



REPUBLIC OF KENYA
ELEVENTH PARLIAMENT – (THIRD SESSION)
THE SENATE
ORDER PAPER
THURSDAY, OCTOBER 15, 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
7. Statements (As Listed in the Appendix)
8. **MOTION** - (The Chairperson of the Select Committee)

THAT, this House adopts the Report of the Select Committee of the Senate on Constitutional and Legal Review laid on the Table of the House on Wednesday, 23rd September, 2015.

(Resumption of Debate interrupted on Wednesday, 14th October, 2015)

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

...../**Motion**

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'

(Resumption of Debate interrupted on Thursday, 8th October, 2015)
(Balance of Time – 1 hr 16 mins)

10. **MOTION** – (Sen. Zipporah Kittony)
(Ministry of Transport and Infrastructure)

THAT, AWARE that traffic congestion in Nairobi Metropolitan Region is increasingly becoming worse leading to increased costs, longer travel times, constrained economic productivity and adverse health and environmental externalities;

CONCERNED that the economic cost of the congestion is estimated to be Kshs.1 billion annually on account of wasted man-hours and wasted fuel due to vehicular queuing;

...../Motion

APPRECIATING the government's effort in mitigating the problem by expanding infrastructure and initiating other interventions such as installation of traffic lights in the Central Business District;

The Senate now calls upon the Government to consider formulating additional policy interventions to mitigate the problem by:-

1. Enacting legislation to allow only high capacity public transport to operate in the city; and
2. Creating regulations to:-
 - a) Require all deliveries to business premises to be done at night;
 - b) Require construction on roads that are in use to be done at night; and
 - c) Reroute heavy commercial vehicles to use the bypasses.

(Resumption of Debate interrupted on Thursday, 17th September, 2015)
(Balance of Time – 1 hr 57 mins)

11. **MOTION**- (Sen. Kiraitu Murungi)
(Department of Land)

GIVEN the clear provisions of Article 6 (1) and the First Schedule which establishes the 47 counties of the Republic of Kenya;

CONSIDERING the clear provisions of the Districts and Provinces Act (Cap 105 A) of 1992 which specifically delineates the geographical boundaries of each county;

NOTING the provisions of Article 188 of the Constitution, which clearly state that the boundaries of a county may be altered only by a resolution of an Independent Commission set up for that purpose by Parliament and with the support of at least two-thirds members of the National Assembly and two-thirds of the county delegations in the Senate;

FURTHER NOTING that the boundaries in counties have not been surveyed and no beacons have been fixed;

CONCERNED that failure by the National Government to mark and fix the county boundaries has led to endless and sometimes violent conflicts, in which innocent Kenyans have been killed and their property destroyed, and is generally perpetuating poverty and underdevelopment in counties;

THIS HOUSE urges the Office of the President and the Ministry of Land, Housing and Urban Development to urgently establish a Task Force to survey, mark and fix beacons for all the county boundaries and to submit a report of the said Task Force to this House on or before 31st March, 2016.

...../Bill

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

(Sen. (Dr.) Wilfred Machage)

(Second Reading)

(Resumption of Debate interrupted on Wednesday, 7th October, 2015)
(Division)

13. ****THE OFFICE OF THE COUNTY ATTORNEY BILL, (SENATE BILL NO. 37 OF 2014)**

(Chairperson, Committee on Legal Affairs and Human Rights)

(Second Reading)

(Resumption of Debate interrupted on Tuesday, 13th October, 2015)

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 Report of the Controller of Budget on the Annual County Governments Budget Implementation Review;
- b) The Report of the Controller of Budget on the Annual National Government Budget Implementation Review.
(Chairperson, Standing Committee on Finance, Commerce and Budget)
- c) The Report of the Auditor-General on the Financial operations of Samburu County Assembly for the year ended 30 June 2014;
- d) The Report of the Auditor-General on the Financial operations of Bomet County Executive for the year ended 30 June 2014;
- e) The Report of the Auditor-General on the Financial statements of County Government of Nyandarua for the sixteen (16) months period ended 30 June 2014;
- f) The Report of the Auditor-General on the Financial statements of County Government of Elgeyo Marakwet for the sixteen (16) months period ended 30 June 2014;
- g) The Report of the Auditor-General on the Financial statements of County Government of West Pokot for the sixteen (16) months period ended 30 June 2014;
- h) The Report of the Auditor-General on the Financial operations of Machakos County Executive and County Assembly for the period 1 July 2013 to 30 June 2014;
- i) The Report of the Auditor-General on the Financial statements of Machakos County Government for the sixteen (16) months period ended 30 June 2014;
- j) The Report of the Auditor-General on the Financial statements of Mandera County Government for the year ended 30 June 2014.

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

2. STATEMENTS

- a) Nominated Senator (Sen. Godliver Omondi) to seek a statement from the Chairperson of the Standing Committee on National Security and Foreign Relations regarding the security of persons living with albinism in the country;
- b) Nominated Senator (Sen. Fatuma Dullo) to seek a statement from the Chairperson of the Standing Committee on National Security and Foreign Relations regarding delays and discriminatory practices in issuance of ID cards;
- c) The Chairperson of the Standing Committee on National Security and Foreign Relations to issue a statement on demonstrations along Harambee Avenue and violation of a section of citizens' rights to demonstrate and picket (Sen. Moses Wetang'ula);
- d) The Chairperson of the Standing Committee on Roads and Transportation to issue a statement on status of construction of roads in Kakamega County (Sen. (Dr.) Boni Khalwale);
- e) The Senate Majority Leader to issue a statement on preparedness for the impending El-Nino rains across the country (Sen. Catherine Mukiite);
- f) 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).
