



REPUBLIC OF KENYA

THE SENATE

ELEVENTH PARLIAMENT – FOURTH SESSION

VOTES AND PROCEEDINGS

THURSDAY, OCTOBER 13, 2016 AT 2.30 P.M

1. The Senate assembled at thirty minutes past Two O'clock.
2. The Proceedings were opened with Prayer said by the Speaker.
3. **COMMUNICATION FROM THE CHAIR - VISITING PUPILS AND TEACHERS FROM UMA PRIMARY SCHOOL IN MAKUENI COUNTY**

The Speaker issued the following Communication from the Chair-

"Honourable Senators,

I wish to recognize the presence of visiting Pupils and Teachers from Uma Primary School, Makueni County. They are seated at the Public gallery.

In our usual tradition of receiving and welcoming visitors to Parliament, I extend a warm welcome to them and, on behalf of the Senate and on my own behalf, wish them a fruitful visit.

I thank you."

4. **MESSAGE FROM THE NATIONAL ASSEMBLY ON THE APPROVAL OF THE COUNTY ASSEMBLIES POWERS AND PRIVILEGES BILL (SENATE BILL NO. 14 OF 2014)**

The Speaker conveyed the following Message from the National Assembly regarding the approval of the County Assemblies Powers and Privileges Bill (Senate Bill No. 14 of 2014).

"Hon. Senators,

"Pursuant to the provisions of Standing Order 41 (1) of the National Assembly Standing Orders, I hereby convey the following message from the National Assembly-

Whereas, the County Assemblies Powers and Privileges Bill No. 14 of 2014) was published vide Kenya Gazette Supplement No. 54 of 22nd April, 2014 as a Bill concerning County Governments, seeking to give effect to the provisions of Article 196 (3) of the Constitution by providing for the powers, privileges and immunities of county assemblies, their committees and members and to make provisions regulating admittance to and conduct within the precincts of county assemblies;

WHEREAS the said Bill was passed by the Senate on Tuesday, 2nd December, 2014 and referred to the National Assembly for consideration;

AND WHEREAS; the National Assembly passed the said Bill on Wednesday, 5th October 2016 without amendments and in the form passed by the Senate;

NOW THEREFORE, in accordance with the provisions of Article 110 of the Constitution and Standing Order 41 (1) of the National Assembly Standing Orders, I hereby convey the decision of the National Assembly to the Senate."

Consequently, pursuant to Article 110 (5) of the Constitution, the Bill will be referred to the President for Assent.

5. **PAPER LAID**

The following paper was laid on the Table of the Senate-

Statement of the Majority Leader on business of the Senate for the week commencing 18th October, 2016.

(The Senate Deputy Majority Leader)

6. **STATEMENTS**

a) **STATEMENTS PURSUANT TO STANDING ORDER 45 (2) (b)**

- i) The Senator for Bungoma County (Sen. Moses Wetang'ula) sought a Statement from the Chairperson of the Standing Committee on National Security and Foreign Relations concerning the Kenya refugees from

Uganda who have been camping at the Senate gate since Monday, 10th October, 2016 to date.

- ii) The Senator for Nyeri County (Sen. Mutahi Kagwe) sought a Statement from the Chairperson of the Standing Committee on National Security and Foreign Relations regarding visa processing reciprocity between Kenya and European nations such as Switzerland and the United Kingdom.

b) **STATEMENT PURSUANT TO STANDING ORDER 45 (2) (a)**

The Senator for Garissa County (Sen. Yusuf Haji) made a statement on an issue of topical concern regarding the plight of the Makonde people living in Kwale County.

Thereupon, the Senator informed the House that Kenya hosts a significant population of the Makonde people residing in Kwale County who first came into the country from Mozambique as labourers over 50 years ago. He informed the House that their population had been increasing over the period since they came to Kenya to a population of about 3,000 persons.

The Chairperson also informed the House that despite having been in the country for decades, the Makonde remain unrecognized by the state and thus are stateless, which had led to stigmatization, alienation and poverty as they could not access formal employment owing to lack of national identification documents.

He called upon the Government to recognize the Makonde community by providing them with citizenship through issuance of relevant documentation to enable them enjoy privileges as citizens of Kenya.

7. **MOTION** – (Sen. Joy Gwendu)

THAT, the Senate notes the Report of the Commonwealth Women Parliamentarians Regional Capacity Building Workshop held in Dar es Salaam, Tanzania on 20th – 23rd January, 2016 laid on the Table of the House on Thursday, March 17, 2016.

(Resumption of Debate interrupted on Thursday, 30th June, 2016)

Order deferred.

8. **MOTION** – (Chairperson, Standing Committee on National Security and Foreign Relations)

THAT, this House adopts the Report of the Standing Committee on National Security and Foreign Relations on the assessment of the security situation in Mandera County, Laikipia county and Kapedo (Border town of Turkana and Baringo Counties) conducted between 19th January and 5th February, 2015 and laid on the Table of the House on Wednesday, 29th July, 2015.

Order deferred.

9. **MOTION** – (Sen. Peter Mositet)
(Standing Committee on Education)

AWARE that Article 43 (1) (f) of the Constitution of Kenya provides that every person has the right to education and that Article 53 (1) (b) of the Constitution provides that every child has the right to free and compulsory basic education;

COGNIZANT that Article 54 (1) (b) of the Constitution provides that a person with any disability is entitled to access educational institutions and facilities for persons with disabilities that are integrated into society to the extent compatible with the interests of the person;

RECOGNIZING that education in Kenya is a shared function of both the county and national governments;

CONCERNED that while significant gains have been made under the Free Education Programme introduced in the year 2003, access and participation of children with special needs is generally low across the country and their needs have not been specifically addressed;

NOW THEREFORE the Senate directs the Standing Committee on Education to inquire into the performance of the Ministry of Education, Science and Technology in the implementation of the policy statements and strategies made in the National Special Needs Education Policy Framework, 2009 and report back to the Senate within three months.

Order deferred.

10. MOTION - ADOPTION OF THE REPORT OF THE STANDING COMMITTEE ON INFORMATION AND TECHNOLOGY ON THE COUNTY OVERSIGHT AND NETWORKING ENGAGEMENT (CONE) TO MIGORI, BOMET AND NAROK COUNTIES

Motion made and Question Proposed;

THAT, the Senate adopts the Report of the Standing Committee on Information and Technology on the County Oversight and Networking Engagement (CONE) to Migori, Bomet and Narok Counties laid on the Table of the Senate on 3rd March, 2016.

(Chairperson, Standing Committee on Information and Technology)

Debate arising;

And there being no other Senator wishing to contribute;

Mover replied;

Before the Question was put, and pursuant to Standing Order No. 72, the Temporary Speaker (Sen. Mositet) informed the Senate that the Motion did not affect Counties;

Question put and agreed to.

RESOLVED ACCORDINGLY-

THAT, the Senate adopts the Report of the Standing Committee on Information and Technology on the County Oversight and Networking Engagement (CONE) to Migori, Bomet and Narok Counties laid on the Table of the Senate on 3rd March, 2016.

11. MOTION - ADOPTION OF THE REPORT OF THE STANDING COMMITTEE ON NATIONAL SECURITY AND FOREIGN RELATIONS ON THE STUDY VISIT TO RUSSIA

THAT, this House adopts the Report of the Standing Committee on National Security and Foreign Relations on the study visit to Russia laid on the Table of the House on Tuesday, 15th March, 2016.

(Chairperson, Standing Committee on National Security and Foreign Relations)

Order deferred;

12. MOTION- ADOPTION OF THE REPORT OF THE STANDING COMMITTEE ON EDUCATION ON THE 38TH SESSION OF THE UNESCO GENERAL CONFERENCE IN PARIS, FRANCE HELD AT UNESCO HEADQUARTERS FROM 3RD TO 18TH NOVEMBER, 2015

THAT, the Senate adopts the Report of the Standing Committee on Education on the 38th Session of the UNESCO General Conference in Paris, France held at UNESCO Headquarters from 3rd to 18th November, 2015 laid on the Table of the House on 14th April, 2016.

(Sen. Daniel Karaba)

Order deferred.

13. MOTION – ADOPTION OF THE REPORT OF THE STANDING COMMITTEE ON ROADS AND TRANSPORTATION ON A STAKEHOLDERS’ FORUM HELD ON 3RD FEBRUARY, 2016 AT SAFARI PARK HOTEL, NAIROBI

THAT, the Senate adopts the Report of the Standing Committee on Roads and Transportation on a Stakeholders’ Forum held on 3rd February, 2016 at Safari Park Hotel, Nairobi laid on the Table of the House on 14th April, 2016.

(Sen. Judith Sijeny)

Order deferred;

14. MOTION – NOTING OF THE REPORT OF THE STANDING COMMITTEE ON NATIONAL SECURITY AND FOREIGN RELATIONS ON THE EALA REPORTS AND RESOLUTIONS PURSUANT TO STANDING ORDER 235

THAT, the Senate notes the Report of the Standing Committee on National Security and Foreign Relations on the EALA Reports and Resolutions pursuant to standing order 235 laid on the Table of the House on Tuesday, 19th April, 2016.

(Chairperson, Standing Committee on National Security and Foreign Relations)

Order deferred;

15. MOTION- NOTING OF THE REPORT OF THE 133RD AND 134TH ASSEMBLIES OF THE INTER-PARLIAMENTARY UNION AND RELATED MEETINGS HELD BETWEEN 15TH AND 21ST OCTOBER, 2015 IN GENEVA, SWITZERLAND AND 17TH AND 23RD MARCH, 2016 IN LUSAKA, ZAMBIA

THAT, the Senate notes the Report of the 133rd and 134th Assemblies of the Inter-Parliamentary Union and Related meetings held between 15th

and 21st October, 2015 in Geneva, Switzerland and 17th and 23rd March, 2016 in Lusaka, Zambia, respectively, laid on the Table of the House on Wednesday, 8th June, 2016.

(Sen. Catherine Mukiite)

Order deferred;

16. **THE COUNTY GOVERNMENTS (AMENDMENT) (NO. 2) BILL (SENATE BILL NO. 7 OF 2016)**

(Sen. Mutula Kilonzo Jnr.)

(Second Reading)

Order deferred;

17. **THE TREATY MAKING AND RATIFICATION (AMENDMENT) BILL (SENATE BILL NO. 5 OF 2016)**

(Chairperson, Standing Committee on National Security and Foreign Relations)

(Second Reading)

Order deferred;

18. **THE CONSTITUTION OF KENYA (AMENDMENT) (NO.2) BILL (NATIONAL ASSEMBLY BILL NO. 26 OF 2013)**

(The Senate Majority Leader)

(Second Reading)

Order deferred;

19. **THE CONSTITUTION OF KENYA (AMENDMENT) (NO. 2) BILL (NATIONAL ASSEMBLY BILL NO. 2 OF 2015)**

(The Senate Majority Leader)

(Second Reading)

Order deferred;

20. **COMMITTEE OF THE WHOLE THE REPRODUCTIVE HEALTH CARE BILL (SENATE BILLS NO. 17 OF 2014)**

(Sen. Judith Sijeny)

(Resumption of Debate interrupted on Tuesday, 19th July, 2016)

(Division)

Order deferred;

And there being no other business on the Order Paper, the Temporary Speaker (Sen. Mositet) adjourned the Senate at twenty seven minutes past six O'clock without Question put pursuant to the Standing Orders.

21. SENATE ROSE - at twenty seven minutes past six O'clock.

M E M O R A N D U M

*The Speaker will take the Chair on
Tuesday, October 18, 2016 at 2.30 p.m.*

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