



REPUBLIC OF KENYA
ELEVENTH PARLIAMENT – (THIRD SESSION)
THE SENATE

ORDER PAPER

THURSDAY, SEPTEMBER 17, 2015 AT 2.30 P.M

PRAYERS

1. Administration of Oath
2. Communication from the Chair
3. Messages
4. Petitions (As Listed in the Appendix)
5. Papers
6. Notices of Motion (As Listed in the Appendix)
7. Statements (As Listed in the Appendix)
8. ***THE WATER BILL (NATIONAL ASSEMBLY BILL NO.7 OF 2014)
(The Senate Majority Leader)
(First Reading)
9. MOTION – (Sen. Beatrice Elachi)
(Department of Interior and Coordination of National Government)

THAT, cognizant that Article 12 of the Constitution guarantees a right to citizenship; noting that it is the right of every Kenyan attaining 18 years to register and be issued with a National Identity Card ; further noting that the National Identity Card is at the core in determining the extent to which an individual enjoys his or her fundamental rights and freedoms; concerned that Orphans and Vulnerable Children attaining the age of 18 years in children's homes have difficulties obtaining the National Identity Cards, the Senate urges the National Government to take remedial, policy, administrative and legislative measures to improve and expedite the process of registration for National Identity Cards especially for the Orphans and Vulnerable Children who live in children's homes and have attained 18 years of age.

...../Motion

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;

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.

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, 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'

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 of 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 PETITION TO COUNTY ASSEMBLIES (PROCEDURE) BILL**
(SENATE BILL NO. 35 OF 2014)
 (Chairperson, Standing Committee on Legal Affairs and Human Rights)
(Second Reading)

KEY

- **** Denotes a Majority /Minority Party Bill
- *** Denotes a National Assembly Bill
- ** Denotes a Committee Bill
- * Denotes any other Bill

APPENDIX**1. PETITION**

The Speaker to present a petition on the heavy blasting and dust from a quarry near Taru Trading Centre.

2. NOTICE OF MOTION- (Sen. Mutula Kilonzo Jnr)

THAT, WHEREAS the National Land Commission was established following the enactment of the National Land Commission Act, 2012 to, among others, give effect to the objects and principles of devolved government in land management and administration;

NOTING the principles of land policy as set out in Article 60 of the Constitution including equitable access to land and encouragement of communities to settle land disputes through recognized local community initiatives consistent with the Constitution;

RECOGNIZING that land ownership and utilization is at the centre of many interpersonal and community conflicts in the country since independence;

ALSO NOTING that section 15 of the National Land Commission Act mandates the Commission to recommend to Parliament appropriate legislation to provide for investigation and adjudication of claims arising out of historical land injustices for the purposes of Article 67 (2) (e) of the Constitution;

FURTHER NOTING with concern that the envisaged legislation has not been enacted five years after promulgation of the Constitution;

AND NOTING that historical injustices on land matters was among the main justifications for the new Constitution;

This Senate urges the National Land Commission to urgently recommend to the Senate a Bill to address historical land injustices to provide a framework to ensure that land is properly utilized for the economic benefit of the affected communities.

3. STATEMENTS

- a) Sen. Kennedy Mong'are to seek a statement from the Chairperson of the Standing Committee on National Security and Foreign Relations regarding detention of Mr. Don Bosco Ooga Gichana in Arusha-Tanzania;
- b) The Chairperson of the Standing Committee on Education to issue a Statement on the management of Moi University and the University of Eldoret both of which were closed indefinitely (Sen. (Prof.) John Lonyangapuo);

...../Statements

- c) The Chairperson of the Standing Committee on Health to issue a Statement on the selection and placement of students to Medical Training Centres (Sen. Wilfred Lesan);
- d) The Chairperson of the Standing Committee on Education to issue a statement on the current crisis in the education sector occasioned by the on-going industrial action by teachers (Sen. Abdirahman Hassan)
