because I think do not have quorum.

The Temporary Speaker (Hon. David Ochieng’): Thank you so much. As requested, the putting of the question on this Bill will be made the next time we have the capacity to do so.

(Putting the question deferred)

Next Order.

BILL

Second Reading

THE TEACHERS SERVICE COMMISSION (AMENDMENT) BILL (National Assembly Bill No. 27 of 2024)

The Temporary Speaker (Hon. David Ochieng’): Hon. Abdul Haro.

Hon. Abdul Haro (Mandera South, UDM): Hon. Temporary Speaker, I beg to move that the Teachers Service Commission (Amendment) Bill (National Assembly Bill No. 27 of 2024) be now read a Second Time.

As I do that, I will give context. Statistics indicate that there are more than 3,300 heads of schools and deputy heads of schools in acting capacity. Other estimates by teacher unions indicate that up to about 99,000 teachers might be acting in various capacities.

*[The Temporary Speaker
(Hon. David Ochieng’) left the Chair]*

*[The Temporary Speaker
(Hon. Farah Maalim) in the Chair]*

This is a significant backlog in acting position which has created a leadership crisis in schools, making succession planning a big headache for stakeholders. Some of these acting administrators of schools have been made to act for a very long period, some for two years or more. When these positions come up for substantive filling, advertisement is made and sometimes somebody is recruited in that position as a substantive head teacher or deputy head teacher bypassing the person who has been acting for two to three years. During the period they act, these administrators do not enjoy any acting allowance or any special duty allowance because of the way their contracts have been designed.

Hon. Temporary Speaker, some of the acting administrators hold more than one acting position. For example, somebody is in an acting position as a deputy head teacher in a certain school, and then after one year, he is taken to another school again to act as a principal, making that person have two acting administrative positions. These prolonged acting appointments without compensation erode motivation, discourage retention and weaken succession planning in schools and schools' leadership.

It is as a result of this that this Bill seeks to formalise and entrench fairness in acting appointments to be made in a structured manner and streamline allowances that go with it. The Bill defines the period of acting to be between one month to six months, after which the position could be filled substantively either by the acting administrator or whatever mechanisms that picks on somebody else.

The Bill also provides for the qualification and remuneration for the appointment in acting capacity. The Bill also prohibits appointments in more than one position. There are some countries which have grappled with this similar problem, and they have had some very good case studies that we can learn from. For example, in Finland, acting administrators are clearly defined and compensated within structured career progression frameworks ensuring fairness. In South Africa, acting appointments are formally recognised with acting allowances for the stipulated period. It is with that kind of a background and context...

The Temporary Speaker (Hon. Farah Maalim): Hon. Haro, for the benefit of the Chair, we are not all teachers. Acting as what?

Hon. Abdul Haro (Mandera South, UDM): I had said earlier, acting either as a head teacher or a deputy head teacher. We call them acting administrators of schools.

The Temporary Speaker (Hon. Farah Maalim): That has got to be clarified. It does not seem to be. It just says acting teachers. You do not act as a teacher. If you are a teacher, you are a teacher.

Hon. Abdul Haro (Mandera South, UDM): Acting administrators either as head teachers or deputy head teachers. Therefore, I beg to move the Bill to be read a Second Time. I ask Hon. Dorothy Muthoni to second.

Thank you.

The Temporary Speaker (Hon. Farah Maalim): Hon. Dorothy Muthoni.

Hon. Dorothy Muthoni (Nominated, UDA): Thank you, Hon. Temporary Speaker. It is important for this House and those listening to know that the TSC is an independent commission established under Article 237 of the Constitution of Kenya. It has a clear mandate on what it is supposed to do. This includes teacher management, registering teachers, recruiting teachers, promoting teachers, transferring teachers, disciplining and even terminating the services of teachers.

It is against this background that this particular TSC (Amendment) Bill (National Assembly Bill No. 27 of 2024) is very crucial and important for us as legislators. I laud the

Member of Parliament for Mandera, Hon. Haro, for bringing this amendment before the Floor of the House. What is important and what this Bill is seeking to amend is to bring to a stop unfair administrative practises by the TSC, protection of teachers serving in acting capacity and protection of teachers in general. It is the responsibility and mandate of the TSC. As the mover has indicated, we have practices in our schools that subject the administrators, principals, headteachers, deputy head teachers, and senior teachers to a lot of anxiety, torture and torment. When they are given a responsibility in acting capacity, they are responsible for the day to day running of those institutions. However, they keep waiting and agonising without knowing their fate after they serve for more than six months, one year or two years in acting capacity. Therefore, the Bill seeks to have a clear direction on the duration teacher a principal or a head teacher should act before being confirmed.

The Bill also provides a statutory framework governing acting appointments. The proposal provided for herein is that it should not exceed six months. We are saying that in the six months in acting capacity, the head teacher or principal should be paid acting allowances because they fit in that position and they do it on daily basis. The acting allowance should not be at the discretion of the Commission. It should be documented so that we safeguard teaches of this country from exploitation from their employer.

Secondly, we have enhancements of accountability and transparency in the Bill by requiring consultations with the Salaries and Remuneration Commission (SRC). When I talk about consultations, I have been a unionist and I am in this space to protect workers of this country. Workers should not be exploited at any one given time. That is the more the reason that the Bill seeks to ensure allowances to be paid to teachers and administrators should be properly negotiated in consultation with the people who are mandated to talk and represent teachers in this space, especially the unions.

On standardisation of remuneration structures, the Bill consolidates various allowances such as housing, hardship, commuter, responsibility, transfer and special duty allowances into a legal framework. We have had incidences where teachers are sometimes transferred yet the employer does not even care to know how a teacher will move from station A to B. The Bill seeks to have a clear framework which will enable the employer to make sure that once a head teacher, an administrator or any other teacher is transferred to another station, it is the responsibility of the employer to ensure that proper arrangements are put in place, proper remuneration is documented so that teachers are paid the allowance before moving to the next station.

We are also talking about improvement of the teachers' service delivery. It should be predictable. Teachers should not work like they are not certain of their tomorrow. It is the responsibility of the Commission, and that is what the Bill seeks to address, that teachers should work in a way that they are certain of the future. I want to state that structures should be properly put in place in this sector because education is what will carry this country from one level to the other.

When we talk about teachers and administrators being taken care of, it is because we mind about the future of this country. If we do not invest in human resource, as a country, we will get it wrong. The only way we can invest in human resource is by ensuring that we have motivated teachers who are well taken care of and who will always protect the interest of children and the interest this country.

As I wind up, the Bill also seeks alignment with the constitutional values. The proposed amendments uphold Article 41 of our Constitution on fair labour practices and reinforces the constitutional mandate of the TSC under Article 237 of the Constitution. Teachers are not seeking a favour from us to amend the TSC Act. It is the right of the legislators in this House to support the Bill so that as the teachers sit in the space of providing quality education, they are not treated unfairly. I therefore seek the indulgence of this House. Let us all support this

Bill to support teachers of this nation.

Thank you, Hon. Temporary Speaker. I beg to second.

(Question proposed)

Hon. Robert Basil (Yatta, WDM): On a point of order, Hon. Temporary Speaker.

The Temporary Speaker (Hon. Farah Maalim): What is your point or order Member of Parliament for Yatta Constituency?

Hon. Robert Basil (Yatta, WDM): Thank you Hon. Temporary Speaker. I rise under Standing Order 97 regarding limitation of debate. The mood of the House is that many Members would like to contribute to the Bill. Hon. Temporary Speaker, I request you to reduce or limit debate to five minutes to allow many Members to contribute. Thank you.

The Temporary Speaker (Hon. Farah Maalim): Fair enough. You want the debating time allotted for every Member to be five minutes instead of 10 minutes? Any other Member who is willing to weigh in on that? Yes, Hon. Makilap, are you supporting or opposing.

Hon. Joseph Makilap (Baringo North, UDA): I support.

The Temporary Speaker (Hon. Farah Maalim): Any other Member who wants to weigh in on that. Yes Hon. Member for Luanda.

Hon. Dick Oyugi (Luanda, DAP-K): Thank you. I also want to support the same because the Bill is very weighty and important. Five minutes will be adequate. Thank you.

The Temporary Speaker (Hon. Farah Maalim): Fair enough. Hon. Dr Gogo, before I put the question

Hon. (Dr) Lilian Gogo (Rangwe, ODM): Thank you. I also support.

The Temporary Speaker (Hon. Farah Maalim): Fair enough.

(Question, that debating time be reduced to five minutes, put and agreed to)

Yes, Hon. Makilap.

Hon. Joseph Makilap (Baringo North, UDA): Thank you Hon. Temporary Speaker. At the outset, I support the Teachers Service Commission (Amendment) Bill. The Mover has brought forward fundamental issues that affect the teaching profession. The TSC needs to pay acting allowance to administrators, appointed teachers to act as principal or head teacher. The acting position should enjoy all the privileges that come with a substantive appointment for it to earn respect in the institution. If you are given a position that your colleagues in the staffroom know very well it has no benefits, the position will not come with authority and responsibility. It will not be taken seriously even by those who have been appointed on that acting capacity. Just like in other institutions or the Semi-Autonomous Government Agencies, if you are appointed in acting capacity, you need to enjoy all privileges and allowances that come with that responsibility that you have been bestowed upon. Therefore, just as it is in other institutions, authorities or semi-autonomous government agencies, if you are appointed to serve in an acting capacity, you should enjoy all the privileges or allowances that come with the responsibility that has been bestowed upon you.

Whenever teachers are appointed to act as senior teachers, deputy principals, principals and sometimes even heads of departments, especially in big institutions, they should be remunerated accordingly, so that they can earn the respect of learners and their colleagues and peers. Putting it into law or an Act of Parliament will ensure that there is no *lacuna*. Most teachers, especially those in hardship areas, are always appointed in an acting capacity but do

not get remunerated. This Amendment Bill will bridge the gap that has existed for many years. We should include a Fourth Schedule that provides for facilitation of allowances or aid to teachers. Take, for example, a blind head teacher in a school in Saimo Soi Ward in Baringo. He requires assistance to move from his office to the staff room or classroom. Such serious matters need to be remunerated because such people need assistance to give a speech in school or to attend to a call of nature. It would be humane to give them allowances. Also, if one serves in an acting capacity in whatever position until retirement, that remuneration should be included in his retirement package, so that he or she retires with dignity. This Amendment Bill is trying to dignify administrators in the teaching profession so that they are honoured within their institutions.

There is also a special allowance for those who have been serving in an acting capacity without the requisite qualifications. A teacher should not serve in an acting capacity beyond six months. After six months, they should be confirmed to that position as a substantive appointment, so that they are not misused. Secondly, serving in an acting capacity should be an added advantage when it comes to interviews for promotion or appointment. Such teachers should be prioritised for appointment into the next grade.

I support the Teachers Service Commission (Amendment) Bill. It should be anchored in law so that those serving in an acting capacity whether as principals, deputy principals and so on, earn respect and dignity and enjoy all other powers that they are entitled to.

The Temporary Speaker (Hon. Farah Maalim): Member for Yatta.

Hon. Robert Basil (Yatta, WDM): Thank you, Hon. Temporary Speaker. From the onset, I rise to support the TSC (Amendment) Bill, 2024 by Hon. Haro for very solid reasons. The Bill focuses on Arid and Semi-Arid Lands (ASALs) and teachers' allowances such as housing, hardship and commuter allowances. Nairobi City County is very attractive to teachers because it has more allowances compared to rural areas. This Bill is timely because it streamlines teachers' allowances.

Some teachers have served in an acting capacity for many months, which demoralises them. Imagine serving in an acting capacity as a deputy principal for more than one year and then someone else is appointed to your position. This Bill clarifies the period during which a person can serve in an acting capacity to be between one and six months. If a teacher exceeds that time period, the Bill proposes that the TSC should appoint and confirm them. The Bill contains many benefits that teachers will derive, which will motivate them. If a teacher has been serving in an acting capacity and then he or she is confirmed, he or she will be motivated and their teaching output will improve.

Additionally, we always talk about predictability when it comes to service conditions because teachers will be aware of the allowances that they are entitled to. This results in predictability, which will help teachers to plan well. The Bill will promote better representation. When teachers are motivated, they do a good job as opposed to when they are demoralised. If someone has served in an acting capacity for too long, he or she will have no reason to teach properly, which will compromise the quality of teaching. Learners' performance will dwindle as opposed to improving because teachers are demotivated, hence affecting their output.

More importantly, the Bill will strengthen governance and standards because the TSC will be properly guided on how to remunerate teachers in terms of allowances and also deal with issues of appointments. This will promote fairness and equity within the teaching

profession as enshrined in Article 10(2)(b) of the Constitution, which talks about equity and equality in service delivery.

The Bill also has drawbacks in terms of budgetary implications. There will be budgetary pressure because with the standardisation of allowances, the TSC will demand a higher budget. We will need to revise the TSC's budget upward to accommodate the amendments proposed in the Bill. Critics of the Bill will talk about the budget constraints, which we need to consider as a House so that the TSC does not push back on the Bill or question how they will accommodate the new changes that we are proposing.

With those few remarks, I support the Bill and urge that we incorporate the amendments to make it watertight and operational.

The Temporary Speaker (Hon. Farah Maalim): Hon. Millie Odhiambo, did you put in your card for the sake of it or did you seriously want to contribute?

Hon. Millie Odhiambo-Mabona (Suba North, ODM): Of course, I want to contribute, Hon. Temporary Speaker, but I can also consult my colleagues, especially on issues of concern to the Orange Democratic Movement (ODM) party.

The Temporary Speaker (Hon. Farah Maalim): That matter is not in the Order Paper today. We are discussing the TSC (Amendment) Bill.

(Laughter)

Proceed, Hon. Millie Odhiambo.

Hon. Millie Odhiambo-Mabona (Suba North, ODM): Yes, but we can always have a preamble, Hon. Temporary Speaker. This is merely a preamble. Many Kenyans are concerned about what is going on in ODM. Having said that, I want to support the Bill. I will be brief. Teachers are the first and primary nurturers of our children. Therefore, we should treat them with a lot of dignity and equilibrium.

*(Hon. Joseph Makilap and
Hon. Ndindi Nyoro consulted loudly)*

The Temporary Speaker (Hon. Farah Maalim): Order, Hon. Makilap and Hon. Ndindi Nyoro. You will consult in very low tones so that Hon. Millie can be heard.

Proceed, Hon. Millie.

Hon. Millie Odhiambo-Mabona (Suba North, ODM): Hon. Temporary Speaker, you know, Hon. Ndindi Nyoro has to be excited when I say there are issues in the ODM party. He should relax. Even if there are problems in the ODM party, we will sort them out. So, he should not be that excited. They are merely temporary.

I support the Teachers Service Commission (Amendment) Bill because it is fairly straightforward. The practice all over is that, when somebody is in an acting capacity, he should actually be given the benefits of the substantive office holder. This is an issue that we should have dealt with administratively. I know that sometimes agencies that are supposed to deal with such an issue do not deal with it. That forces us as legislators to legislate it. Sometimes, as a good legislator, I feel like we over-legislate. However, we are sometimes forced to do that when people are not executing their mandates. With those few remarks, I support.

The Temporary Speaker (Hon. Farah Maalim): Let us have the Member of Parliament for Nandi Hills. He will be followed by the Member for Luanda.

Hon. Bernard Kitur (Nandi Hills, UDA): Thank you very much, Hon. Temporary Speaker.

At the outset, allow me to thank the Member of Parliament for Mandera South, Hon. Abdul Haro Ebrahim, for bringing the Teachers Service Commission (Amendment) Bill. It will breathe air into the TSC Act by expanding teachers' allowances, something that should have been done before. Section 32A touches on all schools in areas that we all come from. For instance, the proposal that any teacher on an acting capacity must act at least for 30 days and not exceeding six months makes a lot of sense. A teacher acting beyond that period must be confirmed. It provides that anybody who is proposed to act must be qualified and any teacher in acting capacity must be given special duty allowance, is sensible. However, what has really touched me are the various allowances. It is very important to expand them to make teachers comfortable working in places where they would be paid allowances in a better way.

On the issue of house allowance, the proposal that when a teacher is on interdiction and half salary, he be paid the full house allowance makes sense. When a teacher has not been proven guilty and kicked out of the service, it is important that they are supported in this manner. The allowances have breathed air into the Bill. The hardship allowance is paid to a teacher teaching in a school that is situated in a gazetted hardship area. When he moves to another school that is not in a gazetted hardship area, it ceases to exist. Apart from the special duty allowance, responsibility allowance, special school allowance, reader's facilitation allowance and leave allowance, I am keen on the transfer allowance. First, the Bill proposes that where the commission at its discretion transfers a teacher from a sub-county to another or inter-county transfer, that allowance be paid to such teachers. My question is, what happens to those sub-counties that are extremely wide? It would be reasonable to also consider giving an allowance for any form of transfer.

Secondly, is a situation where a teacher initiates a transfer. We should improve the Bill by proposing that if a teacher initiates a transfer once in a period of two to three years, the commission should be considerate enough to give him an allowance to transfer. Sometimes, transfers are initiated because of family issues and other challenges that can make a teacher desire to move from one place to another, to keep contributing to the teaching profession and service of dispensing knowledge. That Section I(i)(b) in the Fourth Schedule must be reconsidered. I am informed that in other sectors of the public service, initiated transfer is given some support. I agree with all the allowances but this particular one. When teachers are moving from one place to another, they should be considered for this transfer allowance. I support the Bill except for those amendments that I have put across.

Thank you.

The Temporary Speaker (Hon. Farah Maalim): The Member of Parliament for Luanda.

Hon. Dick Oyugi (Luanda, DAP-K): Thank you very much, Hon. Temporary Speaker for the opportunity. I also want to add my voice to this important matter about our teachers. First and foremost, I want to appreciate Mheshimiwa Abdul for this amendment Bill. It is well thought out, and will go a long way to address a number of gaps that currently exist in teacher management. During this 13th Parliament, I have had the privileged to be in the Education Research Committee where our main duty was to oversight teachers among others. That enabled me to interact with some of the challenges that our teachers go through, especially on the matter of acting. For far too long, our teachers have suffered. To some extent, they have been mismanaged.

Teachers have been acting for far too long. It is unfair for a teacher to act in a position for 3 to 4 years in the same station, then somebody else is brought in to take over that position on the basis that the acting teacher was initially not qualified to acting in that position. That

has made many of our teachers to be frustrated and demotivated. Why would a teacher in the first place be asked to act for three years then somebody is brought in to fill the same position just because they are not qualified to act? The Bill will bring certainty on that. The Bill provides that the Teachers Service Commission will give teachers an opportunity to act for a minimum of 30 days and not exceed six months. That will eradicate the issue of teachers acting for 1 to 3 years. So, I support.

The other issue is where a teacher is given an opportunity to act and the employer comes in to say that he is not qualified to act and, therefore will not be confirmed. The Bill says that, if a vacancy is available, it should be given to a teacher who is qualified so that the teacher can be confirmed. That means that we should move on and pay them their respective allowances. I, therefore, applaud my brother who found it necessary to cure this gap in the law by bringing this Bill. Our teachers have been humiliated to some extent by having unnecessary years of acting without being remunerated.

Another important part of this Bill is bringing into action Schedule 4, which catalogues a number of allowances that teachers are supposed to enjoy. For me, that brings the element of certainty and predictability, which improves the issue of governance. When a teacher is told to act for this long, issues of governance are compromised. However, when a teacher is assured that he will be paid while acting for a specific time, he will ensure that governance and accountability issues are taken care of.

Hon. Temporary Speaker, a good example is the constituency I represent. Currently, we have about 17 institutions with acting administrators. This is such a big number. It brings in uncertainty. However, if these teachers know that they will only act for a maximum of one year or six months, it brings accountability on the part of the teacher. They are well-motivated and equally qualified to take up that specific opportunity when that time comes. Therefore, I support this Bill because it has come in time. It will go a long way to cure the existing gap.

Thank you.

The Temporary Speaker (Hon. Farah Maalim): Let us have the Member for Turkana East, Hon. Emaase Mary, Hon. Dawood and Member for Nyando to contribute in that order.

Hon. Nicholas Ng'ikor (Turkana East, JP): I thank you, Hon. Temporary Speaker, for giving me this opportunity to add my voice in support of this Bill.

Teachers of this country have suffered for long in schools acting positions. If this Bill is supported and passed, it will really help teachers to do their work with dignity. They will render services to our children as required by law. Currently, teachers are discouraged. Some of them are not doing their work the way they are supposed to because they are in acting capacities in schools. In my constituency, so many schools are being headed by teachers in acting capacity. We need to support the Bill so that this issue of acting capacity can be well guided by policies or guidelines. Currently, administrators are given acting roles like senior teacher, duty teacher or head of an institution verbally either by their headteachers or supervisors without any letter confirming those appointments.

That is the reason when those positions are eventually advertised, they are given to other teachers. The ones who acted without any letter have nothing to show. We propose all acting positions to be either supported by some documentation or have policies to govern them, so that those teachers who are acting can benefit from some special allowances for the roles they play. They should also be given a letter to show that they have been appointed in an acting capacity. It needs to have a timeframe. They should not act for so many months or years without being confirmed. They do the work and when somebody else comes and takes the position, they are told to leave verbally. They should be given written documentation to do acting roles. This will help them know what their duties are and that they are supported by law.

This is the reason I support this Bill. Some of the teachers are transferred in the middle of their acting roles. When they report to the new stations, they start from nowhere because

nobody knows they held acting roles in their previous schools. I propose that the acting roles should be supported by policies from TSC.

With regard to the welfare of these teachers, when somebody has been promoted to be a headteacher or is told to act in a position without an appointment letter and without certain privileges, even those working under him or her will not respect them because of the absence of official communication. This is because there is no difference between the person acting and those working under him since there is nothing to show that they are acting, and there are no clear roles and responsibilities of the new appointment. I support this Bill and ask all my colleagues to support it so that we can save the teachers of this country.

Thank you, Hon. Temporary Speaker.

The Temporary Speaker (Hon. Farah Maalim): Hon. Emaase Mary.

Hon. Mary Emaase (Teso South, UDA): Thank you, Hon. Temporary Speaker. I rise to support the Teachers Service Commission (Amendment) Bill (National Assembly Bill No. 27 of 2024) by Hon. Abdul Haro.

At the outset, I want to say that this Bill is very timely because it is seeking to address existing problems within the Teachers Service Commission. We have had so many teachers who have acted for so long. This Bill is addressing the process. How do we structure and improve the process of promotion so that promotion is based on merit? This is because even now, there are delayed promotions, and people acting for too long. Recently, we finally promoted too many and they have no schools to be posted to.

When the opportunity to promote arises, you find that an external candidate has been given the opportunity and the teacher who was acting for so long has been left out. What does that do? It reduces morale and when morale is reduced, you feel undervalued and morale goes down. That impacts negatively on your productivity. No wonder when some schools perform dismally, we begin to ask ourselves why, yet the problem is within the process. This Bill seeks to address that problem.

We have also met teachers who are so demoralised that they have lost trust in their employer. Every time you get a call, a teacher is asking for help to get promoted. They tell you that they have been in one position for so long. It should not be that way. It should be automatic and structured so that a teacher can act for a period of time, which must be certain and after that period, they get promoted. This Bill seeks to restore the trust that after a certain time in acting capacity, they will get promoted.

We have also seen teachers moving out of TSC in search of other opportunities because they are so demoralised, and are not seeing light at the end of the tunnel. So, teachers begin to look for other opportunities and, in the process, we lose valuable skills and experience. Again, that impacts negatively on the performance of the students within the affected schools. I support this Bill because it will help us address the challenges within the sector, give teachers confidence, and trust in the institution and their employer. They will be certain that after a certain period of time, they will move to the next level. This should be timely such that we do not accumulate pending promotions, and get to a time when they are all promoted and there are no schools to post them. Currently in my constituency, I have a promoted teacher who is supposed to be a head of institution, and another promoted to deputy position, but there are no schools to post them; they are all in the same compound. So, how do you expect them to work? Those are challenges that we need to address within our teaching institutions.

I support. Thank you.

The Temporary Speaker (Hon. Farah Maalim): Member for Nyando.

Hon. Jared Okello (Nyando, ODM): I thank you very much, Hon. Temporary Speaker. Allow me to also add my voice to this most timely debate.

The Temporary Speaker (Hon. Farah Maalim): Member for Nyando, one second. I

want to recognise the presence of pupils from Anthena Primary School, Mavoko Constituency, Machakos County. You can rise up.

(Applause)

Did I see Hon. Jessica Mbalu? Who did I see at the back there? I do not see anybody else from Machakos here. You can proceed and give the young girls and boys a word of encouragement. The Member behind you will speak after you.

Hon. Jessica Mbalu (Kibwezi East, WDM): Thank you very much, Hon. Temporary Speaker. I wish to welcome the students from Mavoko Constituency, Machakos County.

Hon. Jessica Mbalu (Kibwezi East, WDM): I am from Kibwezi East in Makueni County. They are here to see the proceedings of Parliament. This is where the Members of Parliament make laws. I am sure one day they will become Members of Parliament. I wish them the best. Thank you.

Now I go back to the contribution.

The Temporary Speaker (Hon. Farah Maalim): Order. Do not hijack. The Member behind you, also from Ukambani, would you want to say a word of encouragement to the young boys and girls?

Hon. (Eng.) Paul Nzengu (Mwingi North, WDM): Thank you, Hon. Temporary Speaker. Yes, I would like to welcome the students from Mavoko Constituency on behalf of the Member of Parliament, Hon. Makau. Indeed, this is a way of learning how Parliament operates. Hopefully, in future, one of them may become the next Member of Parliament of Mavoko Constituency. I wish them well.

Thank you very much, Hon. Temporary Speaker.

The Temporary Speaker (Hon. Farah Maalim): Member for Nyando, proceed with your contribution now.

Hon. Jared Okello (Nyando, ODM): I thank you very much, Hon. Temporary Speaker. In the same breath, allow me to also add my voice to the Teachers Service Commission (Amendment) Bill that is before us. It would be remiss not to make it clear that my late father was a teacher for many years, before he retired in the year 1997. The big difference between then and now is that they took a lot of pride in the good performance of their students. They never asked for more money to supplement their stay and their comfort in schools. But they paid a lot of credence to the benefits accruing from the good performance of their students. Later in life, if their students made it, then that was a very big joy and ecstasy to the members of the communities and the teachers' fraternity.

On this Amendment, we have had a lot of stagnation that probably is not informed by any policy. Because on the same breath, you find a teacher who is barely 10 years in service and has moved three or four steps in that ladder. But again, on the other hand, you have a teacher who has taught for over 20 years and is stuck in the very position for the longest. Therefore, we need to define clearly how a teacher moves from one grade to another and also put a timeline because a teacher should not be stuck in one position. It creates a lot of disappointment for teachers who work so hard to mould our children.

Unlike here, where those who get Grade A in high school are plunged into either engineering or medicine, in Korea such students become teachers. This is because, they understand the importance of moulding a child to become somebody in future. Whereas our curriculum does not really recognise teachers as much, what happens in countries that have made steps towards economic progress is a testament that teaching as a profession is so noble, and only the best should be put into the classroom.

I have witnessed in the course of my movement across the world, a PhD holder teaching

young people from Grade I to Grade V. Yet PhD holders in this country, and Africa in general, are only placed at the university level. PhD holders in this country and in Africa in general are only put at the university level. They only handle people who have been moulded by others, but not by them. So, these are issues that we also need to reconsider, even as we work towards the horizontal movement of teachers from one grade to another, Hon. Temporary Speaker.

Teachers have signed to work anywhere across the Republic of Kenya but it has become a tendency that a teacher who does not align with the requisites of their bosses is taken to North Eastern Kenya, very far away from their homes, distorting their comfort. Even as we understand the need to address the plight of all teachers across the nation, we also need to make sure that teachers are also made comfortable. Disciplinary measures do not necessarily mean taking them far away from their families. So, these are fundamental issues that we need to put in place as we work towards teachers' comfort.

We also need to define a period in which a teacher can be in one particular school. Just like judges who are put into a station for three years and then taken back to Nairobi before they are taken to another station, we have teachers who have become so complacent, teaching in one school for over 30 years. What new ideas do they come up with in such an environment? Therefore, I support this, and I thank Hon. Haro for bringing this before this august House.

The Temporary Speaker (Hon. Farah Maalim): Hon. Dawood, Member for North Imenti.

Hon. Rahim Dawood (North Imenti, Independent): Thank you, Hon. Temporary Speaker. At the outset, I congratulate my brother, Hon. Haro, from Mandera South. I also want to wish all Muslims a happy Ramadhan and a happy Lent to the Catholics.

Even if we say what Hon. Haro has brought up can be done administratively, unfortunately, that is not what happens. I was in my constituency two weeks back. There is a teacher from Western Kenya, but has been a teacher at a school in my constituency for 16 years. I would not want to name her. She was in an acting position initially as a deputy and then as a principal. A principal is posted and after six months, the principal leaves. She again becomes a principle and deputy and that is in acting position for the last five years. That is when I wondered what exactly the position of the TSC was in this whole matter. We need to have something definable that if any teacher serves in a position of a deputy or a principal, after six months, they should be confirmed according to the labour laws. The labour laws state that one cannot be in an acting position for more than six months. If TSC is doing that, I think it is going against the labour laws of the country, and they should be cited for contempt.

Secondly, we need to sort out how we are going to treat the Junior Secondary Schools (JSS). At the moment, they are run by the primary head teachers. Do we now call the primary head teachers principals so that they are principals with extra responsibilities and extra funds? You cannot just call somebody to run the JSS and not give them extra funds or remuneration and expect them to do the job. We need TSC to look into that. I hope Hon. Haro can even include the JSS in his Bill so that we pass it when we come to the Committee stage.

We talk about progression and promotion. We should be like the Kenya Army or the police service. The other day I heard that a constable needs to move up to become a corporal, a sergeant, an inspector, all the way up. Unfortunately, in the teaching profession, people have been there for ages and the Hon. Member for Nyando mentioned. They are stuck in one job group for 20 years. Such teachers need to be moved up. If one has served for three to five years, they should be promoted even to administrative positions.

When Hon. Haro spoke, he said 98,000 administrators are in acting positions. That is the highest number I have heard of in any institution. We need to get to the bottom of this. I ask my colleagues to join Hon. Haro to make necessary changes.

Thank you, Hon. Temporary Speaker.

The Temporary Speaker (Hon. Farah Maalim): Hon. Beatrice Elachi, followed by Hon. Ndindi Nyoro.

Hon. Beatrice Elachi (Dagoretti North, ODM): Thank you, Hon. Temporary Speaker.

(Loud consultations)

The Temporary Speaker (Hon. Farah Maalim): Order, Hon. Members. The Temporary Speaker has lots of considerations. There is a lot of distribution on the basis of gender, regions, and all other persuasions. So, when he decides, it is based on the best of intentions. Proceed, Hon. Member. I will make sure you all get an opportunity.

Hon. Beatrice Elachi (Dagoretti North, ODM): Thank you, Hon. Temporary Speaker. I also rise to support. As I do so, I thank Hon. Haro for bringing this forward. One of the things that has been ailing the Teachers Service Commission (TSC) is teachers' promotions. I will be very brief with the TSC. It is important for TSC to establish a very clear and transparent criteria. The criteria should include the requirement of years of service, which is very critical and how a teacher has performed in a school. You find that a principal who has left a school with a debt of more than Ksh60 million is transferred to another school to continue heading. The principal is transferred and promoted, but leaves the school facing a lot of challenges. You also find in another case a teacher who has struggled and ensured that a school has no debt, but you get the teacher is looking for a promotion. Does TSC have a template to rate its teachers in academics?

You may also find a Board of Management (BOM) teacher who has taught in a school for many years and the subjects she handles are best performing in the school. But TSC does not even remember that such a teacher needs to be employed permanently for the work they are doing. TSC needs to have an incentive of rating its teachers. They must standardise performance, digitise it, and ensure there is equal access so that every teacher can track it. If a teacher applies for a promotion, there should be a tracking number to follow up the application.

Let me talk about Nairobi. The other day, I felt very sad and I will bring a request for a Statement in the afternoon on teachers who pass on. I realised TSC has a very good cover for teachers in the equivalent of Job Group Q and above. But the teachers who are the highest contributors to ensure a better cover have no cover. They are struggling with the Social Health Authority (SHA). They are doing everything they can. It was very sad we lost Jacob, a teacher from Makueni County just because of the medical cover. He went to Guru Nanak Hospital but they could not take him in because of his cover.

Even as we debate and agree with Hon. Haro on all these amendments, we must ensure that a teacher does not stay in hardship areas for more than eight years. There is a teacher in Turkana who has been crying to be removed there. She is now sick and her parents are wondering what to do. I wish Hon. Wanjiku Muhia was here because this teacher is from Nyandarua. It is very sad. For eight years, she has been in Turkana. She has pleaded with TSC to be brought back even for the sake of her children, but nothing has been done. TSC now has a new management with a new Chief Executive Officer (CEO) who is trying her best to see things work. We are pleading with them to change the system of the institution so that it works better for all the teachers.

Lastly, whether you like it or not, Nairobi is an area with the highest hardship levels. Ask me how a teacher in Nairobi is surviving with his house allowance. Housing in Nairobi is so expensive that that teacher cannot even afford. I beg to support. I also plead with TSC that it is important for them to reorganise their institution.

Thank you.

The Temporary Speaker (Hon. Farah Maalim): Hon. Nyoro Ndindi.

Hon. Ndindi Nyoro (Kiharu, UDA): Thank you very much, Hon. Temporary Speaker. I will be very brief because there is not much time.

First of all, I appreciate the role that teachers play in our education sector because our human capital is polished through the education system. The biggest asset we have in our education system are the personnel who are teachers, lecturers and all the others who make that possible. Therefore, it is important we make our education system and institutions the centre of meritocracy, because everything else sprouts from there. That when there are promotions to be done or any other considerations, merit should always be at the forefront.

The second thing is to bemoan the fact that currently we have over 20,000 Junior Secondary School (JSS) interns in our learning institutions, who have basically been volunteering to work for almost free for over a year. The government had promised them that they would be absorbed into permanent and pensionable terms in the period of one year. Unfortunately, towards the end of last year they were coerced to sign an extension of the same internship. It is important for all of us here as Members of this Parliament to call upon the government with immediate effect, to confirm the JSS interns into permanent and pensionable terms. It does not matter whether the academic year has started. We can correct the wrong that has started with the year 2026 by confirming all the JSS interns into permanent and pensionable terms.

When teachers get jobs, because they are desperate in that situation, they are made to sign agreements including a form that they will not seek for transfer before five years are over. I do not think this is the right thing to do. There is a way that we can make our teachers choose where they want to teach. This way, we could end up having balance in our institutions and happy personnel. I think we need to revise that policy of five years, so that a teacher can seek transfer immediately they get a job. This is because situations change. We could be having a teacher transferring from an area where another teacher wants to go. That kind of marketplace balance can bring cohesion at the end of the day.

Lastly, we must continue to agitate for totally free basic education in Kenya. We have shown and it has been shown that it is possible. During the budget making period, I will be moving that we get Ksh10 billion from National Government-Constituencies Development Fund (NG- CDF), Ksh10 billion from equitable share and Ksh10 billion from the National Government. We will then make a kitty of Ksh30 billion which is enough money to make basic education totally free in our senior secondary schools, including the last programme. This will ensure that free will actually mean free.

Thank you. I submit.

The Temporary Speaker (Hon. Farah Maalim): Hon. Nzengu Paul, you have limited time.

Hon. (Eng.) Paul Nzengu (Mwingi North, WDM): Thank you, Hon. Temporary Speaker. I also rise to support the Motion on the proposed amendment to the Teachers Service Commission Act. The Motion is timely, and the amendment is important.

I have, in the past, received petitions from Deputy Principals from Kitui County, numbering more than 200 of them. The question was whether they have been acting in those capacities for more than five years, and they have been wondering why they should remain in that position for that long. As a matter of fact, under the current dispensation, we do not even need to have this Motion to have money bearing, for under the establishments that are there, every acting position has some provision for allowances. I agree with the fact that we do not need to keep them waiting for too long to get promoted. If the position falls vacant, then that position needs to be occupied immediately.

The same applies to teachers who are in junior secondary, and with the current teaching system, where computers have become an integral part of teaching in both primary and secondary schools. You realise that not all the teachers have been trained to teach computers.

The computer- literate teachers are not getting an extra allowance, yet they are doing extra work. In all this, I want to say that it is indeed very important to look into the welfare of the teachers, particularly the principals and the deputies, in considering the kind of work they are doing. Therefore, I agree and support the Motion.

ADJOURNMENT

The Temporary Speaker (Hon. Farah Maalim): Hon. Members, the time being 1.02 p.m., the House stands adjourned until Wednesday, 18th February 2026 at 2.30 p.m.

(The House rose at 1.02 p.m.)

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