



REPUBLIC OF KENYA
ELEVENTH PARLIAMENT – (THIRD SESSION)
THE SENATE
ORDER PAPER
THURSDAY, OCTOBER 01, 2015 AT 2.30 P.M

PRAYERS

1. Administration of Oath
2. Communication from the Chair
3. Messages
4. Petitions
5. Papers (As Listed in the Appendix)
6. Notices of Motion (As Listed in the Appendix)
7. Statements (As Listed in the Appendix)
8. ***THE PETITION TO COUNTY ASSEMBLIES (PROCEDURE) BILL (SENATE BILL NO. 35 OF 2014)**

(Chairperson, Standing Committee on Legal Affairs and Human Rights)

(Second Reading)

(Resumption of Debate interrupted on Tuesday, 22nd September, 2015)
(Division)

9. ***THE OFFICE OF THE COUNTY PRINTER BILL (SENATE BILL NO. 42 OF 2014)**

(Sen. Stephen Sang')

(Second Reading)

(Resumption of Debate interrupted on Wednesday, 23rd September, 2015)
(Division)

10. **MOTION** – (Sen. Isaac Melly)
(Ministry of Sports, Culture and the Arts)

THAT, WHEREAS Kenya is traditionally known for its outstanding performance in athletics especially in middle and long distance running;

AND WHEREAS athletics is part of Brand Kenya efforts and has immensely contributed to marketing the country abroad;

...../Motion

APPRECIATING that the Kenyan athletes are good ambassadors and have greatly improved the image of the country;

FURTHER APPRECIATING the performance of the team that participated in the recently concluded 2015 IAAF Championships in Beijing, China and were ranked number one overall out of the thirty two countries that participated;

NOTING the sterling performance that yielded winning a total of sixteen medals of which seven were gold, six silver and three bronze;

RECOGNIZING that the country won a gold medal in the elusive 400 meters hurdles which has not been our specialty and a gold medal in the field event of javelin;

ALSO APPRECIATING the Sterling performance of our sportsmen and sportswomen who participated in the just concluded All African Games in Congo Brazzaville where they won a total of twelve medals of which three were gold, five silver and four bronze and finished in position nine out of thirty seven countries that participated;

COGNIZANT that such outstanding performances will inspire and spur upcoming athletes and generally boost the Kenyan spirit;

The Senate–

1. records its commendation to the Kenyan teams for the sterling performance at the IAAF World Championships in Beijing, China and the All African Games in Congo Brazzaville;
2. calls upon the National Government to recognize and honor the teams with appropriate awards; and
3. resolves that this Resolution of the Senate with the Hansard report on the deliberations on this Motion be forwarded to our athletes and sportsmen/sportswomen who participated in the respective events.

(By leave of the Senate)

11. **MOTION** – (Sen. Fatuma Dullo)

(Ministry of Interior and Coordination of National Government)

WHEREAS Article 51 of the Constitution of Kenya protects the rights of detained persons, persons held in custody and other imprisoned persons under the law, and requires Parliament to enact legislation to provide for the humane treatment of such persons with due regard to the relevant international human rights instruments;

OBSERVING that international instruments, including the Universal Declaration of Human Rights, the International Covenant on Economic, Social and Cultural Rights, the International Covenant on Civil and Political Rights, the Convention Against Torture and other Cruel, Inhuman or Degrading Treatment or Punishment and the United Nations Basic Principles for the Treatment of Prisoners set standards on the treatment of persons, including the right to be treated with respect; protection from discrimination on the grounds of race,

...../Motion

colour, sex, language, religion, political or other opinion, national or social origin, property, birth or other status;

AWARE of the deplorable state of correctional services throughout the country including poor living conditions in the institutions of both officers and prisoners, the poor state of sanitation and nutrition, overcrowding, lack of proper medical attention, frequent outbreak of communicable diseases and frequent reports of deaths of inmates leading to a high rate of recidivism and the inability of former inmates to reintegrate into society;

APPRECIATING the urgent need to align the Prisons Act and Borstal Institutions Act with the Constitution of Kenya and the international instruments on the rights of detained persons;

NOW THEREFORE, the Senate resolves to establish a Select Committee to undertake an inquiry into the policy and legislation pertaining to the treatment of detained persons as well as the state of correctional institutions in Kenya, including prisons and Borstal institutions, and to submit a Report to the Senate within three months, with recommendations on such policy and legislative interventions as may be necessary to align the existing legislation on correctional services with the Constitution of Kenya and in compliance with international standards on the rights of detained persons and such other recommendations as may be necessary;

AND FURTHER that the Members of the Select Committee are-

1. Sen. Fatuma Dullo
2. Sen. (Dr.) Zipporah Kittony
3. Sen. (Dr.) Boni Khalwale
4. Sen. (Prof.) John Lonyangapuo
5. Sen. Stewart Madzayo
6. Sen. Liza Chelule
7. Sen. Judith Sijeny
8. Sen. Mutula Kilonzo Jr.
9. Sen. Stephen Sang'
10. Sen. Joy Gwendu
11. Sen. Moses Kajwang'

12. **MOTION** – (The Chairperson, Standing Committee on Roads and Transportation) (Ministry of Roads and Infrastructure)

THAT, this House adopts the Report of the Standing Committee on Roads and Transportation on visits to Lamu and Nakuru Counties, laid on the table of the House on Wednesday 29th July, 2015.

13. **MOTION** – (The Chairperson, Sessional Committee on Implementation) (Ministry Agriculture, Livestock and Fisheries)

THAT, this House adopts the report of the Sessional Committee on Implementation on its visit to Mombasa, Kilifi and Kwale Counties to follow up on the resolution of the House to support the coconut industry, undertaken between 25th and 28th April, 2015 laid on the table of the House on Wednesday 29th July, 2015.

...../Bill

14. *THE SENIOR CITIZENS CARE AND PROTECTION BILL (SENATE BILL NO. 43 OF 2014)

(Sen. (Prof) Wilfred Lesan)

(Second Reading)

(Resumption of Debate interrupted on Wednesday, 30th September, 2015)

15. *THE HIV AND AIDS PREVENTION AND CONTROL (AMENDMENT) BILL (SENATE BILL NO. 4 OF 2015)

(Sen. (Dr.) Wilfred Machage)

(Second Reading)

KEY

■ Denotes a Majority /Minority Party Bill

■ Denotes a National Assembly Bill

■ Denotes a Committee Bill

■ Denotes any other Bill

NOTICE

The Senate resolved on 11th February, 2015 as follows:-

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

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

APPENDIX**1. PAPERS**

- a) The Business of the Senate for the coming week;
(The Senate Majority Leader)
- b) The Report of the Auditor General on the Financial Operations of Narok County Assembly for the year ended 30 June, 2014;

(Chairperson, Sessional Committee on County Public Accounts and Investments)

- c) The Report of the Commission for the Implementation of the Constitution on the Assessment of the Transferred Functions to the County Governments, August 2014.
- d) Annual Progress Report of the Commission for the Implementation of the Constitution for the year 2014/15.

(Chairperson, Sessional Committee on Devolved Government)

2. NOTICE OF MOTION – (Sen. Isaac Melly)
(Ministry of Sports, Culture and the Arts)

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AND WHEREAS athletics is part of Brand Kenya efforts and has immensely contributed to marketing the country abroad;

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...../Appendix

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3. STATEMENTS

- a) The Senate Majority Leader to issue a Statement on Business of the Senate for the coming week;
 - b) The Chairperson of the Sessional Committee on Devolved Government to issue a statement on failure by County Governments to observe guidelines on use of Government vehicles (Sen. (Prof.) John Lonyangapuo);
 - c) The Chairperson of the Standing Committee on Education to issue a statement on funding for special needs schools (Sen. Catherine Mukiite);
 - d) The Chairperson of the Sessional Committee on Devolved Government to issue a statement on capacity building for County officials who perform security and enforcement services (Sen. George Khaniri);
 - e) The Chairperson of the Standing Committee on Agriculture, Livestock and Fisheries to issue a statement on the cost of fertilizer for tea farmers (Sen. (Prof.) Wilfred Lesan);
 - f) The Chairperson of the Standing Committee on National Security and Foreign Relations to issue a statement on detention of Mr. Don Bosco Gichana in Tanzania (Sen. Kennedy Mong'are)
 - g) The Chairperson of the Standing Committee on Health to issue a statement on the deteriorating medical care standards with specific reference to quack doctors (Sen. Martha Wangari)
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