

PARLIAMENT OF KENYA

THE SENATE

THE HANSARD

Thursday, 20th March, 2014

*The Senate met at the County Hall,
Parliament Buildings at 2.30 p.m.*

[The Temporary Speaker (Sen. (Dr.) Machage) in the Chair]

PRAYERS

STATEMENTS

RAID BY POLICE OFFICERS AT MASJID MUSA MOSQUE

The Senate Majority Leader (Sen. (Prof.) Kindiki): Mr. Temporary Speaker, Sir, I rise to give a Statement regarding the police raid on Masjid Musa Mosque in Mombasa County, a statement which was raised by Sen. Hassan Omar whom I do not see here.

Mr. Temporary Speaker, Sir, maybe you can give directions because I cannot see Sen. Hassan Omar here but the Statement is ready.

The Temporary Speaker (Sen. (Dr.) Machage): The Statement belongs to the House and I believe it is the right of the House for you to proceed.

The Senate Majority Leader (Sen. (Prof.) Kindiki): Mr. Temporary Speaker, Sir, on 6th March, 2014---

Sen. Okong'o: Mr. Temporary Speaker, Sir, I do not rise to challenge your ruling but I think this House operates on traditions that have been established. We know that once a Member asks for a Statement, it is the property of the House, but the tradition has been that we allow the Member who requested for the Statement to be there so that he may raise subsequent questions. Some of us may not know why he raised this issue. So, I just want to plead with you that this Statement be deferred until Sen. Hassan Omar walks in.

The Temporary Speaker (Sen. (Dr.) Machage): Members of the Senate, this Chair is not privy to the reasons why Sen. Hassan Omar is not in the House and we cannot stop the proceedings of this House because a Member so decides not to be in the Chamber. Please, proceed.

The Senate Majority Leader (Sen. (Prof.) Kindiki): Thank you, Mr. Temporary Speaker, Sir. I am sure the Senator is on his way. In any case, he should have identified somebody to stand in for him.

On 6th March, 2014, Sen. Hassan Omar requested for a Statement regarding the police raid on Masjid Musa Mosque in Mombasa County. The Senator particularly sought to be informed on the following:

- (1) What necessitated the raid and who ordered it?
- (2) Were other tactical options explored?
- (3) How many persons lost their lives, how many were tortured and injured?
- (4) How many have disappeared as a consequence of the raid, how many people were arrested during the raid? What are their names and were they held incommunicado for five days;
- (5) Of those arrested, how many have been charged in court and for what offences?
- (6) Did the raid contravene the rights of arrested persons according to Article 25 (a) and 49 (1) (c) of the Constitution which prohibits torture?
- (7) What are the whereabouts of Hemed Salim Mohammed who was arrested during the raid?
- (8) Has the Director of Public Prosecutions ordered an investigation into the circumstances of the raid including the whereabouts of Mr. Hemed, and if so, what is the finding or status of the investigations?
- (9) What is the Government doing to address the systematic human rights abuses in the coastal region in general and the killings of purported radical Muslim clerics in particular, with a view to curbing the alleged extremism and radicalization?

Mr. Temporary Speaker, Sir, I wish to state as follows. On 31st January, 2014, the Mombasa County Security Committee received information on the distribution of leaflets that were inviting Muslim youths with jihad minded ideologies to attend a jihad conference on Sunday 2nd February from 9.00 a.m., at Masjid Musa Mosque in Majengo within Mombasa City. The notice was purportedly written by Masjid Musa Organizing Committee. The leaflets bearing the notice had images of hooded people holding rifles and grenades, resembling those used by *Al Shabaab* or *Al Qaeda* terrorist groups. According to the leaflets, the following topics were to be discussed during the conference:-

1. Ihkamul-jihad
2. Nifak in the history of Jihad.
3. The judgement of Shaheed; whom to be washed and whom not to be washed.
4. Good youth in Islam.
5. The importance of worship in Mujahid;
6. Mujahid does not erase the era of judgement of Jihad
7. Features of the Khawariji Murjia
8. Union of Youth and;
9. Al-Walaa Wai-Baraa (Unity and Disunity for the sake of Allah)

The following speakers were listed as facilitators:-

1. Sheikh Ismael.
2. Sheikh Swalleh.
3. Sheikh Khalid.
4. Sheikh Ibraheem.

5. Sheikh Saeed.
6. Sheikh Mohamed.
7. Sheikh Fureiha.

Mr. Temporary Speaker, Sir, subsequently, the County Security advised against holding of such a meeting. Pursuant to that advice, the County Police Commander advised the targeted audience; the youth against attending. A ban of the meeting was subsequently issued and the conveners were advised to cancel the conference. There was also intelligence that the conference's sole objective was recruitment and radicalization of the youth to join *Al Shabaab* terrorist cells in Somalia.

On Sunday, 2nd February, 2014, the radical and defiant youth assembled at the Masjid Musa Mosque for the conference in total defiance to the police ban. At about 1.00 p.m., police officers went to the mosque and found banners and flags bearing images of rifles hoisted all over the mosque and across the roads adjacent to the mosque. The black flags resembled those used by *Al Shabaab*. The police officers called out using public address system, for the conveners of the conference to come out for a peaceful resolution of the issue, but instead the officers were met by a hail of bullets and stones coming from the mosque. The County Commander then read out a proclamation after which police threw teargas into the mosque to disperse the conveners and participants, but they continued firing and hurling stones at the police.

Mr. Temporary Speaker, Sir, the police realized that these were not ordinary conference participants but armed militants. Therefore, the County Commander ordered the officers to storm the mosque and disperse, and or arrest the participants and conveners. During the confrontation, the radical youth stabbed two GSU officers; Police Constable Thadeus Mutuku and Police Constable Peter Makemba, at the waist and neck respectively where unfortunately the latter later succumbed to the injuries while undergoing treatment. The youths also grabbed a G3 rifle from one of the injured officers and escaped with it into the mosque. After a four hour battle, police arrested 129 suspects while several others escaped.

The Police Service is aware of the following deaths:-

1. Fuwad Abdallah, who died while undergoing treatment at the Coast General Hospital and;
2. Number 98056, Police Constable Peter Makemba.

The following people were injured:-

1. Mohammed Ashman.
2. Mahid Khalid.
3. Hassan Ali who escaped while undergoing treatment at the hospital.

The following items were recovered from the mosque, which are being held as exhibits: One AK 47 rifle, one G3 rifle which had been stolen from the fallen GSU officer, three laptops, three brick stones of tobacco snuff, several militant VCDs and DVDs, several swords and knives, several banners and flags bearing images of AK 47 rifles.

A total of 126 persons were initially charged before court with various offences as follows:-

1. Being members of a terrorist group, contrary to Section 24 of the Prevention of Terrorism Act, No.30 of 2012.

2. Being in possession of articles connected with the offence of terrorism, contrary to Section 30 of the Prevention of Terrorism Act, No.30 of 2012.

3. Incitement to violence, contrary to Section 27 of the Prevention of Terrorism Act, No.30 of 2012.

4. Robbery with violence, contrary to Section 295 as read with Section 296 (2) of the Penal Code and finally,

5. Preparation to commit a felony, contrary to Section 308 (1) of the Penal Code.

Later, a total of 23 suspects who were minors were released by the court while 33 other suspects had their cases withdrawn to allow for further investigations. Later, 41 more were again released after their charges were withdrawn to pave way for further investigations. One other suspect, Fuad Abdalla who was under guard in hospital died while undergoing treatment. Hassan Ali escaped from hospital, while Mahid Khalid is still admitted at Aga Khan Hospital Mombasa.

Sen. Okong'o: On a Mr. Temporary Speaker, Sir. If you look at that side, there are Senators discussing along the corridors against the relevant Standing Orders. Are they in order to hold discussions in the corridors?

The Temporary Speaker (Sen. (Dr.) Machage): They are totally out of order.

(Senators who were standing on the corridors took their seats)

Since they have obliged and sat, I will excuse them for now, but next time, I will send them out of the Chamber, including the Acting Speaker.

(Laughter)

The Senate Majority Leader (Sen. (Prof.) Kindiki): Thank you, Mr. Temporary Speaker, Sir, for that wise ruling. When the Acting Speaker is not in the Chair, he is a Senator like any other.

The raid did not contravene or violate the rights of the arrested persons as no one was tortured and neither were they restricted from communicating. Those who sustained injuries, whether fatal or otherwise did so as they fought battles with the law enforcement officers during the fracas. Further, the raid was justified and police used proportionate force to the prevailing circumstances as the suspects were armed with AK rifles, knives and stones.

It should be noted that while it is the right of every citizen to enjoy their fundamental rights and freedoms as stipulated in Article 25 (a) of the Constitution, such should be enjoyed with strict and clear observance of Article 24 (d) which requires as follows: The need to ensure that the enjoyment of rights and fundamental freedoms by any individual does not prejudice the rights and freedoms of others. Enjoyment of the fundamental freedoms and rights does not include the defiance of the law of the land. Moreover, the violent attack and subsequent killing of an officer and robbery of a

Government firearm necessitated firm action by the police in order to arrest the culprits and forestall further bloodshed.

However, whereas several radical youth escaped arrest at Masjid Musa Mosque during the operation, some more suspects escaped at Makupa Police Station just before being booked in the Occurrence Book (OB). The station was overcrowded by relatives and onlookers who were waiting to see their kin before being put in the cells. Hence, we do not have their record but they are being sought for. Although it is reasonable to say that---

Sen. Billow: On a point of order, Mr. Temporary Speaker, Sir. Is it in order for the Senate Majority Leader to be canvassing the subject of a missing suspect that is a subject of a live court proceeding in Mombasa? It is a matter that is in court and surely, for him to say that some subjects escaped when the matter is being canvassed in courts is *sub judice*.

The Temporary Speaker (Sen. (Dr.) Machage): It is my discretion to decide on what is *sub judice* but on this matter, I allow him to continue.

The Senate Majority Leader (Sen. (Prof.) Kindiki): Mr. Temporary Speaker, Sir, although it is reasonably believed that Hemed Salim Hemed was among the suspects arrested at Masjid Musa Mosque, it is also believed that he was among the several suspects who escaped. Although a *habeas corpus* No.7 of 2014 was filed before the High Court, Mombasa, and the hearing is still on-going, no formal report of a missing person has been filed with the police. However, pursuant to the escape of a number of suspects, an OB entry was made on how some of the suspects escaped from the custody of police officers and booked as OB No.39/3/2/2014 and an inquiry file No.1/2014 opened to investigate the circumstances of escape. The relatives are, therefore, being urged to formally report the disappearance of the said Hemed Salim Hemed.

Mr. Temporary Speaker, Sir, the Government will not relent in its war against radicalization of the youth or persons, with the sole purpose of perpetuating acts of terrorism on innocent Kenyans. Likewise, the Government will not allow any mosque, church, temple or any other place of worship to be used as centres of radicalization of the youth for purposes of terrorism. The Government is not aware of any systematic human rights abuses in the coastal region. However, the Government is aware of isolated incidents where Muslim clerics have been killed and each and every case is under investigation on its own merit and once completed, appropriate action will be taken against whoever is found culpable of such killings.

Lastly, the Government is employing the following measures that are aimed at addressing extremism and radicalization in Kenya:-

(1) SUPKEM, NAMLEF, KEMNAK (The Kenya Muslim Advisory Council) and other Muslim organizations have been encouraged to unite and work for the common good of the Muslims. This will deny the extremists the opportunity to continue capitalizing on the disunity that was existing in the past among these organizations.

(2) Encouraging the establishment of mosque committees acceptable to all leaders, Sheikhs and Imams. These committees will ensure that criminals do not use places of worship to perpetuate their criminal activities.

(3) Promoting inter-denominational consultative meetings incorporating Bishops, Pastors, Sheikhs and Imams.

(4) Encouraging the Muslim scholars to assist in sensitizing the youth at the grassroots.

(5) Cooperation among Sheikhs, Imams and preachers with the security teams to ensure that those extremists who try to interfere with the established systems and committees are dealt with firmly.

(6) The media has been requested to be objective in reporting and avoid airing or publishing inflammatory stories or those propagating radical ideologies.

(7) The Government is working closely with inter-faith/religious leaders, civil society, community based organizations, local NGOs in dealing with violent extremism.

(8) Initiation of joint youth sensitization programmes in Mombasa mosques which will cascade to the sub-counties.

(9) Enhanced cooperation with countries that face similar security challenges such as the United States of America (USA), Nigeria and Somalia in order to share information and experiences on violent extremism.

(10) The Government is partnering with various countries and international organisations to develop various inclusive initiatives and tools to counter violent extremism in Kenya. A current joint initiative by NCTC and the Danish Government is training prison and probation officers on early detection, reporting and handling indicators to violent extremism.

(11) Continuous training to enhance capacity among the security agencies on techniques of detection, investigation and prosecution of terrorism and violent extremism.

(12) Up-scaling security operations to map up suspected violent extremists in refugee camps and other areas.

(13) Heightened monitoring of blog posting in social sites with a view to disrupt likely plans of terrorist activities.

(14) Initiation of Citizen Security Programmes (CSP) popularly known as *Nyumba Kumi* to reduce crime and violence in Kenya.

Mr. Temporary Speaker, Sir, I now wish to table this statement before the House. It has some supplementary information which is annexed as well as the complete list of the 129 persons that were arrested.

Thank you, Mr. Temporary Speaker, Sir.

(Sen. (Prof.) Kindiki laid the document on the Table)

The Temporary Speaker (Sen. (Dr.) Machage): Very well. Sen. Omar Hassan!

Sen. Hassan: Mr. Temporary Speaker, Sir, I want to thank the Senate Majority Leader for that statement. However, I wish to seek further clarifications from him.

First, I want the Senate Majority Leader to make clear to the Government that Muslims and Muslim leaders are not against the fight against terrorism. Muslims and Muslim leaders believe that this fight must be carried out purely within the ambits of the law and the Constitution.

Mr. Senate Majority Leader, you presented a statement making almost a finality with respect to your allegations. Being the lawyer that you are, you are aware that all those are just mere allegations from the very beginning to the end of that statement. Allegations do not justify victimization.

The security agencies were well aware that this convention was going to take place. Leaflets were in the domain of the public. Why did the security agencies not move progressively to stop the occurrence of this convention rather than precipitate the kind of transgressions and fallouts that we saw? Is the Government aware that during the said operations, and in their own admission, there were minors, including babies? That use of force could not have been justified under the circumstances. In addition, by your own admission, you said that the court released 23 minors. Was it not within the judgment of the Government and the police apparatus not to even have arrested the minors? Are you not aware that those kinds of actions are antagonistic to the very support and credibility of this war---

The Temporary Speaker (Sen. (Dr.) Machage): Sen. Omar, the tradition is to ask one question. I have given you the latitude.

Sen. Hassan: Mr. Temporary Speaker, Sir, can I finalise?

The Temporary Speaker (Sen. (Dr.) Machage): Already, you have asked six questions. Can you, please, finalise?

Sen. Hassan: Okay, Mr. Temporary Speaker, Sir. The last one; within the responses given by the Senate Majority Leader, he has indicated that the Government was not aware of any systematic human rights violations within the Coast, northern Kenya or in other areas of this country. Is the Government aware that they commissioned a committee headed by Eng. Sharawe to address some of the transgressions against Muslims across the country? The committee provided factual reports on the transgressions that were metted out at the Coast and other places. This ranged from marginalization, citizenship rights, land grabbing and so on. An ignorant Government is a dangerous one.

The Temporary Speaker (Sen. (Dr.) Machage): Order, Sen. Hassan! We do not have an ignorant Government in Kenya.

Senate Majority Leader, you can reply. Those were quite a number of questions.

The Senate Majority Leader (Sen. (Prof.) Kindiki): Thank you, Mr. Temporary Speaker, Sir, for reminding Sen. Hassan Omar that this House is not a campaign platform. The things he said---

The Temporary Speaker (Sen. (Dr.) Machage): Order! Can you answer the questions?

The Senate Majority Leader (Sen. (Prof.) Kindiki): Mr. Temporary Speaker, Sir, I will take your order, but he has heard it. We will not---

Sen. Hassan: On a point of order, Mr. Temporary Speaker, Sir.

The Temporary Speaker (Sen. (Dr.) Machage): Yes, Sen. Omar, what is it?

Sen. Hassan: Mr. Temporary Speaker, Sir, while he listens to you, the Senate Majority Leader has made another allegation but the whole point was to hear it. I think he should withdraw it totally.

The Temporary Speaker (Sen. (Dr.) Machage): Sen. Omar, I would advise that you sit and listen to your questions being answered.

Proceed, Sen. (Prof.) Kindiki.

The Senate Majority Leader (Sen. (Prof.) Kindiki): Thank you, Mr. Temporary Speaker, Sir. I have listened to the issues that have been raised by Sen. Omar in response to the statement. I did not hear whether there was a single issue that raised the need for clarification. But I just want to say that what we have stated here is factual. The fact that some of the things have not been proven does not mean that the Government should not issue a statement. That is why a statement was required. The only way these statements, some of which we have read here can be countered is through the court process if some of them, for example, are proven not to exist.

On the issue of whether the security agencies knew of this conference, and why they should not have dealt with it differently, this statement has clearly said that, in fact, they cancelled the conference and advised the youth not to attend. There is the freedom of association. Again, they hoped that through this ban and cancellation, the youth would not attend. The police only moved in when the organizers and participants insisted. A proclamation was made outside for an amicable resolution, but instead the police were met with fire from the building. So, the extremity of the operation was demanded by the circumstances of this particular occasion.

Finally, Mr. Temporary Speaker, Sir, is to say that the issue of human rights violations is a big challenge in this country. This also includes historical injustices and marginalization. It is true that, perhaps, in the coastal region, that is one area where they have had issues. But there are also other parts of this country, North Eastern, for example, with issues. These issues can be collectively tackled as a country and in the spirit of reforming our past and building a more prosperous and happy future as a united country.

Thank you, Mr. Temporary Speaker, Sir.

Sen. (Dr.) Khalwale: Mr. Temporary Speaker, Sir, what happened in Mombasa was very unfortunate. It is not acceptable under Christianity and Islam. The Government must be encouraged to be in control. Can the Senate Majority Leader clarify whether the Government is aware that some of the sheikhs who attempt to radicalize our children at the Coast come from Tanzania? If that is the case, what is the Government doing at a Government to Government level to take control of this menace?

Finally, as a preemptive measure, is the Government considering doing an audit of all the preachers at the Coast, so as to weed out the fake sheikhs who hide under Islam to visit violence and terrorism on our people at the Coast?

The Temporary Speaker (Sen. (Dr.) Machage): Let us take a few more questions, then the Senate Majority Leader will respond to them.

Sen. Billow: Mr. Temporary Speaker, Sir, I thank the Senate Majority Leader for the statement he has just given. I want to also take this opportunity to commend the Government for the action they took yesterday in terms of arresting a serious security situation. This concerns the issue of the vehicle that was discovered with explosives. That was a commendable thing.

(Applause)

With regard to this issue of Masjid Musa Mosque, the concern of some of us is the manner in which the whole exercise was undertaken by the police. It was bungled. It was not necessary for police officers to have invaded the mosque in order to arrest those people who are known. In fact, in response to what Sen. (Dr.) Khalwale has said, the police had been advised about the radical sheikhs in that town for a long time. So, it is a situation which the police do not want to act, but want to be dramatic. They got into a mosque and ended up killing, according to the Haki Africa Report, seven people. This was not necessary. So, the question I wanted to seek clarity from the Senate Majority Leader is: What action does the Government intend to take against the leader of the police who took that action in which seven people died? This was as a result of use of excessive force. This was against the Constitution. What action will the Government take against those who violated the Constitution?

Sen. Boy Juma Boy: Mr. Temporary Speaker, Sir, I would like to seek clarification from the Senate Majority Leader especially on the issue of the systematic killing of the Muslim clerics. I am aware that six clerics from Kwale County were, in fact, assassinated---

(Sen. Hassan thumped his feet)

The Temporary Speaker (Sen. (Dr.) Machage): Order, Sen. Omar. We want to listen to that question.

Sen. Boy Juma Boy: Mr. Temporary Speaker, Sir, more than six clerics from Kwale County were systematically assassinated, one after another---

The Senate Minority Leader (Sen. Wetangula): On a point of order, Mr. Temporary Speaker, Sir. May I seek clarification from the Chair? In the tradition of Parliament, we are not allowed to cheer, clap or laugh when a point is being made. The only appreciation available is what Sen. Hassan has been doing, thumping his feet. Is there any other alternative way of appreciating a point being made other than by thumping your feet? If we stand up and say: "Hooray" it will be out of order.

(Laughter)

The Temporary Speaker (Sen. (Dr.) Machage): Order, Sen. Wetangula. Look at Standing Order No.110 (1) (e) which says:-

"Conduct is grossly disorderly if the Senator concerned-
(e) otherwise abuses his or her privileges;"

You are out of order if you abuse your privileges. Continue, Sen. Boy Juma Boy.

Sen. Boy Juma Boy: Mr. Temporary Speaker, Sir, in the statement, I did not hear the Senate Majority Leader address the issue of the systematic killings of the clerics. He just dwelt on the Masjid Musa issue. Could he clarify on that issue?

The Senate Minority Leader (Sen. Wetangula): On a point of order, Mr. Temporary Speaker, Sir.

The Temporary Speaker (Sen. (Dr.) Machage): Yes, Sen. Wetangula, what is it?

The Senate Minority Leader (Sen. Wetangula): I also want to seek a clarification. The harassment, profiling and killing of Muslim clerics is, in fact, not a matter that has started with the Jubilee regime. It is something that has been ongoing and is systematic in this country. While we must fight extremism, intolerance and unhelpful radicalism in all their forms and manifestation, could the respondent tell this House and give us an assurance, that even where offending clerics are identified, they will be subjected to due process as provided for under the Constitution other than being eliminated in a *Kamikaze* style by either the state, stage agents or non-state actors with the complicity of the state?

The Temporary Speaker (Sen. (Dr.) Machage): Last question, Sen. (Dr.) Kuti.

Sen. (Dr.) Kuti: Mr. Temporary Speaker, Sir, I want to seek a clarification from the Senate Majority Leader. The issue of fanaticism and any form of extremism is almost taking root especially among the young people of this country. Although it is pronounced in certain areas, this matter is becoming a real challenge. It is a national disaster in the making. Is the Government fully aware of the extent of this problem? If so, what measures are being put in place to counter radicalism in this country especially among the young people? This issue is affecting the whole country.

The Temporary Speaker (Sen. (Dr.) Machage): I am told the news media has problems in recording. I advise that you use the Dispatch Box for all communications.

The Senate Majority Leader (Sen. (Prof.) Kindiki): Mr. Temporary Speaker, Sir, I want to start with the final question which has been raised by the Senator for Isiolo County.

Yes, the Government is aware of the grave problem that our nation is facing especially with regard to radicalization of our young people. We are witnesses of what happened a few months ago in September. We have just been told and we have seen in the Press just last week, how the police were able to prevent a very serious terrorist attack. So, the Government is aware and is taking these matters seriously. I have outlined nearly 20 measures and strategies that the Government is using to make sure that it deals with this problem. The Government welcomes additional ideas on how to tackle this problem because it is not a problem of the Government, it is a problem facing our nation.

I am aware that the President intends, very shortly, to call the nation to a national conference to discuss the issue of insecurity. This is one of the challenges where, really, blame games will not help anybody. When we lose lives, those lives are not lost along political lines. Nobody really gains from these kinds of attacks. I continue urging our country---

Sen. Abdirahman: On a point of order, Mr. Temporary Speaker, Sir.

The Temporary Speaker (Sen. (Dr.) Machage): What is it, Sen. Abdirahman? Please use the microphone at the Dispatch Box. The Press are not able to record. That is why I advised all the Members to use the Dispatch Box.

Sen. Abdirahman: Mr. Temporary Speaker, Sir, this Government is interestingly becoming one of national dialogue all the time. About the pay cuts, they were talking about a salary dialogue. For every small item, they call for dialogue. Security matters are very sensitive and you do not have to tell the villager and the national people to come and attend a national conference to be able to handle the national crisis that we face. Is the

Senate Majority Leader really in order to tell us that the solution to our problem is actually a national delegates' conference all the time? We are not at Bomas anymore!

The Senate Majority Leader (Sen. (Prof.) Kindiki): Mr. Temporary Speaker, Sir, I thank the Senator for Wajir County for his concern. But every Government has its own style of doing things. Maybe, hopefully, future Governments will do things differently. In Jubilee, we believe that national problems, especially those that are longstanding, historical and entrenched, require the participation of everybody, including what the Senator for Wajir is using in a derogatory manner and calling them villagers. These are citizens of our country. They have ideas on how some of these things can be tackled. We believe in that. Going forward, we also want to see the opposition, trade unions and everybody taking part.

Mr. Temporary Speaker, Sir, with regard to the other questions that were raised, I want to accept that I am informed that the Government is aware that some of the challenges in terms of the radicalization are emanating from people who are not Kenyans. I do not want to use a particular nationality. But the information that the Government has is to the effect that the reasons which have been advanced, and we are not sure whether this is the correct position - our Muslim brothers and sisters can tell us if this is true - the Government has information to the effect that there is a certain level of spiritual leadership which is known as Mufti. The information we have is that in Kenya, we do not have that kind of Mufti leadership, spiritual leadership. So, most of the people who come from other countries come in as Muftis, which is high level spiritual leadership. They use that as an entry point. Perhaps this is a dialogue that needs to be discussed within the Islamic fraternity because if we are able to create our own Mufti system, which I am told is very superior religious authority, then that can help us. These are some of the things the Government is trying to put in place to ensure that our country is safe for ourselves, our children and even people who visit us.

Mr. Temporary Speaker, Sir, very quickly on the list of preachers, the Government will be very careful not to profile preachers and start identifying them. But the belief within Government is that these things can be best done by the Muslim fraternity itself. They are the best to tell us the real preachers, those who are not genuine and those who are a threat to our nation. Again, we are aware of this.

Finally, Mr. Temporary Speaker, Sir, on the issue of the systematic killings, I want to say two things; one, not just Muslim clerics have been killed in Mombasa but there were reports of Christian clerics. One incident was at the North Coast, some place in Mtwapa and another one in Kwale and other clerics were maimed. This is a problem that is not entirely Muslim but the reason why the statement did not dwell much on that is because the specific questions raised by Sen. Omar Hassan of Mombasa County related to the incident at Masjid Musa Mosque. He did not specifically ask about the profiling and killing of Muslim preachers.

Mr. Temporary Speaker, Sir, I want to assure the Senate and this country that there is no shortcut to due process. Due process must be followed in all operations whether they are military, armed or civilian operations. For the avoidance of doubt, if, for example, any police officer has violated the law as has been said by some of the Senators who have asked for clarification, there exists a national Police Oversight Authority

(IPOA) where complaints of this nature can be launched. I do not think anybody is interested in anybody who exceeds the law.

Finally, Mr. Temporary Speaker, Sir, I want to commend the security forces of our country. They are working under very constrained circumstances, some of which are being rectified, especially with regard to equipment and training; but they have done our country proud. They could do better. We will continue pushing for more allocation of finances and training for our security forces so that our country can be safer and better.

Sen. (Dr.) Khalwale: On a point of order, Mr. Temporary Speaker, Sir.

The Temporary Speaker (Sen. (Dr.) Machage): What is it, Sen. (Dr.) Khalwale? You have not stood up for that. Do you still want to proceed?

Sen. (Dr.) Khalwale: Mr. Temporary Speaker, Sir, I specifically asked the Senate Majority Leader to clarify whether the Government was aware that some of these fake preachers who come and radicalize our children come from Tanzania. He has refused to clarify that point and yet we know that some of those Mufti preachers have been reported to have come into the country through Lunga Lunga---

The Temporary Speaker (Sen. (Dr.) Machage): Order, Sen. (Dr.) Khalwale. Please take your seat.

To my understanding, the Senate Majority Leader actually addressed that issue. He indicated the fact that there are preachers from other countries. Maybe he knows more than you do. Let that matter rest at that.

Sen. Boy Juma Boy: On a point of order, Mr. Temporary Speaker, Sir. While the Senate Majority Leader has accepted that there is a systematic killing of clerics either from the Muslim---

The Temporary Speaker (Sen. (Dr.) Machage): Can you come to the Dispatch Box?

An hon. Senator: Some of these microphones are not working.

The Temporary Speaker (Sen. (Dr.) Machage): Order! I have not been given that information by the technical team.

Proceed, Sen. Boy Juma Boy.

Sen. Boy Juma Boy: Mr. Temporary Speaker, Sir, now that the Senate Majority Leader has accepted in his own words that he is aware of the killings of the Muslim and Christian clerics, am I in order to seek further clarification from him on why is that systematic killing of the clerics going on and what does the Government have to say about it?

Sen. Hassan: Mr. Temporary Speaker, Sir, I have a further clarification.

The Temporary Speaker (Sen. (Dr.) Machage): Sen. Omar Hassan, you will be the last.

Sen. Billow: On a point of order, Mr. Temporary Speaker, Sir. We want to find a solution to this problem. We would appreciate if the Senate Majority Leader could, in his clarification, give responses to some of the queries that we raised. In the case of the systematic killings of clerics in Mombasa, why have there been no arrests?

The Temporary Speaker (Sen. (Dr.) Machage): Order, Sen. Billow! You rose on a point of order, but have asked a question.

Sen. Billow: My apologies, Mr. Temporary Speaker, Sir. Is the Senate Majority Leader in order not to address some of the key issues like: What action has the Government taken in respect of all those killings related to the police transgressions? He needs to respond to the clarification that was sought.

The Temporary Speaker (Sen. (Dr.) Machage): That is better now.
Senate Majority Leader, proceed.

Sen. Boy Juma Boy: On a point of order, Mr. Temporary Speaker, Sir.

The Temporary Speaker (Sen. (Dr.) Machage): Let us allow the Senate Majority Leader to dispose of the points of order first.

Hon. Senators, you can now speak from your microphones. The problem is rectified.

The Senate Majority Leader (Sen. (Prof.) Kindiki): Mr. Temporary Speaker, Sir, I said that some clerics have died; both Muslim and Christian clerics from the coastal region. The question that was raised by Sen. Hassan was very particular about an incident. Maybe you could give us directions because my understanding is that what the last two Senators have requested is, they are trying to seek a different statement on a different issue, which I am happy to provide. I think the consumption of this information can only help our country.

The Temporary Speaker (Sen. (Dr.) Machage): Sen. (Prof.) Kindiki, you led them to ask you those questions. So, you must take it up and answer.

The Senate Majority Leader (Sen. (Prof.) Kindiki): Mr. Temporary Speaker, Sir, I have no problem. If they can put the issues in writing I will be happy to look for answers. But what they are trying to do now is to seek different statements taking advantage of the statement by Sen. Hasasn Omar which is actually not in order.

Sen. Billow: On a point of order, Mr. Temporary Speaker, Sir. We sought supplementary question in accordance with the Standing Orders. If the Senate Majority Leader does not have answers, he should seek a deferment of the question so that he brings comprehensive answers.

The Temporary Speaker (Sen. (Dr.) Machage): Do you need to seek deferment of the statement?

The Senate Majority Leader (Sen. (Prof.) Kindiki): Mr. Temporary Speaker, Sir, in the spirit of doing a good job, let those questions be put---

Hon. Senators: Aaah!

The Senate Majority Leader (Sen. (Prof.) Kindiki): The questions are scattered. Some are asking about the preacher here, others are---

The Temporary Speaker (Sen. (Dr.) Machage): Order, just answer my question.

The Senate Majority Leader (Sen. (Prof.) Kindiki): I would rather defer the statement.

The Temporary Speaker (Sen. (Dr.) Machage): Okay. The issue is deferred to Tuesday, next week, at 2.30 p.m.

(Statement deferred)

The Senate Minority Leader (Sen. Wetangula): On a point of order, Mr. Temporary Speaker, Sir.

The Temporary Speaker (Sen. (Dr.) Machage): Is the point on the same issue?

The Senate Minority Leader (Sen. Wetangula): Yes, Mr. Temporary Speaker, Sir.

The Temporary Speaker (Sen. (Dr.) Machage): But I have deferred the matter.

The Senate Minority Leader (Sen. Wetangula): I want to assist the House, if you allow me.

The Temporary Speaker (Sen. (Dr.) Machage): On what?

The Senate Minority Leader (Sen. Wetangula): On the same issue.

The Temporary Speaker (Sen. (Dr.) Machage): I have deferred it to Tuesday, next week.

The Senate Minority Leader (Sen. Wetangula): Mr. Temporary Speaker, Sir, you may not even defer the matter if you listen to me.

The Temporary Speaker (Sen. (Dr.) Machage): I have already deferred it.

(Laughter)

Next statement! Sen. Kivuti, I thought you had a statement.

ALLOTMENT OF MASONGALENI
SETTLEMENT SCHEME

Sen. Kivuti: Mr. Temporary Speaker, Sir, I stand to make a statement sought by Sen. Mutula Kilonzo Jnr. on the allocation of the Masongaleni Settlement Scheme.

(Loud consultations)

The Temporary Speaker (Sen. (Dr.) Machage): Order, Senators! We have very many statements. So, Sen. Kivuti, be brief.

Sen. Kivuti: Mr. Temporary Speaker, Sir, I will be very brief.

Masongaleni Settlement Scheme in Kibwezi East, Makueni County, occupies an area of 30,754 acres. It was established on land purchased by the Ministry of Lands and Housing from Brook Bond Kenya Limited on 5th August, 1984 at a cost of Kshs6.2 million through the Office of the President. The scheme consists of five LR numbers; namely LRNo.11070 for 1,000 acres, LRNo.23269 for 1,600 acres, LRNo.5903 of 2,000 acres, LRNo.2949 of 2, 219 acres and LRNo.11515 for 5,935 acres.

Allocation of the scheme, planning, demarcation, survey and allocation of plots in Masongaleni Scheme was carried out in two phases. The initial planning, demarcation and survey of the scheme commenced in August, 1985 and was completed in February, 1988. This exercise was undertaken by the Agricultural Machinery Service from Ruiru and funded by the Ministry of Lands and Housing. The resultant number of plots was done by the Office of the President through the Provincial Commissioner, Eastern Province. I will table the list of the beneficiaries that were allocated.

(Sen. Kivuti laid the document on the Table)

Mr. Temporary Speaker, Sir, on 10th May, 1991, a list of 378 beneficiaries was forwarded by the Provincial Commissioner, Eastern Province, to the Permanent Secretary, Ministry of Lands, for approval. However, on 27th July, 1991, a Presidential statement was issued to the then Provincial Administration and the Ministry of Lands to halt the allocation exercise of the scheme until verification of the beneficiaries was completed. The allocation was nullified due to irregular allocation of the scheme since some senior Government officers were allocated 50 acres and above. The planning of the settlement scheme was undertaken on 19th December, 1991, by the Provincial Team composed of officials from the Ministry of Lands, Housing and Provincial Administration. It was during the re-planning exercise that LRNo.11515 was set aside in total for 717 squatters who were removed from the land owned by the University of Nairobi in Kibwezi.

On 27th August, 1992, the Provincial Commissioner, Eastern Province provided a list of verified 1,774 beneficiaries who were settled on the land parcels ranging from 3.2 to 74 hectares. I also table that list here.

(Sen. Kivuti laid the document on the Table)

Mr. Temporary Speaker, Sir, on the current status, the scheme is registered and plot holders who have fully paid can be issued with the title deeds. To date 93 out of 1774 allottees have been discharged after having paid the Settlement Fund Trustees (SFT) dues.

Mr. Temporary Speaker, Sir, that is all. I do not have to read the list of the beneficiaries.

The Temporary Speaker (Sen. (Dr.) Machage): You can table the list.

(Sen. Kivuti laid the document on the Table)

Are there any questions? Yes Sen. Mutula Kilonzo Jnr.

Sen. Mutula Kilonzo Jnr: Mr. Temporary Speaker, Sir, I want to thank the chairperson---

(Sen. Kivuti presented a document to Sen. Mutula Kilonzo Jnr.)

The Temporary Speaker (Sen. (Dr.) Machage): Order, Senators! That exchange is not acceptable. This is a matter of learning. Table the information then you will be given a copy.

(Sen. Kivuti laid the document on the Table)

Sen. Mutula Kilonzo Jnr: Mr. Temporary Speaker, Sir, it is fair that I say that the Chairperson had offered another copy.

The Temporary Speaker (Sen. (Dr.) Machage): Sen. Kivuti, could you give a copy of the statement you laid on the Table to Sen. Mutula Kilonzo Jnr.?

(Sen. Kivuti presented a document to Sen. Mutula Kilonzo Jnr.)

Have you tabled the statement?

Sen. Kivuti: Yes, Mr. Temporary Speaker, Sir.

The Temporary Speaker (Sen. (Dr.) Machage): Sen. Kivuti, could you hand over the extra copy.

Sen. Kivuti: Mr. Temporary Speaker, Sir, that file has more papers than my file.

The Temporary Speaker (Sen. (Dr.) Machage): Order. That is the file you tabled. It belongs to the House. So, he has the right to look at all your secrets.

Proceed, Sen. Mutula Kilonzo Jnr.

Sen. Mutula Kilonzo Jnr.: Mr. Temporary Speaker, Sir, I rise to seek several clarifications on this statement. The purpose for which this Masongaleni Settlement Scheme was done was to resettle residents of Kibwezi and Kyulu Hills who had been evicted from the forest because they were interfering with the said forest the same way the Government had resettled the people who were evicted from Embobut and Mau forests. In the list that has been tabled before the Senate, we have individuals and Government officials who have been given more than 100 acres who were not evictees of Kyulu Hills. Out of the 1774 beneficiaries, the 93 people who have titles were also not people who were evicted from Kyulu Hills. The people who have managed to pay for these titles are also not the people who were evicted. The people who were evicted do not have titles. This land was bought by the Government of Kenya to resettle them. They do not have titles because the Government now says they must pay for the titles. Could the Chairperson clarify why these people of Makueni County are being discriminated whereas the Government has already purchased land using tax payers' money? They are now being told to pay back to the Government so that they will be resettled.

Secondly, could the Government clarify that out of 1774 beneficiaries who were identified more than 20 years ago, whether these are still the beneficiaries who are still on the ground. The information I have is that 75 per cent of these people are deceased. The Government, through the Chairman, should clarify why we still have a body called the Settlement Fund Trustee and the reason it is demanding money from tax payers.

Thirdly, in the statement the chairperson has said that there was a presidential directive where the allocations had been nullified. But in the list given here those Government officials are still there and as I have said, have more than 100 acres when they were not, in fact, evictees of Kyulu Hills. We need those clarifications because these people continue to suffer yet in the case of Mau Forest people were paid Kshs400,000 to leave the forest and the people of Kibwezi are being asked to pay for title deeds.

Sen. Kivuti: Mr. Temporary Speaker, Sir, I quite appreciate the concerns of my colleague the Senator for Makueni County. I wish he could listen to me because I am answering his questions.

Whereas it may be true that there has been in the past malpractices by Government officers in grabbing land, this is not something new to us. Before we got the new Constitution, we set a precedent of setting up a new land reform programme which saw us having a National Land Commission (NLC).

(Sen. (Dr.) Khalwale consulted with Sen. Mutula Kilonzo Jnr.)

The Temporary Speaker (Sen. (Dr.) Machage): Sen. (Dr.) Khalwale, please, allow Sen. Mutula Kilonzo Jnr. to listen. I will be very annoyed if wrong questions are asked.

Sen. Kivuti: Mr. Temporary Speaker, Sir, I was talking about the precedent of how to curb land grabbing. I have also looked at that list. Even if we look at the list of land ownership in Kenya we have public servants who own land, sometimes I would say, illegally. But we have come a long way in formulating the land policy in Kenya. That is why today we have the NLC which is tasked to reform some of these ills.

Having said that, I wish to note that; the issue of SFT is in law. You cannot say that you cannot pay Government fees which are in law the same way you pay some fees when you want a title deed or for any other services from Government. In a nutshell, I do not want to say that we can cancel the allocation which was done. My colleague agrees that it was done actually more than 20 years ago and those people have the allotment letters. I do not think we have reached the stage of revoking land allotment letters and title deeds.

Thank you.

Sen. (Dr.) Khalwale: Mr. Temporary Speaker, Sir, this is a national shame. The people who were given land and who posed as deserving squatters, included former Permanent Secretary (PS) S.M. Mbova, hon. Mulu Mutisya, Maj. C.M. Mwanzia, Sergeant Stephen Musyoka, Sergeant Kenneth Nzuki, Sergeant Thomas Mutuku Makete, Corporal J.K. Nzenge, Lt. Col. J.M. Kilela, Maj. F.M. Nguyi, Maj. E.M. Matibo, Maj. P.M. Mummo and Maj. Josphat Kavisi. Whether it was 20 years ago or two days ago, this is land. Whether those people are dead or alive, they have administrators of that property. Could the Chairperson come and make an undertaking that the Government will revoke those allocations and many others because this is unjustifiable wealth that some Kenyans like brandishing that they are successful when they are nothing, but just thieves of public property that is meant for the poor.

The Temporary Speaker (Sen. (Dr.) Machage): Order! The Standing Orders prohibit you from abusing the public on the Floor of the House. If you want me to quote for you the relevant Standing Order, I will do so. In any case Sen. (Dr.) Khalwale, if I asked you to substantiate the ability the citizens of the people you have just mentioned, do you have information on their financial status and that they did not actually qualify to be given land?

Sen. (Dr.) Khalwale: Mr. Temporary Speaker, Sir, I do not wish to enter into an altercation with the Chair, but I am simply quoting from the list that was tabled and those are highly positioned---

The Temporary Speaker (Sen. (Dr.) Machage): I am only trying to advise you to be careful in soiling a good question.

Sen. (Dr.) Khalwale: Most obliged, Mr. Temporary Speaker, Sir. I would like to replace the word “thief” with the words “undeserving Kenyans”.

The Temporary Speaker (Sen. (Dr.) Machage): Very well!

Sen. Mutula Kilonzo Jnr.: Mr. Temporary Speaker, Sir, it is fair that I read one of the documents that the Chair has provided to this Senate because he has said that the charges that this settlers are being asked to pay are for Government title deeds, *et cetera*. The letter dated 14th November, 1990 is clear that these settlers are being asked to pay Kshs600 per acre for what is called buying land, planning, demarcating, provision of basic infrastructure, *et cetera*. Now if the policy of Government was to settle these people, why would the Government then ask them to pay for land which the Government has already purchased to settle them?

Sen. Kivuti: Mr. Temporary Speaker, Sir, while I sympathize with the sentiments expressed by my brother Sen. (Dr.) Khalwale, it would be very difficult for the Chair of the Committee on Agriculture, Land and Natural Resources to go and nullify title deeds in this country. What I would like to pose here is that the mechanisms we have for nullification of title deeds are quite wide. Right now, I have not enumerated all the channels that one needs to go through, including but not limited to substantiating and proof of the un-deservedness of any person having title deed to land in Kenya. I would like to state here that it is not just because so and so who was given a piece of land is an officer of Government and, therefore, it should be repossessed.

With regard to the cost of the services---

Sen. Abdirahman: On a point of order, Mr. Temporary Speaker, Sir. With due respect to the Chairperson, he is not even able to answer the question the way it was put by Sen. (Dr.) Khalwale. It is not about nullification of title deeds at this stage, but it is to ascertain whether actually, these were deserving cases so that the Government can institute some corrective measures. Is the Chairperson in order not to address the question the way it was asked because he is not taking us anywhere?

The Senate Minority Leader (Sen. Wetangula): On a point of order, Mr. Temporary Speaker, Sir. Is the Chair of the Committee in order to mislead the House by saying that you have to establish the un-deservedness when it is very clear that anybody holding a rank of a Lieutenant Colonel or a Major, people in well paying State jobs, cannot go and queue and receive land meant for helpless squatters? They can access credit. They have salaries and they are well positioned Kenyans. Is the Chairperson in order to attempt to whitewash what looks like a fraud? We are not blaming it on him. We are saying that this is a fraudulent transaction and the Committee has a duty to advise the Chairman of the NLC to look into it and revoke the title deeds if they were obtained by fraud and misrepresentation.

Sen. Muthama: On a point of order, Mr. Temporary Speaker, Sir. I wonder whether the Chairman is in order to fail to address the concerns which are being raised by Sen. Mutula Kilonzo Jnr. There were poor Kenyans who were living in a certain area and they were removed. They did not have food or *sufurias*, and did not have anywhere to go.

Then all of a sudden, the Government turns around and tells those poor people to pay some money before they are resettled. You rob from the poor---

The Temporary Speaker (Sen. (Dr.) Machage): Point noted.

Sen. Muthama: Mr. Temporary Speaker, Sir, is the Chair in order to find it extremely difficult to address that issue? When we talk about the injustices on matters of land in this country we are told that we are treading on dangerous grounds. God hear this: Kenyans have suffered enough, please, come down and help this country!

The Temporary Speaker (Sen. (Dr.) Machage): If you remember the point of order by Sen. Abdirahman, he showed concern on the inability of the Chairperson to answer questions as they were put to him. Maybe you are loading him too much. Let him answer the few that have been asked and then I will give you an opportunity to ask him more.

Sen. Obure: On a point of order, Mr. Temporary Speaker, Sir. In light of the weighty matters being canvassed here, would I be in order to suggest that this matter be referred to the Senate Committee on Agriculture, Land and Natural Resources and ask them to interrogate the matter and bring a comprehensive report to this House?

The Temporary Speaker (Sen. (Dr.) Machage): It is so ordered! I do not think the Chairperson is answering the questions to the satisfaction of the House. Let us have the Committee look at this issue.

Sen. Kivuti: Mr. Temporary Speaker, Sir, I have one more Statement and maybe this Statement might touch on part of what Sen. Mutula Kilonzo Jnr. is concerned about. It is a very short one; only a half a page.

The Temporary Speaker (Sen. (Dr.) Machage): Order, Sen. Kivuti. If you are convinced that what you are about to raise will again open a Pandora's box and you suffer the same consequences, please, save the dignity of this House and raise that when you come with the other Statement.

Sen. Kivuti: Mr. Temporary Speaker, Sir, this is about district boundaries so---

The Temporary Speaker (Sen. (Dr.) Machage): You are arguing with the Chair. Have a seat.

Sen. Kivuti: I am sorry, Mr. Temporary Speaker, Sir.

STATE OF MOLO-OLENGURUONE ROAD

Sen. Obure: Mr. Temporary Speaker, Sir, on behalf of the Chairperson of the Committee on Energy, Roads and Transport, I wish to make quick responses to questions that were raised in this House. On 11th March, 2014, Sen. Chelule requested for a Statement regarding the state of Molo-Olenguruone Road. She in particular wanted to know why the construction of the road has taken so long considering that the road is only 54.5 kilometres long. Secondly, she wanted to know why there has been change of contractors on several occasions. Finally, she wanted specific timelines within which the road will be completed, bearing in mind that it should have been completed in 2012.

I wish to respond as follows: That the construction of the Molo-Olenguruone Road has taken a longer time to complete because of inadequate budgetary provisions since the 2011/2012 Financial Year. The actual financial allocations were as follows: In

the 2011/2012 Financial Year, the road was allocated only Kshs200 million instead of Kshs270 million. In the following year, 2012/2013 Financial Year, it was allocated only Kshs66 million as opposed to the Kshs200 million which had been budgeted for. In this financial year, it was allocated Kshs85 million instead of Kshs150 million. You can, therefore, see that the funding for that project was grossly under the estimates envisaged earlier.

Mr. Temporary Speaker, Sir, the contractor for this project from the start has been Kimilili Haulers Limited. There has not been any change of contractors. However, some works in the project were assigned by the original contractor to Raflo Services to speed up works this financial year. The total amount of funds needed to complete the works is approximately Kshs428 million. This financial year Kshs85 million is available, in the next Financial Year 2014/2015, Kshs200 million will be allocated for the road and a further Kshs200 million in the following financial year so that this road is properly done and completed by December 2015.

Thank you.

Mr. Temporary Speaker, Sir, if you allow me, I will make a very brief response to a Statement sought by Sen. Ntutu.

The Temporary Speaker (Sen. (Dr.) Machage): No. We have to dispose of the first one.

Sen. Chelule: Mr. Temporary Speaker, Sir, I am happy to really know that the Committee sat down and has come up with the reasons this road has not been completed. It is very unfortunate that today over 80,000 potential farmers from the whole of Kuresoi are suffering because of the under-funding of that road. I am happy to receive the report so that I am in a position now to make further interrogation. I appreciate the answer given by the Committee on this Statement.

Sen. Karaba: Mr. Temporary Speaker, Sir, I wish to seek further clarification as to who is to blame when you talk of under-funding of construction of a road because I have a similar problem in Kirinyaga County. There is road from Kutus to Kerugoya, passing through Kagumo and then Karatina. Do we blame the contractor or the Government for under-funding? What should happen to the residents who are supposed to use that road?

Sen. Obure: Mr. Temporary Speaker, Sir, this is really regrettable. The Ministry responsible for roads makes a budget and they say: We require so much money for this project. Unfortunately because of the financing challenges and the competing interests, Treasury is not able to allocate the amount requested by the Ministry in charge of roads. So, the problem really is elsewhere. It is with the Treasury and not the people in charge of the roads.

Sen. Kagwe: Mr. Temporary Speaker, Sir, I seek from you some guidance on this answer. I feel that this is something that we are going to be responding to in a similar format almost throughout our sessions. The reason this is happening is because it is not just Kuresoi and Kirinyaga counties. In Nyeri County, for example, it is the same situation. We have a lot of respect for the hon. Senator, considering that he was in that Ministry, I would like to ask that the concerned Ministry discusses this matter holistically

and comes up with a comprehensive answer regarding the policy that we are going to adopt so that we do not discuss this issue repetitively.

The Temporary Speaker (Sen. (Dr.) Machage): You will be completely out of order because the hon. Questioner showed satisfaction with the answer so delivered to this House. If you think the matter is of that magnitude and importance, you are at liberty to seek a Statement from the same Chairperson.

Sen. Chelule: On a point of order, Mr. Temporary Speaker, Sir. I am not satisfied with the answer given. This is not the kind of answer that I expected to get from the Committee. I am talking on behalf of very many people from Kuresoi; the dairy and potato farmers who are really suffering. I do not think I am ready to take back this answer to them; that the Government under-estimated funding to this road. I want to request the Committee to give me a satisfactory answer to this Statement.

Sen. Mositet: On a point of order, Mr. Temporary Speaker, Sir. I was just looking at the able Chairperson whom we know at one time was the Minister in the same Ministry and he worked with the officers who I believe are giving those answers. The whole country is suffering with regard to infrastructure when it comes to the issue of maintenance of roads. Quite a number of questions have been asked. I remember last year I raised a query with regard to Road D523 which runs from Isinya to Kiserian, but the session ended before I got the answer. I came to learn that, that road had been given about Kshs400 million which was exhausted, only to leave it without the tarmac. I think that many of you know that road. A total of Kshs400 million of taxpayers' money had been used, just for a few contractors to seal potholes and remove the entire tarmac in one of the sections. When will this road be done?

Mr. Temporary Speaker, Sir, about two months ago, there was a major demonstration and we had even to call the Director General of the Kenya Rural Roads Authority (KeRRA). He came and assured the residents that by 15th of this month---

The Temporary Speaker (Sen. (Dr.) Machage): Sen. Mositet, please, be brief. Try to summarize.

Sen. Mositet: Mr. Temporary Speaker, Sir, what I am trying to suggest is that the Committee needs to be very serious and maybe call the Cabinet Secretary of that Ministry, because it is a big cancer. In the last two years or so, there was booming business in Namanga Town. Right now, whenever it rains, there is flooding. Just the other day floods swept about ten children simply because of the mess created by the contractors who had been awarded the contract by the Ministry.

Mr. Temporary Speaker, Sir, the Committee needs to have a meeting with the Cabinet Secretary in the Ministry of Roads and Infrastructure and really know what the problem is, because I believe that there is a major problem.

The Temporary Speaker (Sen. (Dr.) Machage): Very well! You leave the Chairperson in a very confused state. I have to look at the initial response to the request by Sen. Chelule and the reaction of the House and, thereafter, Sen. Chelule's reaction. But to give benefit of doubt, the important issue here is to have the satisfaction of the House. I do not want to revisit the HANSARD to reprimand Sen. Chelule for the initial satisfaction, but she has swallowed her words and demanded for a further report.

It is so ordered. Let the Committee look at the issue and maybe include the other questions that were asked by the Members.

Sen. Obure: Mr. Temporary Speaker, Sir, I agree with the position that you have advised, but I would say that this matter, perhaps, goes beyond even the mandate of this Committee. The truth of the matter is that the Ministry in charge of roads makes a budget, which is agreed upon by everybody. Unfortunately, at the time of releasing funds, sufficient funds are not available to meet the requirements of that budget. So, it is really a matter which will involve other Committees of this House, including the Budget Committee, Committee on Finance, Commerce and Economic Affairs and so on, so that emphasis can be given to the issue of providing sufficient funds in accordance with what has been budgeted for from the very beginning. That is the only way that we can move ahead and complete projects which have been planned.

Sen. Karaba: On a point of order, Mr. Temporary Speaker, Sir. Would it not be in order for the Chairman and the Committee to first of all, fast track the roads which have already stalled, like the one in Kerugoya, instead of embarking on the new structures?

The Temporary Speaker (Sen. (Dr.) Machage): Sen. Karaba, I would not want to go that way, because the Committee will really not know the head or tail of everybody or what is in everybody's mind. It is prudent for you, as a Senator, to be specific on your questions, so that an answer can be given for that particular issue. Otherwise, giving the Committee margin and interpretation of what you may have in mind is difficult. I was in that Ministry also and know the sort of question that you are bringing into the House.

I decline to accept your point of order.

REPAIR OF ROADS WITHIN NAROK TOWN

Sen. Obure: Mr. Temporary Speaker, Sir, the next response that I want to give is much shorter.

Mr. Temporary Speaker, Sir, this is in response to an issue raised by the Senator for Narok, Sen. ole Ntutu, regarding the status of roads in Narok Town. Sen. ole Ntutu wanted in particular to know the name of the contractor who was awarded the contract, the position or status of that project and what the Government is doing to ensure that the project is completed.

Mr. Temporary Speaker, Sir, I am sorry to inform Sen. Ntutu that the Ministry is not responsible for repair of roads within Narok Town. In fact, prior to the current organization of Government, the Urban Development Department in the Ministry of Local Government was handling all roads within major cities, towns and so on. Subsequently, roads within what was described as municipalities and cities, under Cap.265, were taken over by Kenya Urban Roads Authority (KURA). Unfortunately, Narok is not one of those towns and, therefore, the Ministry or even KURA is not responsible for roads within Narok. We are, therefore, advising that this question should be directed to the Ministry of Lands, Housing and Urban Development, where the Urban Development Department now sits.

The Temporary Speaker (Sen. (Dr.) Machage): Very well! It is so directed.

Yes, Sen. (Prof.) Kindiki.

BUSINESS FOR THE WEEK COMMENCING
TUESDAY, 25TH FEBRUARY, 2014

Sen. (Prof.) Kindiki: Mr. Temporary Speaker, Sir, I wish to give a Statement concerning the business of the House for next week, pursuant to Standing Order No.45.

Mr. Temporary Speaker, Sir, on Tuesday, the Rules and Business Committee will meet to schedule the business of next week. On the same day in the afternoon, the Senate will continue with the business that will not be concluded in today's Order Paper, in addition to the Motion by Sen. David Musila, urging the national Government to take immediate measures to release all certificates held by heads of secondary schools since 2007 and ensure that no head of a school, person or institution continues to withhold KCSE certificates.

Mr. Temporary Speaker, Sir, on Wednesday 26th March, 2014, the Senate will continue with the business not concluded on Tuesday and consider any other business scheduled by the Rules and Business Committee, including the introduction of the following Motions by:-

(1) Sen. (Prof.) John Lonyangapuo, calling on the national Government to inculcate and institutionalize research in all learning institutions.

(2) Sen. (Prof.) Wilfred Lesan, urging the national Government to provide fibre optic connectivity to referral, Level 4 and Level 5 hospitals in all counties.

(3) Sen. (Prof.) John Lonyangapuo, urging the national Government to institutionalize and mainstream policies to support open and distance learning, through the development of an effective regulatory and legal framework for open and distance learning and establish a national university, dedicated to open and distance learning.

Mr. Temporary Speaker, Sir, pursuant to Article 132(1)(b) of the Constitution of Kenya, His Excellency President Uhuru Kenyatta has requested to address a Special Sitting of Parliament in the afternoon on Thursday 27th March, 2014. After consultations, the Speakers of the two Houses of Parliament have acceded to the request to convene a Special Sitting of Parliament to hear the address by His Excellency the President. Preparations for a Joint Sitting of Parliament on Thursday 27th March, 2014, at 2.30 p.m., in the National Assembly Chambers, Main Parliament Buildings are underway. All hon. Senators are invited to the Joint Sitting.

Mr. Temporary Speaker, Sir, I hereby lay this Statement on the Table of this House.

(Sen. (Prof.) Kindiki laid the document on the Table)

CANCELLATION OF KCSE RESULTS BY KNEC

Sen. Elachi: Mr. Temporary Speaker, Sir, I rise to request a Statement from the Ministry of Education, specifically the Kenya National Examination Council (KNEC).

Mr. Temporary Speaker, Sir, since 2011, we have had challenges with secondary school exams being cancelled due to the word “collusion.” An example is Karinge Boys in West Pokot that obtained a mean grade of 9.2, making it the second best in the district schools countrywide in 2012. The same school did exams in 2013 and got straight As in mathematics, but the KNEC decided to say that there was collusion. Hence, they were given Ys and, therefore, had to repeat. The same challenge is now with Maranda High School. In 2013, 432 boys sat for exams and 292 of them got As. The boys with straight As were 136. Seven of them were among the top ten students.

Mr. Temporary Speaker, Sir, I would want a clarification from the KNEC, why they decided not to rank the school because 23 boys, who were doing the computer subject colluded. Why is the school being penalized because of computer studies, which is an optional subject? How come the KNEC has moved on to allow the 23 boys to repeat, yet they know very well that there is a policy that, indeed, if there are any irregularities they are supposed to stay for three years before they repeat the same subject? Why have they not apologized to the school and the 409 parents who today are still in pain and wondering what really happened to the school?

Mr. Temporary Speaker, Sir, since this was a practical paper, how then will Kenyans understand that it is not the students who colluded, but there was confusion of names? This is because the KNEC is claiming that there was confusion within the diskettes and, therefore, the names were different. Lastly, why did the examiners not raise the issue with the school, instead of waiting for the results to be announced and then penalize the school?

The Temporary Speaker (Sen. (Dr.) Machage): Where is the Chair of Education Committee? Any Member of the Committee?

Sen. Karaba: Mr. Temporary Speaker, Sir, I am responding on behalf of the former chairman who has just left. We are yet to elect a chairman but we shall do that on Wednesday. The process takes a bit long---

The Temporary Speaker (Sen. (Dr.) Machage): The question has been directed to the Committee. So, are you ready?

Sen. Karaba: We are not ready because the chairman has not been elected. In two or three weeks, the Committee will sit---

The Temporary Speaker (Sen. (Dr.) Machage): The instructions from this Chair were that committees were supposed to elect their chairs within two weeks from last week. One week has already elapsed and there is only one week to go. All you have to tell us is that you will bring the answer in a week’s time or two weeks but not more than that.

Sen. Karaba: Two weeks then.

The Temporary Speaker (Sen. (Dr.) Machage): Very well.

REASONS FOR ALLEGED REMOVAL OF DR. SIMIYU AS CEO OF GDC

Sen. (Dr.) Khalwale: Mr. Temporary Speaker, Sir, thank you for allowing me to request for this Statement from the Chairman of the Committee on Energy. The House

will recall that less than two weeks ago, this Committee brought here a report which we all commended, contributed to and approved. Among other things in that report was the high regard in which the Committee held the managing director of Geothermal Development Corporation (GDC). It is unfortunate that emerging administrative and governance issues at GDC are forcing me to request the Chair to clarify the following:-

Could he clarify that the new chairman at the GDC intends to drop Dr. Simiyu, the Managing Director, who was singled out as most qualified and most competent by a committee of this House? Secondly, could he clarify whether the same new chairman is under the influence from a highly connected senior politician in this country to ensure that Simiyu is removed?

Could he clarify that regional and ethnic consideration are now being given precedence over the professional competence of Dr. Simiyu?

The Temporary Speaker (Sen. (Dr.) Machage): Sen. (Dr.) Khalwale, the new Standing Order No.94 says that a Senator shall be responsible for the accuracy of facts if a Senator alleges to be true and may be required to substantiate such facts instantly. You have talked of a highly placed individual in this country and there is only one who is very highly placed.

Sen. (Dr.) Khalwale: Mr. Temporary Speaker, Sir, for purposes of record, when I said “highly connected”, I did not refer to the President or the Deputy President by that meaning. If anything, that senior politician is maybe connected to those ones or some other high politician.

The Temporary Speaker (Sen. (Dr.) Machage): Very well, that is better now.

The Senate Minority Leader (Sen. Wetangula): On a point of order, Mr. Temporary Speaker, Sir.

The Temporary Speaker (Sen. (Dr.) Machage): Yes, Sen. Wetangula.

The Senate Minority Leader (Sen. Wetangula): As a matter of clarity, do I understand the Chair to direct the House that anytime we use the phrase “highly placed” it becomes a no-go zone and it refers to the Head of State? If anybody wants to refer to the Head of State, he will say “Head of State”. A highly placed person could even be the Speaker of this House where you are sitting or even the Clerk of this House; it could be a Senator and so on. All those are highly placed persons.

The Temporary Speaker (Sen. (Dr.) Machage): Thank you for that clarification, Sen. Wetangula.

Sen. Obure: Mr. Temporary Speaker, Sir, in the absence of the Chair of the Committee on Energy, Roads and Transportation, I wish to say that I have listened to Sen. (Dr.) Khalwale, the Senator for Kakamega and the matters he has raised are indeed matters of concern and we will treat them as urgent. We will try and bring a report by Wednesday.

Sen. Muthama: On a point of order, Mr. Temporary Speaker, Sir.

The Temporary Speaker (Sen. (Dr.) Machage): What is it, Sen. Muthama?

Sen. Muthama: Mr. Temporary Speaker, Sir, the Senator has indicated that in the absence of the chairman – I think in the current Standing Orders, we only have the Committee on Energy. It is delinked from Transportation. The transport docket is with roads. That is for correction purposes for the sake of the HANSARD record.

The Temporary Speaker (Sen. (Dr.) Machage): He stands corrected.

Sen. Obure: Yes, that is correct. In the absence of the Chair for the Committee on Energy, I wish to state that we will try and get a response to Sen. (Dr.) Khalwale's concerns by Wednesday next week.

The Temporary Speaker (Sen. (Dr.) Machage): Yes, your Committee was not affected by the changes. So, one week is okay.

Next Order!

MOTIONS

DEVELOPMENT OF POLICY FOR CARE OF THE AGED

THAT, aware that a good percentage of Kenya's population is made up of Kenyans aged 70 years and above and that some of them are affected by senile dementia but have no one to take care of them owing to the reality of the changing circumstances; appreciating the introduction of social support programmes by the National Government; concerned, however, that the Government has not comprehensively addressed the challenges of the aged, further concerned that the magnitude of the problem of the aged is enormous; the Senate urges the national Government to develop a comprehensive policy for the aged and initiate innovative projects such as small-scale residential homes in each county to enable them access necessary care and live dignified lives.

(Sen. (Prof.) Lesan on 19.3.2014)

(Resumption of Debate interrupted on 19.3.2014)

The Temporary Speaker (Sen. (Dr.) Machage): Who was on the Floor? Sen. G. G. Kariuki was on the Floor of the House and he has six minutes. Proceed.

Sen. G. G. Kariuki: Mr. Temporary Speaker, Sir, what I was going to say is that I was going to congratulate our friend. First, this Motion is very clear because it is urging the national Government to prepare a comprehensive programme where the elderly would be getting their dues or support from the national Government or any other quarter which will be accepted by the national policy. These people are not so many. In this country, the people who are 60 years and above are estimated to be about 1.2 million. I think 1.2 million are not so many for this nation to sit down and to decide to give them something to keep them going for the rest of their lives. Further to that, the estimated population of this country is about 45 million to 48 million people. If you look at the figures---

The Temporary Speaker (Sen. (Dr.) Machage): Order. Which census are you referring to of 48 million people?

Sen. G. G. Kariuki: We are referring to the census of July, 2014.

The Temporary Speaker (Sen. (Dr.) Machage): I advise that you recheck your information.

Sen. G.G. Kariuki: Mr. Temporary Speaker, Sir, it is over 45 million.

The Temporary Speaker (Sen. (Dr.) Machage): Sen. Wetangula can inform you on the actual figures?

Sen. G.G. Kariuki: I do not think there is need for any information. I avoided going into details because I do not have the time. I said the population is about 45 million people. I have the correct figure. Out of the 45 million, 17 million are destitute and poor people who need the support of this nation. Those are not elderly people. Here, we are specifically dealing with the old people. The old people can be helped because they are not many.

The Government has attempted – I am not speaking for the Government but quoting what is in the record – out of all the constituencies we have in this country, we are given over Kshs4 billion to give to the poor. That shows that the Government has goodwill to support the poor people in our society. Therefore, it is not correct to say that the Government has neglected these people because the county governments have more money or people who are poor and who expect to be supported by the county governments.

As I said yesterday, what we need to do is not just a comprehensive programme but a Sessional Paper that will be readily available for this House to debate so that we give this country a comprehensive progress statement on the future of the elderly people.

Traditionally or according to our society, our people; men and women, would want to be supported while at their homes and not in a bondage house where they will think that they are being thrown away by their families. Traditionally, no one would want to leave their families to go and be caged in a place away from their home. Therefore, I will not support any idea that --- Eventually, the whole truth is that we will have to accommodate these people many years to come when the traditional norms will not allow them to be away.

I support.

Sen. Khaniri: Mr. Temporary Speaker, Sir, I want to thank you for this opportunity. I rise to move an amendment to this Motion. Before I do so, it is important for me to inform the House that I have consulted the Mover of the Motion about my amendment. I think he has given consent and has no problem with it.

Mr. Temporary Speaker, Sir, I beg to move:-

THAT, the Motion be amended by deleting the words “such as small scale residential homes in each county” appearing in the second last line.

Therefore, the Motion, as amended, will read as follows:

THAT, aware that a good percentage of Kenya’s population is made up of Kenyans aged 70 years and above and that some of them are affected by senile dementia but have no one to take care of them owing to

the reality of changing circumstances; appreciating the introduction of social support programmes by the national Government; concerned, however, that the Government has not comprehensively addressed the challenges of the aged; further concerned that the magnitude of the problem of the aged is enormous; the Senate urges the national Government to develop a comprehensive policy for the aged and initiate innovative projects to enable them access necessary care and live dignified lives.

Before I move the amendment, let me take this opportunity to thank Prof. Lesan for this well thought Motion which is a brilliant idea. The Motion shows that this Senate cares and is concerned about the elderly people in this country. If we are blessed by God, we are all heading there and it is a fact that we cannot run away from.

I moved this amendment so that we could delete the idea of establishing small scale residential homes and hon. G. G. Kariuki has alluded to that. That is un-African and it goes against our culture. I cannot imagine myself sending my old mother to a home to be taken care of. I cannot imagine that. If we want to help these elderly people, let us help them while they are in their own homes. We should not send them to institutional homes. The idea of homes has worked in the developed world and European countries and even in the USA but I do not think we have reached that stage as a country. It is a taboo, to some of us, in some of our cultures to send our parents away from home. These people took care of us in our tender age and it is now our responsibility to take care of them.

Therefore, the amendment I am moving will maintain the spirit of the Motion. What the hon. Senator wanted is for the Government to develop a comprehensive policy for the elderly people. We are still maintaining that and insisting that the Government must develop a comprehensive policy. He is asking the Government to initiate innovative projects so that these people can access care and live a dignified life. That is the gist of this Motion and that is what we are supporting. The only thing we are deleting is the establishment of homes for the aged.

I want to start by saying that our country is one of those that have neglected the aged people or the senior citizens. This has happened in successive governments that have been established ever since we attained Independence in 1963. Many Governments like the Moi and the Kibaki governments came up with many projects, some for the youth, some for women but there was no project to help the elderly people.

However, I want to thank President Kibaki and his administration because he came up with a programme where the elderly were supposed to be paid some stipend of Kshs2,000 or whatever figure it was, per month which was a wonderful idea. However, the idea was not well administered or managed. This idea was implemented selectively in some areas. When you visit some areas, you will find that some *wazees* have been receiving this stipend. However, in the area I come from; Vihiga County, I have gone round and I am yet to come across a single individual who has benefited from this programme. This was a good programme and we want to encourage the current Government to streamline it and allocate it enough resources so that it is spread

throughout the country. If it is meant for all senior citizens from the age of 65 and above, let all of them receive this stipend.

As Sen. G.G. Kariuki said, I do not think the number is that huge. I think it is manageable. If we want to implement this programme, we should not do it in piecemeal. We should not be selective and have some areas benefiting while others are not. *Wazees* are *wazees*. If we want to benefit them, let us do it across the board.

It is very disappointing that the Government has not done much for these old people. In fact, what is disappointing me more is that we established the National Social Security Fund (NSSF) which was supposed to be for labourers so that they could save the little money that they earn while they are still in service so that they use it in old age. However, unfortunately, successive governments have taken the NSSF as a cash cow. People are always doing deals. In fact, the Tassia project was just a tip of the iceberg. There is so much happening at the NSSF that is unbelievable. At the moment, they are trying to build the Hazina Trade Centre using Kshs7.1 billion of people's funds. The Government puts no money in the NSSF Fund. These are savings for workers and the Government is at the front line in misusing the money and misallocating it. The Kshs7.1 billion is enough money to build another Hazina Towers. We should not be putting up a few floors on what already exists. This is a scandal. I hope that the Ethics and Anti-Corruption Commission (EACC) will look into the matter.

I hear that there is a plan by some Government operatives to sell some plots that belong to this Fund. There is a plot in Mavoko, Kenyatta Avenue and another one on State House Road. There are some people who are planning to sell these plots so that they raise money for the next campaigns. I do not know but we want the EACC to look into this matter and ensure that savings of labourers are well protected.

I beg to move the amendment and call upon Sen. (Dr.) Kuti to second.

Sen. (Dr.) Kuti: Thank you, Mr. Temporary Speaker, Sir. I beg to second this amendment. I congratulate Sen. Khaniri for pointing out that housing elderly people is a very noble approach. Our African culture, network and social structure should be encouraged so that the elderly live among their families. They should be around other elderly people who will play the ball game with them and participate in church, mosque and school activities and reduce their isolation and loneliness that are associated with placing elderly people in homes which has a very negative impact on them.

[The Temporary Speaker (Sen. (Dr.) Machage) left the Chair]

[The Temporary Speaker (Sen. Mositet) took the Chair]

Mr. Temporary Speaker, Sir, I support this amendment because when you house elderly people, while it is a good idea, it is almost similar to caging. The first-lane life of urbanization has made young people not to be responsible for their parents, especially when they get old or fall sick and become weak. Therefore, the elderly are dumped in homes and although they get food and accommodation, their esteem is lost. So, I think that the alternative is to encourage that our elderly be among the community and participate as much as they can in the activities of the community.

Mr. Temporary Speaker, Sir, although 65 per cent of the population of Kenya is below 30 per cent, with time, this demographic arrangement will change because of improved healthcare and lifestyles of Kenyans. While we whine a lot about the Government not being able to do this or that, it is a fact that from Independence, successive governments of the late Mzee Kenyatta, Moi, Kibaki and the current President have focused on two very critical things successfully. The infrastructure for health is today up to the sub-location level, where we have dispensaries. Almost all sub-locations in this country, especially the ones that were formed earlier, have dispensaries. The locations have health centres and districts have district hospitals. Also, the referral system in the health sector in Kenya is advanced.

Mr. Temporary Speaker, Sir, the second area where this Government and successive governments have tried is education. Both sectors contribute a lot, because the more educated a country's population becomes, the more the chances of them living longer, because they acquire knowledge about hygiene, accessing jobs and improvement in their lifestyles. The availability of healthcare also improves their health to the point that now life expectancy will be higher. This means that more people are getting into the bracket of the old. Right now, our retirement age is 60 years after it was raised from 55 years. This means that we will have more elderly people.

Mr. Temporary Speaker, Sir, I really congratulate the Mover of this Motion, who is yourself, for having forward-thinking because we need to plan. Already the elderly people are there, but we need to plan for them. But, really, housing them---

The Temporary Speaker (Sen. Mositot): Order, Sen. Kuti! I was not the Mover of the Motion. The Mover of the Motion was Sen. Lesan.

Sen. (Dr.) Kuti: Sorry about that, Mr. Temporary Speaker, Sir. You look alike.

Mr. Temporary Speaker, Sir, this increasing number of elderly people needs to be planned for. We need to plan now and make sure that they are kept within organized community structures. The major problem that most of these people face is poverty. The poverty level in this country is high and being marginalized because of their age, they will be faced more with hunger, disease and all the challenges that face poor people. But their elderly nature also exposes them to diseases like high blood pressure and diabetes. These are common among the elderly. Therefore, they will also need improved medical care made available for them.

Mr. Temporary Speaker, Sir, when the elderly get out of active life, they become lonely and depressed. On top of the hunger and other challenges that they have, the fact that they have fallen out of their social activities, makes them very much exposed to early death. You will realize that many people who retire, especially from active Government or political life, die faster than those who actually have been surviving among the communities. This is because when they retire, they lose that active life and network among the communities.

Most of them go back to their rural homes where they are not well networked. For example, they do not belong to the council of elders. As a result they just die quickly. Obviously, because of their lifestyles, they usually retire with diabetes and high blood pressure, and most of them die. So, it is important that we keep them among their age mates. Let them play the *Bao* game together and be committee members of churches,

mosques and schools, instead of putting them in homes. They will live longer and feel appreciated by the communities just like before. That is why I congratulate Sen. Khaniri for bringing up this amendment.

Mr. Temporary Speaker, Sir, actually, the tendency now is for young people to quickly dump the elderly people in homes for the elderly and visit them, maybe on Sunday after church with their grandchildren. When they sit in those homes very bored, you will really bring them to their graves much faster than if they were running around and participating in the community affairs. For example, if there are conflicts, they can be called upon to resolve them. Their relevance is kept and that actually keeps their mind, physique and even health in a better shape. Therefore, I really want to support the fact that we should not put them in the homes for the elderly. Obviously, it will come up, but at this particular time, I think that we really encourage that they be allowed to live their lives as they are supported by the money for the elderly.

Mr. Temporary Speaker, Sir, it is a noble idea to set aside some money for the elderly but, obviously, it has a lot of loopholes and vulnerability to corruption. Therefore, the programme needs to be streamlined and supervised. All of us, as leaders, need to go back and actually interrogate and oversee the activities of those funds and ensure that they actually reach the intended beneficiaries, who are old people, whom those Kshs2,000 would have helped a lot. It will help them to get medicine to manage diabetes and high blood pressure.

Mr. Temporary Speaker, Sir, the National Social Security Fund, as stated by the Mover of this amendment is supposed to be the actual institution to address the needs of these elderly people.

Mr. Temporary Speaker, Sir, with those few remarks, I beg to second.

(Question of the amendment proposed)

Sen. Muthama: Mr. Temporary Speaker, Sir, since this amendment seems to have the support of House, it is my kind request that the question be put and we go to the main Motion.

The Temporary Speaker (Sen. Mositet): Is that the feeling of the House?

Hon. Senators: Yes!

*(Question, that the words to be left
out be left out, put and agreed to)*

(Question of the Motion as amended proposed)

Sen. (Eng.) Muriuki: Thank you, Mr. Temporary Speaker, Sir, for giving me the opportunity to say a few words regarding this Motion. I actually support it and wish to commend the Mover for having remembered something in our society which can easily be forgotten. It is very easy to forget the old people. Like one speaker said, we are all headed there and it is very easy also to be forgotten. So, it is better to remember people

when you are there to remember them, especially as a House which is in a position to do something about it.

Mr. Temporary Speaker, Sir, part of the problem that we are seeing now and what gives rise to the need or concern of the Mover and many of us, is the breakdown in the family structure. In the so-called olden days, the African family was always an extended family, such that even if an old person, be they a man or lady, did not have his or her own children, there was always somebody to take care of them. What has changed that, in my observation, is education. Education is very good in one way, but it has also brought other challenges which we now must start addressing as a nation, starting with the Senate. We need to mind the affairs of the counties where these people are. I believe that the Mover of the Motion does not mean just old people, but actually the poor old people. People who are old and have means can mind their own affairs or their families can do that.

Mr. Temporary Speaker, Sir, education in one way or another brought the breakdown of the family structure. This is because young people who go through education easily get employment away from home. In Nairobi City, for example, we say that we have three or four million people, but if you look at the identity cards, they indicate that almost everyone comes from upcountry. But most people do not go upcountry. They actually settle in Nairobi City or any other urban area and earn their living. But most of the people that we are concerned about are actually in the rural areas. Even when their children or grandchildren are merciful enough to send stipends, perhaps, they just send some little money, but do not bother much about the social welfare of the old and so on. So, this Motion is calling upon the Government to institute structures, such that, as a community, we are able to take care of the old people.

Mr. Temporary Speaker, Sir, it is worth noting and commending the Government also that it has found it necessary or worthy to set aside some money to give to the old persons. The only challenge is the way the old persons are identified to benefit from the old persons' fund. The last time I checked, they were being given Kshs2,000 per month, but there is a lot of outcry. I do not know about the other counties, but certainly where I come from, in Nyandarua County, there is an outcry in almost every area that I go.

Mr. Temporary Speaker, Sir, whereas a few of them deserve to benefit, you will find that there are many names of people who are prominent, maybe one has a shop and going on with business, but their names are on the list. So, he is among those who are supposed to get Kshs2,000. I believe the structures, which the Mover has in mind, can curb these practices. When this House came up with this idea through Sen. Sang to have a body to manage the affairs of the county generally so that there is a forum through which when such issues come up, discussions can take place and the leadership can take action. What happens is that people in the locality just see people in the list but there is no forum where such issues are discussed. It is through such forums that we get to know that a person who has been working for the Government with a good salary but when you go to the stipend, he is also there.

The other issue is that the Government has done well. There is a small stipend that goes to the old persons but like one Senator said, besides requiring Kshs2,000 which can cater for their food and clothing, there is also the issue of diseases and so on. We need to

take care of the medical needs of the elderly. That means that if you do not have a way of identifying who is unwell and therefore you give more money, you should have a way of them having a card that they can use when they go to the hospital. This will help them to get medical assistance for free.

Mr. Temporary Speaker, Sir, there is also the issue of persons who do not have families at all and therefore they do not have a home. Whereas I support the amendment which came to remove the part to create homes, we also need to create a structure where the community, by and large, is also persuaded, through the goodwill of the Government and the leadership in the counties, to actually take in these people. We are slowly getting to a situation where we have elderly people who actually do not have any family. Maybe somebody migrated to the city when he was still young and can work but it reaches a time when they have to go home. When they go there, sometimes there is no family to take care of them. The Government should continue giving the stipend, improve it and take on my suggestion to give them a card which authorizes them to go and receive medical care for free.

There is also the issue of Internally Displaced Persons (IDPs)---

Sen. Muthama: On a point of order, Mr. Temporary Speaker, Sir.

The Temporary Speaker (Sen. Mositet): What is your point of order?

Sen. Muthama: My point of order is that, with all due respect, is the well experienced Sen. (Eng.) Muriuki in order to mislead this House by saying that if you have your national identity card whose purpose is to identify you as a Kenyan, what he is saying is that if you come from Nyandarua and you are living in Mombasa, you cannot be accommodated in Mombasa. Is he order to mislead and demean the national identity card to make it an unrecognizable document nationally?

Sen. (Eng.) Muriuki: Mr. Temporary Speaker, Sir, I want to request the hon. Senator to listen because I will repeat. All I am saying is that if Sen. Muthama lives in Nairobi now but his identity card does not read Nairobi - I challenge him to come here and show me - Chances are it says Machakos. What I am saying here is that many people who are in a class which Sen. (Prof.) Lesan has in mind would have been working away from where they come from which is identified through the identity card. If that person ends up staying in Nairobi, for example, even if the Government has to give him the Kshs2,000, he cannot live here. It would be very difficult. That individual will most probably find it easier to go to the rural areas where it is cheaper and easier to manage his life. That is why I am saying that you could very well go there and find that you do not have anybody. That is why you now need to get a stipend.

The Temporary Speaker (Sen. Mositet): Order, Senator. Your time is up.

Sen. Muthama: Bw. Spika wa Muda, nasimama kuchangia Hoja hii tukitumaini kwamba yale ambayo tunazungumza hapa yataweza kusaidia taifa nzima.

Bw. Spika wa Muda, watu ambao tunazungumzia hapa tunawaita wazee. Lugha ambayo inatoka hapa ni kwamba ni watu ambao yafaa wasaidiwe. Kwa hali ya haki na mbele ya Mwenyezi Mungu, hao sio watu wanataka misaada bali haki yao. Shirika linalokusanya hela na kuweka kwa niaba ya watu wanaozeeka limedhibitisha kwamba pesa ambazo zimekusanywa hadi leo zikitumiwa vyema zinaweza kuwafanya watu hawa waishi maisha yanayofaa. Kulingana na yale ambayo yamesemwa na wenzangu hapo

mbeleni ni kwamba kama kuna shirika ambalo lina fedha za kujimudu ni lile la uzeeni. Shirika la NSSF leo limebadilisha kazi ambayo linastahili kufanya na imekuwa ni kama ng'ombe wa kukamua maziwa na kuwanyima wanaostahili na kuwapa wale ambao hawastahili. Ukiangalia hivi leo ni dhahiri kwamba pesa ambazo zimewekwa, kiasi kikubwa kimeingia katika mifuko ya walafi ambao hawana huruma kabisa kwa wanaotozwa ushuru.

Bw. Spika wa Muda, mchango unaotolewa na wafanyakazi maskini ambao ni wa hali ya chini kabisa ndio pesa ambazo tunapeleka NSSF. Sasa hivi pesa hizo zimekuwa ni za wale wanaokaa juu na wale ambao wanakaa chini hawapati. Nitakuchukua kama shahidi kwamba katika kaunti unayotoka umepokea malalamishi na manung'uniko ya watu wakisema kwamba tangu wastaafu, ambayo ni miaka ishirini, mtu hawajapata malipo yao ya uzeeni.

Serikali haistahili kugusa hela ya watu. Shirika hili likiwacha kufanya biashara ya wizi ambapo wanatafuta sehemu moja ya ploti ya Kshs40 milioni lakini mwishowe inagharimu Kshs400 milioni. Kwa hivyo, takriban Kshs360 milioni inaingia kwa mifuko ya wezi. Itasaidia sana kuona kwamba yule maskini ambaye anastahili anafaidika.

Namshukuru Sen. (Prof) Lesan kwa kuleta Hoja hii. Kwa sasa tutazungumza na kufanya taifa lote kuelewa kwamba tunafahamu kuna wezi ambao wanaiba na kunyang'anya maskini. Sen. G. G. Kariuki amesema kuwa idadi ya watu ambao ni wazee na wanahitaji msaada ni 1.2 milioni. Hii inamaanisha kwamba hii ni asilimia 3 tu ya wananchi wa Kenya. Lakini sio hawa tu ambao wanahitaji kusaidiwa. Kati ya wale milioni moja na laki mbili, labda ni mia saba au mia nane ambao watahitaji kusaidiwa.

Mimi nataka kuzungumza kwa Serikali. Sisi tunasema hapa tunaelewa lugha ya pesa. Sisi sio watu ambao tunazungumzia maneno ya pesa na hatuelewi. Tunajua kwamba ukichukua watu 800,000 na kila mmoja apewe Kshs.2,000, hiyo ni Kshs1.6 bilioni. Hii ni kidogo sana. Kwa hivyo, Serikali haiwezi kutumia lugha ya udanganyifu kuwadanganya wananchi ambao inastahili kuwasaidia, kuwaelimisha, kulinda na kukinga maisha yao ili waache kudanganya kwamba tumetoa Kshs2,000 kwa maskini ambao wanaishi pale vijijini ni kama wao sio wananchi. Tukifanya hivyo, tutajiletea balaa katika nchi hii na tutaendelea na kukumbana na laana katika taifa letu. Njaa haitaisha kwa sababu tunachukua mahali ambapo hatukupanda. Tunavuna, kula na kushiba ilhali anayestahili akiwa anaumia.

Bw. Spika wa Muda ningependa kusema kwamba Serikali ingetoa pesa, singesimama hapa kuuliza Sen. (Eng.) Karue ni nini anamaanisha na mambo ya kitambulisho cha kitaifa ingelikuwa tunaongea lugha moja ya kusema Kshs5,000 ama Kshs10,000 ipewe wale watu waishi maisha ambayo wanastahili katika nchi yao.

Uchumi wa nchi unaongozwa na mabebari ambao baba zao walifanya hayo, watoto wao wanafanya hayo na wajukuu pia wanangoja kuja kufanya mambo hayo. Taifa hili linaelekea katika ulingo wa hatari ambao haujawahi kuonekana. Kwa sababu sisi tunafikiri kwamba tukinunua bunduki tuweke katika *store* yetu, ile kununua magari ya polisi tunaweza kunyamazisha wananchi kudai haki zao. Ningependa kusema kwamba huu ni moto tunawasha na siku zijazo itakuwa ngumu sana mtoto wa tajiri kuanzia tosti ya kwanza hadi ya mwisho kwa sababu kutakuwa hakuna nafasi. Kila mtu atakuwa mbioni. Serikali hii na ile inayokuja, na ninawaambia wenzangu hapa, watatoka na

bunduki na wananchi hawataogopa kupambana nao. Risasi zitapigwa na mwananchi hatasikia. Risasi zitatupwa na watu watapigwa lakini maskini atasimama na umaskini wake na kusema kwamba anatetea haki yake. Masikini ataendelea kuishi na umaskini wake na kutetea haki zao. Ikiwa kuna haki ambazo hazipatikani, atasimama na kuzitetea.

Watoto wetu ambao wamesoma lakini wamekosa kazi ni wengi sana. Hata hivyo, kuna Kshs430,000,000 zinazopotea katika njia ambazo hazijulikani na bado tunasema taifa hili halina pesa. Kati ya pesa hizo, Kshs180,000,000 zinatumiwa kulipa marupurupu. Marupurupu hayo hayalipwi mwendeshaji wa mikokoteni ama mlinda ng'ombe ambaye umemwacha katika kaunti. Marupurupu hayo yanalipwa kuwaongezea walio na pesa. Kazi yetu imekuwa kutumia pesa kununua maua ya kuzika masikini ambao wanatafuta kura na nafasi za kuongoza. Tumekuwa tukisema tunataka watu waache kula rushwa. Tunazuia rushwa lakini magendo inafanywa kila siku.

Mimi ni Mkristo. Kuna Kitabu ambacho huniambia kwamba kuna punda aliyekataa kwenda akiwa amebeba tajiri wake. Punda huyu aliongea kama mtu na kusema; "Usinipige. Nimechoka kwani siku zote nimekubeba. Sijawahi kusita kukubeba. Kwa nini unanipiga?" Mwananchi wa Kenya yuko karibu kuongea kama punda. Kama hatutabadilisha mambo, tutakuwa na kilio na kusaga meno.

The Temporary Speaker (Sen. Mositet): Muda wako umekiwsha!

Sen. Ndiema: Thank you, Mr. Temporary Speaker, Sir. I stand to support this Motion and to thank Prof. Lesan for bringing this idea and Sen. Khaniri for enriching it.

The people we are talking about; the elderly, are the ones who looked after us. We are talking about Kenyans who built this country to the point that we are today. We have teachers, farmers, farm workers in Trans Nzoia and elsewhere who have fed this nation for very many years and our armed forces personnel who have risked their lives to secure this country both from within and without. We are talking about the patriotic citizens who have stood up and are proud to be Kenyans.

While our tradition in the past, and even now, demands that the youth or children should look after their ageing parents, the fact is that our social structure has changed. The youth have left homes to work elsewhere away from their parents. This also means that the youth have not had the opportunity to take care of themselves noting that there is a high degree of unemployment in this country. Therefore, any effort that the state will put in place to alleviate the suffering of the elderly will be timely and welcome.

At the moment, it is very difficult and counterproductive to confine the elderly to homes. That may, in fact, hasten their departure from this world. They may see this as a way of discarding them. Despite the fact that we have advanced economically and socially, we have not done very well in taking care of the elderly and other vulnerable groups. It is worrying when you hear Sen. Muriuki saying that even deserving cases like those who are earning pensions are also queuing for stipends. It will not be a surprise because those who are receiving pension are getting very little amounts that they have to queue. I think the pension policy has to be looked at. The pension should be adjusted from time to time. I think even the Salaries and Remuneration Commission (SRC) should look into that area. As they are looking at the salaries for others, pensions should also be looked into. As the value of money goes down, pensioners should be compensated.

There is also a worrying trend. While we are talking about the current pensioners not getting enough pension, our youth today, even those working in blue chip companies like Safaricom, KCB and all banks--- There used to be a policy where if one worked for a number of months, they were required to be permanent and pensionable. Something has come up where our youth, even those who are professionally qualified with masters are employed on one year contracts and are constantly working under threats. The moment they start earning good salaries and good pensions, their contracts are discontinued. We are breeding a generation that will not have pension at the end of the day. The Ministry of Labour should ensure that the companies that pretend to carry out social responsibilities by sponsoring a few things here and there like cross-country races here and there take care of their staff when they grow old.

The problems of the old are many. There is the issue of food and shelter. This afternoon, we were discussing about landlessness and so forth. Some of the elderly people have been queuing waiting for land. There should be a policy where land becomes available for selling to people. The list should be prepared in a manner that the elderly are given preference so that they have a shelter or, at least, a place to rest when the time comes.

We all know when one grows old that their immune system is invaded and old age sets in. However, we do not seem to give preference to them. There is no policy in our hospitals that allows a senior citizen, when he reports at a health centre to jump the queue. They queue with the young and can even die before they see the doctors. If you go to some hospitals, you will find young men sharing beds with the old men. This is not respectful. It is not in our tradition. It is not in the tradition of anywhere even in the countries that are said to be modern.

The elderly also consist of those who have saved lives like the priests. When priests retire, we do not know where they go. Perhaps this is an area that Prof. Lesan should also touch. We should ensure that there are homes for our retired priests or probably they should be taken care of in their settings when they retire. In the European countries, when missionaries retire, they are taken care of for the rest of their lives. However, our Kenyan priests are not taken care of. That is an area that the Government should support. Whatever they have done is beneficial to the country and the community in general.

With those few remarks, I support.

Sen. Kisasa: Bwana Spika wa Muda, ningependa kuunga mkono Hoja hii. Mimi kama mkaaji wa Kilifi, Hoja hii inanihusu sana. Hawa wazee, hawafai kujengewa makao. Wazazi wetu ndio wanaofanya twende nyumbani. Kwa hivyo, nimeshukuru kwamba watakuwa nyumbani na sisi. Kila mtu ambaye ana mtu mzee nyumbani huwa anatamani kwenda nyumbani.

Nimeshukuru sana kwamba hatutawaondoa wazee katika nyumba zao. Tuna shida kubwa Kilifi. Sio kila mtu ambaye anafaa kupewa msaada huu wa Kshs2,000 huupata. Lazima tuchunguze na kujua ni kitu gani ambacho kimekosa kwa sababu sio kila mtu anayepata Kshs2,000. Tunatoa shukrani kubwa kwa Serikali yetu ya Jubilee. Ni wangapi wetu ambao wanaweza kupeana Kshs2,000 kwa wazazi? Siulizi kuhusu watu walio na

kazi kubwa kama sisi. Nauliza kuhusu mwananchi wa kawaida. Ni wangapi ambao wanapeana Kshs2,000 kwa baba ama mama? Huu sio msaada haba.

Watu wa Kilifi wanahitaji *title deeds* na sio pesa tu. Ukitazama runinga, utaona kwamba watu wa Kilifi wamekuwa wakiwauwa watu wazima ambao wanakula chakula ambacho kinglekuwa kikiliwa na watoto wetu. Pia, kuna wazee ambao wamekatalia *title deeds*. Inabidi watu wa pale mtaani ili waipate ile *title deeds*. Twaomba Serikali yetu ya Jubilee itupe *title deeds*. Twaiomba iwasaidie wazee. Inafaa wazee wapate matibabu na walipe pesa kidogo kwa National Hospital Insurance Fund (NHIF) na kuzeeka wakijua wana dawa na misaada mingine midogo.

Kwa niaba ya watu wa Kilifi; naomba Serikali itusaidie. Naomba *title deeds* zitolewe na kila mzazi apewe kiwango cha msaada ambacho Mkenya mwingine wa miaka 70 atapewa. Mara nyingi, huko Kilifi, wamama hawapewi pesa hizi. Wanaume ndio wanaopewa kwa sababu wao ndio wenye boma. Mtu mzee si lazima awe mwanaume. Kule tunanyanyaswa kama akina mama kwa jinsia. Wale nyanya wote hawako katika orodha ya kupewa makadirio ambayo yamependekezwa na Serikali.

Naunga mkono Hoja hii. Asante.

Sen. Murungi: Thank you, Mr. Temporary Speaker, Sir. I want to thank Prof. Lesan for bringing this important Motion.

Mr. Temporary Speaker, Sir, all of us will grow old and so, this Motion is for all of us. I would like to urge all my colleagues, who are candidates, to start taking care of themselves now before they get there. Our Constitution recognizes and entrenches human rights. It recognizes the human rights of every person irrespective of the age and social or economic status of any person. The theory is that every person counts for something. It is that dignity of that human being that we protect. So, I am supporting this Motion because it is intended to protect the dignity of the senior members of the community – the aged.

Mr. Temporary Speaker, Sir, I think that there has been a lot of emphasis on the rights of women, children and the youth but we have not paid sufficient attention to the rights of the elderly in our society. If you travel to other countries, you will find that even in buses and trains, there are comfortable seats reserved for senior citizens. But in this country, everybody including a 70 or even 80 year old will be scrambling to get into a *matatu*, bus or train. Nobody recognizes that we have senior citizens in this country. People like Martin Shikuku, before he passed on, was struggling like everybody else, despite having been at Lancaster House and fought for Independence. In fact, when I came to Parliament in 1992, I found Shikuku and he was protesting and saying: “These babies have come just the other day and we are earning the same salary with them, although I was in this Parliament when they were still in primary school.”

Mr. Temporary Speaker, Sir, our society does not recognize our elderly; neither does it accord them proper dignity and respect, more so in the current age. In the old days, the elderly were respected because they were the custodians of experience and wisdom in the society. But nowadays, because of the digital complications, the elderly are no longer respected because of their wisdom. They are actually learning about these gadgets from their children, even some who are in primary school. You will find a grandmother consulting a primary school girl about how to handle M-Pesa or mobile phone. This is reducing the intellectual status of the elderly in our society. But despite the

command of the technicals regarding these new digital gadgets, there is still a lot of wisdom which is not captured in the I-pads, and that is, morality, culture and history of our society, that is still in the minds of the elderly. So, the elderly still have a place in our society, as custodians of wisdom in terms of our morality and culture, and they should be respected for that.

Mr. Temporary Speaker, Sir, I support the Motion because the time has come for us to develop a comprehensive policy. Just like the charter on the rights of the child, we should have a charter on the rights of the elderly. A lot of thinking has gone into developing those charters. I remember in 1980s, we participated in developing the African Charter on the Rights of the Child, which we sold it to other African Governments through the then Organization of African Union (OAU). It was accepted by the entire continent. So, I think that the time has come for us to develop the African charter on the rights of the elderly.

Mr. Temporary Speaker, Sir, what are those rights of the elderly? Human rights do not just fall from the sky. They protect human dignity, economic and social wellbeing of human beings. The greatest challenge of the elderly, from where I stand, is the area of health. As you approach your exit gate, various things happen to you. When you talk to doctors, they will tell you that nobody just dies. You die of cancer, high blood pressure complications, high blood sugar and such things. Indeed, one of the pastors told us that there is no standard death, but God always gives you notice that you are going to die. If you have black hair and see it turning grey, then that is notice that you are on your way. If you were walking very fast and now you can hardly walk up the stairs, that is notice that you are approaching your maker, and so you start preparing. If you were very healthy and now have one condition or another, that is also notice that God is giving you that you are going. All these notices are concentrated on the elderly. I think that, that is the greatest challenge that we have in the society.

Mr. Temporary Speaker, Sir, if you ask me about the most fundamental right for the elderly in this country, it is the right to health. The people who are above 70 years are not very many. So, there is no reason why we cannot even pass a law, as a Senate, to say that every Kenyan who reaches the age of 70 should be treated in all our hospitals for free, irrespective of their condition. There is no reason, even if that is not possible, we cannot request the National Hospital Insurance Fund (NHIF), to which everybody is contributing, to provide for comprehensive treatment or medical cover for all the people who are 70 years old and above in this country. So, when we prepare that charter, I believe that health should be the first thing that we should consider. What my colleague, Sen. Ndiema, said about food and shelter is also very important, but to me, health is critical. People are spending all their lives making savings, but just one dialysis treatment takes away half of those savings. So, I think that we should reduce that burden of very expensive medical care in old age from the backs of our people.

Mr. Temporary Speaker, Sir, lastly, there is the issue of governance. The *wazee* are consultants because they have seen many things and many of them have been in positions of leadership. So, there is no reason, just as we are saying that one-third of the Senate should be women, we cannot create a percentage for the elderly to sit in this Senate in nominated capacity. I feel very sad when I see Mzee ole Ntimama struggling

out there, while knowing what he has seen in this country. He could bring a lot of wisdom by sitting with us here and telling us how they used to relate with ole Tipis, ole Tiptip and others. So, I think that in our charter we should include the rights to political--

The Temporary Speaker (Sen. Mositet): Order, Sen. Kiraitu! Why did you have just to refer to people from almost one region?

Sen. Murungi: Mr. Temporary Speaker, Sir, I gave the example of ole Ntimama, first, because he is my friend. Secondly, as you know, he is from Meru. He is not even from your community. Thirdly,--

Sen. Karaba: On a point of order, Mr. Temporary Speaker, Sir. History has it that ole Ntimama is from Narok. Therefore, until the Senator for Meru tells us about his biological background, we still believe that he is the leader of Maasai in Narok.

Sen. Muthama: On a point of order, Mr. Temporary Speaker, Sir. We all originated from different parts of this country. Is Sen. Karaba in order actually to refer to ole Ntimama as a person who just comes from Narok, when we know of people who came from Maasai land and now belong to the Kamba community? It is historically known, and ole Ntimama has made it very clear, that he originated from Meru. There is no crime in that. Is he in order really to mislead this House?

The Temporary Speaker (Sen. Mositet): Sen. Muthama, I think that you are really out of order, because everyone knows that hon. ole Ntimama lives in Narok and has always represented people in Narok. He has never refused that fact.

Sen. Murungi: Mr. Temporary Speaker, Sir, I think that Sen. Karaba needs more historical information. I can confirm for certain that Mzee ole Ntimama is a very respected Maasai elder. He has represented the Maasai community in this country for many years, but he originated from Meru and is very proud about it. Last year, I took him to Meru to show him the village that they came from and he was very happy even to support the school in that village. So, there is nothing to be ashamed of. Even some of the Europeans here originated from the United Kingdom a long time ago, but are Kenyans.

Mr. Temporary Speaker, Sir, I was giving a good example of an elder who should be sitting in the Senate because of his great experience and knowledge. Even in the county assemblies, there should be a percentage of seats reserved for the elderly, so that our society can have continuity. A society which just floats in the air and has no roots, is not a society worth its dream.

Mr. Temporary Speaker, Sir, with those few remarks, I beg to support.

The Temporary Speaker (Sen. Mositet): Due to limit of time, I will just allow Sen. Obure before I call upon the Mover to reply.

Sen. Obure: Mr. Temporary Speaker, Sir, first of all, I want to thank Sen. (Prof.) Lesan for recognizing that the aged in our society are becoming increasingly vulnerable since so many of them face severe hardships. Many of them face very unique challenges and yet we know that these are people who have helped build this nation. Some of them are our own parents and our own senior citizens.

In the past, the African tradition placed the responsibility of taking care of the elderly and the aged on the entire society and the family structure in particular. At the level of the family, that is, the brothers, the sisters, their sons and daughters, close and

distant relatives had responsibility of taking care of the aged and the elderly. However, family ties, bonds and the entire family system is giving way and gradually weakening. So, the elderly and the aged are now facing a serious threat of being neglected and consequently exposing them to misery and suffering.

The aged ones do not only suffer from senile dementia, but they also suffer from other illnesses like pneumonia and other diseases of old age, including some of the emerging diseases such as cancer, diabetes, high blood pressure and the related complications, kidney problems, ulcers and so on. More importantly, they also suffer from the effects of poverty, particularly those in the villages. They do not have enough food and some of them need to have special diet which they cannot afford. Some of them do not even have adequate clothing during cold weather. Some do not have accommodation at all.

Sen. Murungi has correctly identified health facilities as one of the most critical of those that the old and the elderly require. Many of them live in remote areas where these facilities are not easily available. The worst form of suffering comes from social isolation when they are left alone, neglected and abandoned when they are out there alone.

I also want to make reference to our own Constitution, particularly on the chapter on the Bill of Rights where all Kenyans are guaranteed certain rights. Even the aged ones are also guaranteed those rights. We should undertake the provisions of the Constitution to provide opportunities for them to enjoy those rights regardless of age and social status. It is, therefore, our duty as a society to ensure that the vulnerable in our midst, particularly the elderly and the aged are able to enjoy their rights as long as they live.

I, therefore, support Sen. (Prof.) Lesan's Motion because I am also aware that the aged in our country are facing enormous challenges. In my own area, I am aware of a number of grandmothers who worked very hard when they were able to do so, educated their children to the level where these children moved out of the village, went out to the towns and started working, raised their own families, but with the arrival of the scourge of HIV/Aids, these young families were wiped out, leaving behind young children. Since there was nobody in the towns where they were working to look after the young children whose parents have died, the children were taken back to the grandmothers in the village.

This is a completely new environment which the children are not familiar with. The grandmother herself is sickly and does not have the physical enough to cook for them. You can imagine the amount of suffering, not only for this grandmother, but even for the children. I feel that there is a very strong case to support Sen. (Prof.) Lesan's Motion because the spirit of the Motion clearly captures the suffering which the elderly and the aged face.

Mr. Temporary Speaker, Sir, I feel that these old people are entitled to some element of dignity. We should have a mechanism to assist these people to ensure that they live in comfort and dignity.

With those few remarks, I beg to support.

The Temporary Speaker (Sen. Mositet): I now call upon the Mover to reply.

Sen. (Prof.) Lesan: Mr. Temporary Speaker, Sir, before I do that, I want to give some few minutes to my colleague, Sen. Melly. I am donating some three minutes to him.

Sen. Melly: Mr. Temporary Speaker, Sir, I want to thank Sen. (Prof.) Lesan for bringing this beautiful Motion at this time.

I was wondering because the reason all these problems and issues are here today is because, apart from the Government doing its job in ensuring that it protects its people by creating a fund to enable the aged of this country enjoy a good life, as individuals we have a role to ensure that we work. When you read the book of Exodus, the Bible says that men and women are supposed to work for five days then they take a rest. What I am seeing is that there may be something that did not happen at the time when we were supposed to work and ensure that we plan for our lives so that, in future, we can pay for medical bills, live in good houses and educate our children.

The reason we want to have this fund is because people did not plan at the time when they were supposed to plan. While others were working, people were busy sleeping. In as far as we want the Government to have a fund to ensure that the old enjoy life, we should also play a role as individuals. We need to identify the aged because not all the people who are above the age 75 years are needy. We should not generalize and say that we want a fund for the aged. We need to know those who are needy.

Mr. Temporary Speaker, Sir, recently, I was in Rwanda. I saw something beautiful done by the Government of Rwanda in terms of housing. A number of people in Rwanda before President Kagame came into power, were living in poverty. They had grass-thatched houses. During the rainy season, people could not sleep in their houses. They went ahead and planned. Today it is now a beautiful country. Even the old there, are able to have good shelter. Another issue is medical access. We, as leaders, have a role to play today. If the young people are not facilitated to have the National Hospital Insurance Fund (NHIF) card, in future we will say that we want to create a fund for them.

The Temporary Speaker (Sen. Mositet): Order, Senator!

Sen. Melly: With those few remarks, I beg to support.

The Temporary Speaker (Sen. Mositet): Sen. (Prof.) Lesan, you continue to reply.

Sen. (Prof.) Lesan: Mr. Temporary Speaker, Sir, first, I would like to appreciate my colleague Senators who have contributed to my first ever Motion in the Senate or anywhere else and I am really appreciating their contribution.

It has become very clear from the contributions that we are doing very poorly in assisting the elderly in this country. In fact, the way we have been treating the elderly in this country, makes it a very terrible thing to get old in this country, under the current system. The care for the age is continuously becoming a challenge in this country. Therefore, we need a proper policy which we can follow in order to assist them. As it is, the circumstances are changing and, as far as we say we are Africans, there are things that we must accept. One of those things that we must accept is the changing circumstances. At the moment, we should be prepared to accept the change which is coming and which might, perhaps, force us to start considering and formulating a policy of putting them into homes when circumstances change.

Mr. Temporary Speaker, Sir, the introduction of a policy in this country will address many issues. It has been said that it might be difficult to define who to benefits

and who cannot benefit. This policy will define exactly who will benefit and what standard of care we need to give to individuals. It will also cover medical and other services like nutrition. It will also define the care givers who are going to take care of the old. We will define exactly who they are and what sort of training they need to have in order to take care of these individuals.

The value of these elderly people is very significant in this country. We would, probably, even need to give them an opportunity to write their memoirs in comfortable circumstances. The formulation of a policy will, probably, allow us to start addressing these issues seriously. I am thinking that a charter for the elderly is welcome and even an Act of Parliament to deal with the aged is one of those things that come in handy so that we can deal with and handle the kind of suffering that the elderly go through.

There is also the area of legislation. If you look at the legislation in this country, it does not entirely protect and give justice to the elderly people. It is assumed that the extended family will take care of the elderly. However, knowing what is going on at the moment and given the gaps in the legislation, there is no assistance for the elderly. For example, there is legislation to protect the child from being neglected from by the community. There is no legislation to protect the elderly from being neglected by the community. Those are areas of legislation that we need to address.

We also need to address inheritance or passing on of properties of the elderly. There are gaps in the law and as a result, those who are supposed to defend and protect the elderly are harming them to access their properties. There is weakness in legislation in these areas. These are areas that if we have a policy which is standard and fairly analysed, should be addressed so that the elderly who, include ourselves, age gracefully in years to come. Their sun-set years should be good. It is at this age that we owe gratitude to the old people. We need to give them assistance in their later years so that we show gratitude for what they have done for us. Hopefully, we should also set a record for those who will come after us so that they take care of us as we continue to age.

With that, I urge the Senators to support this Motion as it is and, probably, be encouraged so that we come up with a charter of comprehensive policy or several pieces of legislation so that the ageing process becomes a comfortable phenomenon in this country.

I thank you and urge all the Senators to support the Motion.

The Temporary Speaker (Sen. Mositet): Hon. Senators, very well, the Mover has now replied. I will ask Members of the Committee on Health to work with Sen. (Prof.) Lesan and come up with something that this Senate will be proud of.

Standing Order No.73 shows that this Motion does not affect counties. I will then proceed to put the question for the voting of all Senators.

(Question of the Motion as amended put and agreed to)

Resolved Accordingly:

THAT, aware that a good percentage of Kenya's population is made up of Kenyans aged 70 years and above and that some of them are

affected by senile dementia but have no one to take care of them owing to the reality of changing circumstances; appreciating the introduction of social support programmes by the national Government; concerned, however, that the Government has not comprehensively addressed the challenges of the aged, further concerned that the magnitude of the problem of the aged is enormous; the Senate urges the national Government to develop a comprehensive policy for the aged and initiate innovative projects to enable them access necessary care and live dignified lives.

DEVELOPMENT OF CLEAR POLICY GUIDELINES
FOR ADULT EDUCATION

Sen. Karaba: Mr. Temporary Speaker, Sir, I beg to move:-

THAT aware that Article 43(1)(f) of the Constitution of Kenya states that every person has a right to education; recognizing that Vision 2030 underscores the critical role of education in Kenya's socio-economic development; appreciating that, pursuant to Chapter 223 of the Laws of Kenya, the Government established the Board of Adult Education to coordinate adult education; concerned, however, that implementation of adult education programmes is hampered by absence of appropriate policies, including policies on recruitment, training, deployment, discipline and termination of services; the Senate calls upon the national Government to take immediate measures to develop clear policy guidelines for adult education staff recruitment, training, deployment and discipline in order to promote adult education.

Mr. Temporary Speaker, Sir, we have sat here many times to discuss Motions. We have had occasions to travel out to compare Kenya with other successful nations in the world. We have spent a lot of money travelling out so that we help Kenya to be ahead of other nations, especially in the region. When I talk about the region, I am referring to Africa.

What is important in any country, Kenya being one of them, is the way it handles its people and its education. There are many benefits of somebody being educated. I have just contributed to a Motion that was moved by Sen. (Prof.) Lesan. In it, we discussed a lot on how we can take care of our old people. We said how if Kenyans are not educated, this can create problems. These are problems various like financing, interpreting policies and poor health. These are issues that we must address ourselves to squarely so that people in Kenya can understand what this all means. As far as I am concerned, it is only education that can lead us to the light. People who did not have enough education end up in various problems that are untold.

We have heard that majority of students who sat their examinations did not make it to the university. Last year, when the KCPE results were results, many students did not join form one. We should be asking ourselves what happens to students who do not qualify to join the next level of transition. What happens to the class eight students who

do not go to form one and what happens to those who do not join universities after form four? What happens to those who have never been to class and yet they are very many? Out of a population of 40 million, it is a pity to realise that 61 per cent of our population is not literate. They do not know how to read or write and yet we are talking about 50 years after the Independence of our country.

If that is the story that exists and it is true because these are figures from the Ministry of Education, then it is a pity that we are in a country that has been Independent and yet its population cannot read or write. More than half of our population is, therefore, illiterate. For that matter, therefore---

Sen. (Eng.) Muriuki: On a point of order, Mr. Temporary Speaker, Sir. Is the Senator in order to suggest that more than 60 per cent or more of Kenyans cannot read or write? Is that true? Could he tell us where he got the statistics from?

The Temporary Speaker (Sen. Mositet): Sen. Karaba, could you tell us about what Sen. Karue has asked you to substantiate?

Sen. Karaba: Mr. Temporary Speaker, Sir, before I came here, I had to go to various Ministries. That is what we do before we move Motions. I have figures with me. I also borrowed books and other relevant material. I can also give him these materials to refer to, if he so wishes. The material I have says 61 per cent of Kenyans are illiterate. The figures are there in data.

The Temporary Speaker (Sen. Mositet): Sen. Karue, I think since he has booklets, you will need to ask for them and verify.

Sen. (Eng.) Muriuki: Mr. Temporary Speaker, Sir, with the permission of the Speaker, I will borrow them, read them and challenge him further.

Sen. Karaba: Mr. Temporary Speaker, Sir, the situation we have here is regrettable. We have areas which have populations or people who cannot read or write. The largest population is in the North Eastern where 87 per cent are illiterate.

Nairobi has the least, with 8 per cent. What we have here is diversity. It shows that we have different areas receiving education, but others do not access it at all. As a result of that, we have a great diversity of education accessibility. That is why this Motion calls for a policy on adult education to make sure such education reaches who were not able to access formal education at the lower levels; that is below 15 years of age. Statistics indicate that there is danger unless we have a system to take care of that. What we have here is that the Government has come up with Adult Education Programme (AEP) which caters for those who cannot afford to read, write and those that the Government can help to move from that level to the next one.

It is regrettable that this is happening many years after 1948, when the charter for universal human rights was created. It is a human right for everybody to access education. Kenya is a signatory to this convention. Kenya is also a signatory to many other conventions that have come up after this one. There is the Jauntier (SP) Charter which was established in Cambodia and several other conventions that were signed.

In 2015, which is next year, we are supposed to have education for all in the whole world and Kenya is a signatory to that convention. What is worrying is that we are at a low level and should think about our people. The only institution which is available is the Adult Education Programme (AEP). The AEP aims at providing lifelong skills and

not necessarily formal education to pass examinations. This provides knowledge to people to live well and not necessarily to write compositions. This is to prepare this person to know the environment, when the rains come and how to bank the little money that he or she gets from the sales of animals and so on. This is what is lacking. So, AEP was started in 1979 by the Government; it seeks to solve the problem of having to educate informally that population which needs education. These people could have missed access to formal education because of the environment where they come from or the kind of economic activities practiced by the community. These are the people that we are looking forward to helping. The moment we help these people, we will be seen like eradicating ignorance, which is one of the three evils. That can be done through AEP.

Mr. Temporary Speaker, Sir, not very many people know about AEP. If you asked where the department is located, not very many would tell you. They would tell you to go to either Jogoo House or the Teachers Service Commission (TSC). But it is located in Re-insurance Plaza, 13th Floor. The secretariat has 170 staff. The last time that they employed teachers was in 2010. They employed 800 teachers who are supposed to teach the whole country. How can 800 teachers teach 300 students who have already enrolled in adult literacy? We are in 2014 and have only a year to meet the target of education for all in the world. Therefore, we need to work miracles. The only miracle that we can do is to help the Ministry of Education, through the Directorate of Adult Education, to provide more teachers, classrooms and better curriculum, which is based on the environment. This is the avenue where we can provide information about diseases, poverty and peace. This is the kind of education that we are looking forward to, and it can only be done through adult education.

Mr. Temporary Speaker, Sir, in the past, the Government was shy to provide money for this. It was supposed to provide 3 per cent of its budgetary allocation last year, but provided only one per cent. One per cent cannot cater for much. They have no vehicles and the secretariat has 170 staff. They cannot even move from one place to another. There is also no inspectorate division. There is no infrastructure; no permanent classes. That is the reason you will find a 42-year old woman at Kenya High School today. That lady is expected to take activities like any other girl. That will give that lady what we can call cultural shock. She is permanently worried. I am sure that by the time of doing the KCSE, she might not be there. This is an indicator that there is need for the Government to pay more attention to the adults who would like to be literate than they are doing now.

Mr. Temporary Speaker, Sir, I beg to move and ask Sen. Mshenga to second.

Sen. Kisasa: Thank you, Mr. Temporary Speaker, Sir, for giving me this time to second this Motion. I would like to thank Sen. Karaba for asking me to second this very important Motion, where the Senate calls upon the national Government to take immediate measures to develop clear policy guidelines for adult education, staff recruitment, training, deployment and discipline in order to promote adult education.

Mr. Temporary Speaker, Sir, the Mover told us that 61 per cent of Kenyans cannot self-actualize themselves. Those of us who did psychology were taught about the Maslow Hierarchy of Needs. For self-actualization, you can do everything and be

anything with education. So, adult education is very important. If we have 61 per cent of Kenyans who are illiterate, I wonder where Kilifi rates.

Mr. Temporary Speaker, Sir, we should come out of barter trade. During the barter trade people did not even know the worth of their possessions. According to the Millennium Development Goals (MDGs), quality education has been talked about. However, in adult education, we are not talking about quality education. We are talking about people being empowered, learning about hygiene, eradication of poverty and jobs. If I can remember, my grandmother used to go for adult education and she was the best cook ever. From adult education, very old women can even go for tailoring classes and end up being professional tailors.

Mr. Temporary Speaker, Sir, once people are educated, even cases of Female Genital Mutilation (FGM) will really go down. I attended a burial for a university student from Kilifi. The parents who are very old were seated on the front row. One of the students was given an opportunity to give the eulogy. During his testimony, he said that he wished that the whole front bench which was full of old men and women could have died instead of that particular student. Once we have education people will be informed.

Mr. Temporary Speaker, Sir, it is so obvious that the need for education is there. We have even seen grandfathers going to the same class with their grandchildren. This is not proper. Proper measures have to be put in place because, since time immemorial, we have never had different ages going for circumcision together. Things have to be done systematically.

Mr. Temporary Speaker, Sir, even if you are very rich and never went to school, you will never self-actualize. By educating the old we will also narrow the gap between the “digital” and “analog” generations. I wish to pose a question. If you are not in the “digital” category, what is next for you? If you are not educated; what is next for you? Proper measures have to be put in place to ensure that everybody gets formal or informal education.

Mr. Temporary Speaker, Sir, I come from Kilifi County and wish to thank my Governor, because he has allocated a lot of money for education. He has allocated Kshs10 million to every ward for education. Since there is a lot of illiteracy where I come from, I wish to urge my Governor also to consider adult education. What can we do about the aged, so that they can also self-actualize?

Mr. Temporary Speaker, Sir, finally, I would like to urge my fellow Senators who are in the same Committee with Sen. Karaba to vote for him, since he is very conversant with education matters. I promise him my vote.

Mr. Temporary Speaker, Sir, I beg to second.

(Question proposed)

Sen. Elachi: Mr. Temporary Speaker, Sir, as I rise to contribute to this Motion, I hope somebody will move an amendment to make it a county Motion where we will request the county governments to take over this initiative. For many years we have had adult education in this country. This is an initiative that really helped the more marginalized communities where adults felt that there were no mechanisms for school.

So, in the evening, women would go to classes for adult education. Some of them sat for Kenya Certificate of Secondary Education (KCSE) and joined form one.

In this country, we have had issues with marginalization. There are young people, especially from the nomadic communities who were forced to go and take care of their livestock. Therefore, they did not have an opportunity to go to class or even lacked teachers who would be there in the morning for them to go to class. When the Government realized how Kenyan adults were eager to learn, the department of adult education was started. To date, I believe the department is still there. If you go to Nyayo House, you will find a department on adult education. If you go to St. Peter Clavers, there is a class of adult education.

Today, we were discussing with the Governor of Nairobi about education in Nairobi. We are very worried because we have about 800 informal schools. They are even more than public schools. We have about 205 formal schools in Nairobi. This means that there are many children not going to school due to lack of fees. Most of these informal schools are in slums. So, adult education can be one avenue of ensuring that they go back to school and even for the country to achieve the policy of free education for all.

I want to thank the Senator for Kirinyaga, Sen. Karaba, because he has this passion for education where he looks at every aspect of it. While we talk about the wage, one of the things we should note is that we cannot compromise on some of the issues that affect Kenyans.

Adult education came in to ensure that every Kenyan has access to education. This helps to make sure we move away from using our thumbs as a signature in the banks. This leads to the disadvantaged being challenged by everybody. This also leads to a lot of uncertainty because one can go to the bank to a thumb print and say that it was *koko* who signed it. The bank might not be in a position to verify. This is very rampant, especially in land disputes.

Mr. Temporary Speaker, Sir, since Kenya started the programme of adult education, we have seen people transform themselves. University of Nairobi, through Kikuyu Campus, has come up with a department to train those who will be involved in adult education. What we are saying is that we now need to evaluate what has happened within the adult education department. Is it that we have lost our way in terms of our achievements, where we have come from, how much we have spent, who are the beneficiaries and so on?

When we introduced Free Primary Education (FPE), we saw old men and women trying to go back to standard one, so that they could learn how to write and read. It means that if we created more awareness on adult education, we will find that more adults will come out to attend the classes. This will make them understand what they really want for their country. That is why I am suggesting that we should amend this Motion so that it becomes a function of the counties. The county governments should take control just the way they have done with the Early Childhood Education (ECDE). We should ask ourselves whether education is well placed as a national function or should we move it to the county so that it becomes a county function where the governors can closely monitor

education within those counties. When we do this, both children and the teachers will feel part of the system.

Mr. Temporary Speaker, Sir, when the results for KCSE came out, it was realized that provincial schools are doing better than national schools. So, we need to ask ourselves whether it is just the facility that we build or is it a national school. Many parents prefer a provincial school than a national school. So, when we talk about adult education, we should also aim at looking at education holistically and find a way of assisting those who missed out a chance to go to school when they were young. We do not want children to sit in class with their grandparents. So, we need a good system of adult education so that our grandparents, parents and even our brothers who never went to school can benefit in one way or another.

The AEP system was clear because it was not just about education, but also understanding the whole system and going through exams like other students. Today, we have given privileges to our pensioners. They are able to come out, do examinations and move on to a better life. We have young people who are wondering how they can go back to school and how they will fit in the class. If there was clear process of adult education, then these young people would get into class, do examinations and move on to the next level.

We are supposed to exit from that and say that we have those who have gone to school to a certain level. They were unable to go to Form one, probably, they want to join adult education and even sit for four form examinations. If there was a policy to look at the issue broadly and even to look at recruitment, we would make sure that they get their certificates. The adult education we are talking about here could assist adults discover their talents. Those who are at the ages of between 15, 16, 17 and 18, but did not do their examinations, have also different talents. They can go to polytechnics, move on and build themselves.

As I support, we must make sure that this Motion will be implemented by the county governments. This function can be devolved from the national Government. Right now, we do not know which department is in charge of adult education in county governments. I hope it is still under the Ministry of Education, Science and Technology. One time, it was under Culture and Social Services. Therefore, it is within the devolved function. We need to ask ourselves where we took the whole department. Is it in the Ministry of Devolution and Planning or the Ministry of Education, Science and Technology? If it is still under the Ministry of Education, then we need to ask ourselves the next question. How do we negotiate with the Ministry of Education to revamp it and ensure that the departments that are within the regions have adult classes going on? We also need to know whether they are sitting examinations like they used to do.

I support.

The Senate Minority Leader (Sen. Wetangula): Thank you, Mr. Temporary Speaker, Sir. I support the Motion and congratulate the distinguished Senator for Kirinyaga who has been exhibiting very generous passion for education in more ways than one.

Recently, he told me that he taught a person who looked distinctly older than he looked and I was very impressed. I want to start with where Sen. Elachi has left.

Looking at Schedule Four of the Constitution, the Mover of the Motion has placed it where it belongs. The more you read the Constitution, the more you will think we could have done better. The counties are only entrusted with FPE, village polytechnics, art and craft centres and childcare facilities.

When you move to the national Government, you will find that rightly so, it has an educational policy, standards, curriculum, examinations and the granting of university charters. We have moved on to load to the national Government what should have been distinctly county Government responsibilities in No.16 of the Fourth Schedule. We have given them universities; that is fine because they are educational institutions. We have also given them tertiary institutions and other institutions of research and those of higher learning and primary schools, special education and secondary schools.

Recently, when the Kenya Certificate of Secondary (KCSE) examinations results came out, I released that our county had done very poorly. Great schools like Kamusinga that had always enjoyed top ten slipped to number 34. Lugulu Girls School that had always enjoyed top ten slipped to past 100. Others like Cardinal Otunga, Kibabii and Bungoma High School and others that had been top have gone down.

I initiated a county leadership group meeting and the Governor and his County Executive in charge of Education said that was not their function and there was very little that they could do. They said they had no resources for it and nothing for it. I then asked myself why a single stream school in Nyandarua County should be a national function. This should be left to the county to provide resources and teachers because the entire intake is done from counties.

Back to the Motion; successive governments in Kenya have completely neglected adult education. That is why we treated adult education as part of culture. That is why it is heaped together with culture and women issues. This had nothing to do with culture, but everything to do with literacy and education.

Mr. Temporary Speaker, Sir, if you have read some books, you will remember a book called *Mine Boy* by Peter Abrahams. A son in the mines in Johannesburg writes a letter to his parents. His parents have to walk five kilometres to look for somebody to read the letter for them. They went to a man called Omfundi, which means a teacher in Zulu, who read the letter and spills all the family secrets. A letter is very personal, but they had to carry it and walk for five kilometres for somebody to read or misread it for you, for that matter.

Adult education was granted on the philosophy that we were not taking Maruge to school so that he can get a job. We were creating functional literacy so that a mother can read a prescription from a doctor on how to administer medicine to her child even if she did not go to school. A mother who starts business does not have to look for a village boy to say; *niandikie hapa nipeleke pesa kwa benki*. The woman should walk to the bank and bank her money. An old man who has a small business should receive a statement from the bank, go through it and go back to the manager and ask what Debit (DR) and Credit (CR) mean. When they go to borrow money from the bank, they do not have to go with someone from the village to help them sign the loan form so that they go back to the village to spread rumours that you have just borrowed Kshs1 million and as a result, you become a victim of uninvited guests that very night, to take that money away from you.

ADJOURNMENT

The Temporary Speaker (Sen. Mositet): Order! Sen. Wetangula, you still have ten minutes that you will be given when the House resumes.

Hon. Senators, it is now time for the interruption of business. The Senate, therefore, stands adjourned until Tuesday, 25th March, 2014, at 2.30 p.m.

The Senate rose at 6.30 p.m.