



REPUBLIC OF KENYA

THE SENATE

ELEVENTH PARLIAMENT – FOURTH SESSION

VOTES AND PROCEEDINGS

THURSDAY, DECEMBER 01, 2016 AT 2.30 P.M.

1. The Senate assembled at thirty minutes past Two O'clock.
2. The Proceedings were opened with Prayer said by the Speaker.
3. **COMMUNICATIONS FROM THE CHAIR**

The Speaker conveyed the following communications from the Chair-

a) Visiting Member of Parliament and Listeners of Radio Jambo

“Honorable Senators, I would like to acknowledge the presence, in the Speaker’s Gallery this afternoon, of Visiting Member of Parliament, Hon. Johnston Sakaja, together with listeners of Radio Jambo who are here to follow Parliamentary Proceedings.

On behalf of the Senate and on my own behalf, I welcome them to the Senate and I wish them well for the remainder of their stay.

I thank you.”

b) Hosting of the 44th Session of the ACP Parliamentary Assembly and 32nd Session of the ACP-EU Joint Parliamentary Assembly by the Parliament of Kenya

“Honourable Senators,

I wish to notify all Senators that this December, our Parliament will have the honour of hosting the 32nd Session of the African Caribbean Pacific (ACP) and European Union (EU) Joint Parliamentary Assembly (ACP-EU-JPA), to be held at the KICC in Nairobi, Kenya, from 17th to 21st December, 2016. The meeting will be preceded by the 44th Session of the ACP Parliamentary Assembly, also to be held in Nairobi, from 14th to 16th December, 2016.

The ACP-EU-JPA brings together Members of Parliament representing 78 ACP States that have signed the Cotonou Agreement, for meetings with counterpart Members of the European Parliament representing the 27 EU Member States. The upcoming session is expected to be attended by about 320 Members of Parliament from across the ACP and EU States, as well as officials from the ACP Secretariat, the ACP and EU Councils, the European Commission, as well as NGOs and political groups involved in implementing various thematic areas of the Cotonou Agreement.

Honourable Senators,

One of the most important benefits that Kenya stands to gain by hosting the JPA is the deepening of her relations with other countries as well as expanding her economic ties with the EU as a trading partner. Through the JPA, Kenya will be able to demonstrate her hospitality to the international community and guests intending to refocus Kenya as a preferred venue for international conferences. Consequently, this will lead to an increase in spending and injection of money into the local economy.

Most importantly, noting that the Economic Partnership Agreement (EPA) between the EAC and EU is yet to be concluded, Kenya will be able to negotiate for more favourable terms of trade with the EU, even as the EAC organizes its Member States to ratify the new EPA. This will cushion Kenya from transiting to the Generalized System of Preferences (GSP) Regime in January, 2017, which is less favourable, since Kenyan exports to the EU market will attract duties under the said regime.

Honourable Senators,

The Senate will be represented during the said meetings of the ACP PA and ACP-EU-JPA by Sen. Kembi-Gitura, the Deputy Speaker of the Senate. A number of Senators may also receive invitations to attend side meetings and workshops scheduled to take place alongside the said JPA.

That notwithstanding, I hope that each one of us will take an interest in the said events and will endeavor to interact, network and share experiences with colleagues from other jurisdictions.

I thank you".

c) Approval of the President's Reservations to the Petroleum (Exploration, Development and Production) Bill (National Assembly Bill No. 44 of 2015) and the Energy Bill (National Assembly Bill No. 50 of 2015)

"Honourable Senators,

As you may recall, on Wednesday, 30th November, 2016, I read a Message from the National Assembly forwarding the Presidential Memoranda on the

Petroleum (Exploration, Development and Production) Bill (National Assembly Bill No. 44 of 2015) and the Energy Bill (National Assembly Bill No. 50 of 2015) for consideration by the Senate.

The two Bills are subject to Constitutional timeline of 27th August, 2016, having been extended by 12 months, by the National Assembly. Indeed Parliament passed the Bills within the timelines but H.E the President declined to assent to the two Bills and referred them back to Parliament, in a Memoranda, with recommendations for reconsideration.

As indicated in my Communication of yesterday, this is not the first time that the Senate has received a Memorandum from His Excellency the President regarding refusal to assent to Bills. Indeed, last year we received and considered President's Memoranda on the Public Audit Bill and Public Procurement and Asset Disposal Bill.

Honourable Senators,

The procedure to be followed in considering the Memoranda before us is same as one used last year when considering the two Memoranda on the Public Audit Bill and the Public Procurement and Asset Disposal Bill, as provided for in Article 115 (2) (3) and (4) of the Constitution which states as follows-

(2) If the President refers a Bill back for reconsideration, Parliament may, following the appropriate procedures under this Part—

- (a) amend the Bill in light of the President's reservations; or*
- (b) pass the Bill a second time without amendment.*

(3) If Parliament amends the Bill fully accommodating the President's reservations, the appropriate Speaker shall re-submit it to the President for assent.

(4) Parliament, after considering the President's reservations, may pass the Bill a second time, without amendment, or with amendments that do not fully accommodate the President's reservations, by a vote supported—

- (a) by two-thirds of members of the National Assembly; and*
- (b) two-thirds of the delegations in the Senate, if it is a Bill that requires the approval of the Senate.*

Honourable Senators,

For avoidance of doubt, this means that-

- (a) The Senate, pursuant to Article 115(2) of the Constitution, may amend the Bills in light of the President's reservations or amend the Bills in a manner that fully accommodates the President's reservations. This would require the vote of a majority of the Delegations in the Senate, which is twenty-four (24) delegations; or

- (b) Pursuant to Article 115(4) of the Constitution, pass the Bills a second time, without amendment, or with amendments that do not fully accommodate the President's reservations. This would require the vote of two-thirds of the delegations in the Senate, which is thirty-two (32) delegations.

Honourable Senators,

Further, I wish to give directions on what would happen in the event that the Senate does not obtain the twenty-four delegations required to accept the President's reservations or where the Senate does not obtain the thirty-two delegations required to reject or vary the President's recommendations.

As I ruled previously, the only action that would take the agenda forward is either an acceptance or a rejection of the President's recommendations by the respective requisite numbers. The Senate must pronounce itself on the President's recommendations by either accepting or rejecting the recommendations. There is no room for deeming of either an acceptance or a rejection.

I thank you."

4. **MESSAGE FROM THE PRESIDENT SEEKING APPROVAL OF PARLIAMENT FOR APPOINTMENT OF MR. SURESH PATEL, MR. JOHN KIOLI, MS. CYNTHIA WECHABE AND DR. JANE MUTHEU MUTUNE TO THE NATIONAL CLIMATE CHANGE COUNCIL**

The Speaker conveyed the following Message from H.E. the President -

"Honourable Senators,

Pursuant to the provisions of Standing Order No.41 (1) of the Senate, I wish to convey a Message from His Excellency the President asking Parliament to approve the following nominees to the National Climate Change Council -

- 1) Mr. Suresh Patel;
- 2) Mr. John Kioli;
- 3) Ms. Cynthia Wechabe; and
- 4) Dr. Jane Mutheu Mutune.

In the Message, His Excellency the President conveys that, in exercise of powers vested in him under section 7 of the Climate Change Act, 2016, he has nominated the said persons from the entities listed in sub-section (2) paragraphs (f), (g), (h) and (i) of the Act, respectively. Further section 7(4) of the same Act provides that the names of persons nominated for appointment under subsection (2) paragraphs (f), (g), (h) and (i) shall be submitted to Parliament for approval before appointment.

Honourable Senators,

I wish to inform you that this is the second time that the two Houses of Parliament are required to approve appointment of candidates to public offices. As you may recall, consultations were held between the Speakers of the Senate and the National Assembly when Parliament was required to approve the appointment of the Inspector General of Police. It was agreed that joint vetting be conducted by the relevant Standing Committees of the two Houses. Under the circumstance therefore, I direct as follows-

- (i) That, the vetting of the nominees to the National Climate Change Council shall be conducted jointly by the Committees of the two Houses mandated to deal with matters environment. The vetting process will, therefore, be conducted by the Standing Committee on Land and Natural Resources of the Senate and the relevant Departmental Committee of the National Assembly.
- (ii) That, the Chairpersons of the two Committees will co-chair the joint sittings and the secretariat will comprise officers of the two Houses.
- (iii) That the quorum of the joint sittings will be the respective quorum of each of the Committees as stipulated by the respective Standing Orders.
- (iv) That as contemplated under Rule 9 (6) of the joint rules, unless a decision is reached by consensus, any vote to be taken in the joint sitting of the Committee shall be by separate Houses. This will ensure that the numerical difference of the individual Members representing the Houses in the joint sittings has no effect on the decisions of the joint sittings of the Committees.

Honourable Senators,

Section 8 of the Public Appointments (Parliamentary Approval) Act, 2011 provides that the relevant Committee should table its Report for consideration within fourteen (14) days from the date when the notification of nomination is conveyed to the House. The Act also requires that the public be given a seven (7) days notification for submission of views regarding the suitability of nominees proposed for appointment to an office requiring approval of Parliament. In this regard, and in accordance with the provision of Article 259(5)(a) of the Constitution as read together with section 5 of the said Act, the counting of the seven (7) days' notification to the public shall start running on the day following the day when the notice is published in the dailies.

Further, Section 9 of the said law provides thus:-

“If after the expiry of the period for consideration specified in Section 8, Parliament has neither approved nor rejected a nomination of a candidate, the candidate shall be deemed to have been approved.”

Honourable Senators,

It is therefore advisable that the concerned committees expeditiously proceed to notify the nominees and the public. Thereafter, the two committees should commence the joint approval hearings and table a Joint Report in good time, to enable the Houses of Parliament to consider the Report.

This Message, together with the resumes of the nominees stand committed to the Standing Committee on Lands and Natural Resources, sitting jointly with the relevant Committee of the National Assembly as earlier explained.

I thank you.”

5. **PETITIONS**

The following reports on Petitions were laid on the Table of the Senate, pursuant to Standing Orders 227(2)-

- a) Report of the Standing Committee on Finance, Commerce and Budget on the Petition by members of SOCATT-Kenya for annulment of Regulations 25(1)(F), 37 and 38 of the Public Finance Management (County Governments) Regulations, 2015;
- b) Report of the Standing Committee on Finance, Commerce and Budget on the Petition by members of the Garissa County Assembly on the rejected Garissa County Government Budget Estimates for the Financial Year 2016/2017;

(Chairperson, Standing Committee on Finance, Commerce and Budget)

- c) Report of the Standing Committee on Education on the Petition on mismanagement in the Early Childhood Development Sector in Laikipia County.

(Chairperson, Standing Committee on Education)

6. **PAPERS LAID**

The following Papers were laid on the Table of the Senate –

- a) Report of the Standing Committee on Information and Technology on Work Planning Retreat held in Kilifi County from 30th August to 2nd September, 2016;

(Sen. Mutula Kilonzo Jnr. on behalf of the Chairperson, Standing Committee on Information and Technology)

- b) Report of the Senate Business Committee on its inquiry into a complaint made by Governor (Dr.) Evans Kidero regarding the conduct of Sen. Mike Gideon Mbuvi Kioko Sonko;

(Sen. (Dr.) Boni Khalwale on behalf of Sen. (Prof.) John Lonyangapuo)

- c) Report of the Auditor-General on IFMIS effectiveness Audit for the period July, 2010 to June, 2014.

(Sen. (Dr.) Boni Khalwale on behalf of the Chairperson, Standing Committee on Finance, Commerce and Budget)

- d) Statement on Senate Business.

(Sen. (Sen. Prof.) Lonyangapuo on behalf of the Senate Majority Leader)

7. **NOTICE OF MOTION** – (Sen. (Prof.) John Lonyangapuo)

THAT, the Senate adopts the Report of the Senate Business Committee on its inquiry into a complaint made by Governor (Dr.) Evans Kidero regarding the conduct of Sen. Mike Gideon Mbuvi Kioko Sonko, laid on the Table of the House on Thursday, 1st December, 2016.

(Sen. (Dr.) Boni Khalwale on behalf of (Sen. (Prof.) John Lonyangapuo)

8. **STATEMENTS**

Statement pursuant to Standing Order 45 (2) (a)

The Chairperson of the Standing Committee on Education (Sen. Daniel Karaba) issued a Statement on an issue of general topical concern, namely, the release of the 2016 KCPE examination results by the Cabinet Secretary, Ministry of Education.

Thereupon, the Chairperson informed the Senate that the Ministry of Education had instituted various reforms to address the malaise of examinations cheating that had affected national examinations in previous years, and that, for the first time in many years of national examinations, the KCPE examination was not leaked and there was no cancellation of results for any candidate.

The Chairperson also informed the Senate that, the Ministry would endeavor to ensure effective cooperation and collaboration with all relevant actors in the sector to fully reform and strengthen the country's education system.

Statements pursuant to Standing Order 45 (2) (b)

- a) The Senator for Kakamega County (Sen. (Dr.) Khalwale) sought a Statement from the Chairperson of the Standing Committee on National Security and Foreign Relations regarding the alleged killing, by the police, of Mr. Stanislaus Namayi Mukoma, a motor cycle mechanic at Shibale area in Mumias, Kakamega County.
- b) The Senator for Bomet County (Sen. (Prof.) Lesan sought a Statement from the Chairperson of the Standing Committee on Education regarding

publication and distribution of books and other learning materials to public primary and secondary schools.

- c) The Vice-Chairperson of the Standing Committee on National Security and Foreign Relations issued a Statement regarding the harm meted on Hon. Isaac Ruto, Governor of Bomet County, on Sunday, 6th November, 2016 allegedly by police.

Thereupon, the Vice-Chairperson informed the Senate that on 6th November, 2016 at about 2.30 p.m., Governor Ruto stormed a football match at Silibwet football pitch while accompanied by his supporters and disrupted an ongoing match between Silibwet Football Club and Bunge Football Club demanding to know why some of his supporters had been arrested.

The Vice- Chairperson also informed the House that the actions of the Governor and his supporters elicited reaction from fans who pelted the Governor and his supporters with stones. It was during the commotion that the Governor was hit with a stone on the face.

The vice chairperson further informed the House that neither the Governor nor any other person had reported any case of injury arising from the fracas to the police; however, three suspects had been arrested in connection with the violence and were charged at the Bomet law court. The Vice-Chairperson informed the House that the Government would provide security to all aspirants and all lawfully organized campaign rallies.

- d) The Vice-Chairperson of the Standing Committee on National Security and Foreign Relations issued a Statement regarding an alleged invasion of Bomet Police Station.

The Vice-Chairperson informed the Senate that on 7th April, 2016, police officers on patrol at the Moi University Bomet Campus construction site impounded a garbage truck belonging to the County Government of Bomet which was found dumping garbage at the site, whereupon the Governor of Bomet County, Hon. Isaac Ruto, accompanied by a group of his supporters, stormed the police station and demanded to know why the garbage truck had been impounded by police.

The Vice-Chairperson further informed the House that the driver of the garbage truck, who had been arrested earlier and charged in court and released on bond, had absconded and a warrant of arrest had been issued.

The Vice-Chairperson further informed the House that an inquiry file had been opened by the Bomet County CID and that the matter was still under investigation.

- e) The Senator for Kisii County (Sen. Obure) issued a Statement concerning the status of the Rabuor-Chiga-Kibos Road in Kisumu County on behalf of the Chairperson of the Standing Committee on Roads and Transportation.

Thereupon, Sen. Obure informed the House that the Government was aware that the Rabuor-Chiga-Kibos road was in need of repair to motorable standards though it was passable.

The Senator also informed the House that the road was upgraded to National Government Road status vide Kenya Gazette Supplement No. 4 of 22nd January, 2016 and was now classified as C853, under the purview of KeRRA.

The Senator further stated that during the Financial Year 2016/2017, Kshs.10 million had been earmarked for routine maintenance by the Kisumu East Constituency Roads Committee and that the works to be carried out included light grading, heavy bush clearing, culvert cleaning, installation of culverts and spot gravelling works and the Government would continue maintaining the road through its annual road maintenance programmes.

- f) The Chairperson of the Standing Committee on Finance, Commerce and Budget issued a Statement concerning County Government funds held in Dubai Bank, Imperial Bank and Chase Bank.

Thereupon, the Chairperson informed the House that the National Treasury sent circulars to each county government to provide the information but they had not obliged.

The Chairperson also informed the House that the Committee sought information from the Kenya Deposit Insurance Fund (KDIF), who had provided information showing that the total amount of money belonging to county governments in Chase bank amounted to Kshs 836 million but there were no funds belonging to counties in Imperial or Dubai Bank.

Statements pursuant to Standing Order 45 (2) (b)

The Senator for West Pokot County (Sen. Prof. Lonyangapuo) issued a Statement regarding the business of the Senate.

9. **MOTION – EXTENSION OF THE SITTING OF THE SENATE PURSUANT TO STANDING ORDER 30 (3) (a)**

Motion made and Question proposed;

THAT, pursuant to Standing Order 30 (3) (a) and 30(4), the Senate resolves to extend its sitting until the conclusion of Business listed in today's Order Paper.

(The Senate Majority Whip)

Debate arising;

Mover replied;

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

Question put and agreed to.

RESOLVED ACCORDINGLY-

THAT, pursuant to Standing Order 30 (3) (a) and 30(4), the Senate resolves to extend its sitting until the conclusion of business listed in today's Order Paper.

10. **MOTION – ADOPTION OF THE REPORT OF THE STANDING COMMITTEE ON FINANCE, COMMERCE AND BUDGET ON THE 2017 BUDGET POLICY STATEMENT, 2017**

(Chairperson, Standing Committee on Finance, Commerce and Budget)

THAT, the Senate adopts the Report of the Standing Committee on Finance, Commerce and Budget on the 2017 Budget Policy Statement laid on the Table of the Senate on Wednesday, 30th November, 2016.

(The Chairperson, Standing Committee on Finance, Commerce and Budget)

Debate arising;

And there being no other Senator wishing to contribute;

Raising a point of order, pursuant to Standing Order 54 (3), The Chairperson, Standing Committee on Finance, Commerce and Budget requested the Temporary Speaker (Sen. Sang) to defer putting of the Question to a later date.

And the Temporary Speaker (Sen. Sang) acceding to the request, deferred putting of the Question to a later date.

11. **MOTION – ADOPTION THE REPORT OF THE SENATE BUSINESS COMMITTEE ON ITS INQUIRY INTO A COMPLAINT BY GOVERNOR (DR.) EVANS KIDERO REGARDING THE CONDUCT OF THE SENATOR FOR NAIROBI CITY COUNTY**

Motion made and Question proposed-

THAT, the Senate adopts the Report of the Senate Business Committee on its inquiry into a complaint made by Governor (Dr.) Evans Kidero regarding the conduct of Senator Mike Gideon Mbuvi Kioko Sonko, laid on the Table of the House on Thursday 1st December, 2016.

(Sen. (Prof.) John Lonyangapuo)

Debate arising;

And there being no other Senator wishing to contribute;

Mover replied;

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

Question put and **agreed to.**

RESOLVED ACCORDINGLY-

THAT, the Senate adopts the Report of the Senate Business Committee on its inquiry into a complaint made by Governor (Dr.) Evans Kidero regarding the conduct of Senator Mike Gideon Mbuvi Kioko Sonko, laid on the Table of the House on Thursday 1st December, 2016.

12. **COMMITTEE OF THE WHOLE**
CONSIDERATION OF THE PRESIDENTIAL MEMORANDUM ON THE
PETROLEUM (EXPLORATION, DEVELOPMENT AND PRODUCTION) BILL
(NATIONAL ASSEMBLY BILL NO. 44 OF 2015)

(Senate Majority Leader)

Order deferred.

13. **COMMITTEE OF THE WHOLE**
CONSIDERATION OF THE PRESIDENTIAL MEMORANDUM ON THE
ENERGY BILL (NATIONAL ASSEMBLY BILL NO. 50 OF 2015)

(Senate Majority Leader)

Order deferred.

14. **THE COUNTY STATISTICS BILL (SENATE BILL NO. 11 OF 2016)**

(Sen. Naisula Lesuuda)

(Second Reading)

(Resumption of Debate interrupted on Thursday, 10th November, 2016)

(Division)

Order deferred.

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

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

(Second Reading)

(Resumption of Debate interrupted on Tuesday, 15th November, 2016)

(Division)

Order deferred.

16. **THE WAREHOUSE RECEIPTS SYSTEM BILL (NATIONAL ASSEMBLY BILL NO. 12 OF 2015)**

(Senate Majority Leader)

(Second Reading)

(Resumption of Debate interrupted on Wednesday, 16th November, 2016)

(Division)

Order deferred.

17. **THE IMPEACHMENT PROCEDURE BILL (SENATE BILL NO. 8 OF 2016)**

(Sen. (Eng.) Muriuki Karue)

(Second Reading)

(Resumption of Debate interrupted on Wednesday, 17th November, 2016)

(Division)

Order deferred.

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

(The Senate Majority Leader)

(Second Reading)

(Resumption of Debate interrupted on Thursday, 3rd November, 2016)

(Division)

Order deferred.

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

(The Senate Majority Leader)

(Second Reading)

(Resumption of Debate interrupted on Thursday, 3rd November, 2016)

(Division)

Order deferred.

20. **THE CONSTITUTION OF KENYA (AMENDMENT) BILL (SENATE BILL NO. 16 OF 2015)**

(Sen. Judith Sijeny)

(Second Reading)

(Resumption of Debate interrupted on Tuesday, 26th July, 2016)

(Division)

Order deferred.

21. **THE LOCAL CONTENT BILL (SENATE BILL NO. 13 OF 2016)**

(Sen. Gideon Moi)

(Second Reading)

(Resumption of Debate interrupted on Wednesday, 30th November, 2016)

(Division)

Order deferred.

22. **COMMITTEE OF THE WHOLE**
THE PRESERVATION OF HUMAN DIGNITY AND ENFORCEMENT OF
ECONOMIC AND SOCIAL RIGHTS BILL (SENATE BILL NO. 8 OF 2015)
(Sen. Hassan Omar Hassan)

(Resumption of Debate interrupted on Tuesday, 15th November, 2016)
(Division)

Order deferred.

23. **COMMITTEE OF THE WHOLE**
THE PERSONS WITH DISABILITIES (AMENDMENT) BILL (SENATE BILL
NO. 13 OF 2015)
(Sen. Godliver Omondi)

(Resumption of Debate interrupted on Tuesday, 15th November, 2016)
(Division)

Order deferred.

24. **COMMITTEE OF THE WHOLE**
THE BASIC EDUCATION (AMENDMENT) BILL (NATIONAL ASSEMBLY BILL
NO. 35 OF 2014)
(The Senate Majority Leader)

(Resumption of Debate interrupted on Tuesday, 15th November, 2016)
(Division)

Order deferred.

25. **COMMITTEE OF THE WHOLE**
THE NATIONAL CEREALS AND PRODUCE BOARD (AMENDMENT) BILL
(SENATE BILL NO. 15 OF 2015)
(Sen. (Dr.) Zipporah Kittony)

(Resumption of Debate interrupted on Wednesday, 16th November, 2016)
(Division)

Order deferred.

26. **COMMITTEE OF THE WHOLE**
THE COUNTY STATUTORY INSTRUMENTS BILL (SENATE BILL NO. 10 OF
2015)
(Chairperson, Sessional Committee on Delegated Legislation)

(Resumption of Debate interrupted on Wednesday, 16th November, 2016)

Order deferred.

27. **COMMITTEE OF THE WHOLE**
THE PHYSICAL PLANNING BILL (NATIONAL ASSEMBLY BILL NO. 46 OF
2015)
(The Senate Majority Leader)

(Resumption of Debate interrupted on Wednesday, 9th November, 2016)

Order deferred.

28. **THE KENYA ROADS BILL (NATIONAL ASSEMBLY BILL NO. 26 OF 2015)**

(Sen. Senate Majority Leader)

(Second Reading)

Order deferred.

29. **MOTION - INSTALLATION OF CCTV CAMERAS IN POLICE STATIONS.**

Motion made and Question proposed;

THAT,

CONCERNED about the numerous reports of the arbitrary arrests of innocent people by the police;

FURTHER CONCERNED that a large number of those arrested are allegedly locked up in police cells without being recorded either in the Occurrence Book or elsewhere;

DEEPLY CONCERNED that some of the arrested people disappear without a trace and that many who are subsequently traced are found dead away from where they were known to have been locked up;

ALARMED by the recent incident where three young men were locked up for hours at Syokimau Police Post without any record indicating they had been at the police post, only for them to be found days later, in another area far from the police post, having been brutally killed;

APPRECIATING that the Closed Circuit Television (CCTV) system installed by the Government in Nairobi has helped a lot in criminal investigations;

NOW THEREFORE the Senate calls upon the National Government to-

- a) install CCTV cameras in all police stations and police posts in order to record each and every person going in and out of the station;
- b) have the CCTV system designed in such a way that it is capable of capturing the Occurrence Book entries every twelve hours; and
- c) ensure the CCTV system is connected to a central depository in order to minimize chances of subsequent tampering.

(Sen. (Eng.) Muriuki Karue – 17.11.2016)

Order deferred.

30. **MOTION - COUNTRYWIDE AUDIT ON THE DISTRIBUTION OF TEACHERS IN PUBLIC SCHOOLS**

WHEREAS Article 43(1)(f) and 53(1)(b) of the Constitution guarantees every citizen a right to education and every child a right to free and compulsory basic education, respectively;

NOTING that the Teachers Service Commission is mandated to handle employment, deployment, remuneration and discipline of teachers in public schools in Kenya;

CONCERNED that there are great disparities in the distribution of teachers in public schools across the country leading to oversupply in some schools and undersupply in others and ultimately leading to major teacher shortage especially in rural and marginalized areas;

APPRECIATING efforts made by the national government to improve the teacher pupil ratio to international standards in all public schools through yearly employment of teachers;

FURTHER CONCERNED that the statistics on the number and distribution of teachers in public schools is not readily available;

NOW THEREFORE, the Senate directs the Ministry of Education, Science and Technology to conduct a countrywide audit on the distribution of teachers in all public schools indicating the requisite establishment per school and the corresponding number of teachers who are in-post and further that the Ministry submits a report to the House on the matter within ninety (90) days.

(Sen. George Khaniri)

Order deferred.

31. **MOTION – IMPLEMENTATION OF POLICY STATEMENTS AND STRATEGIES MADE IN THE NATIONAL SPECIAL NEED POLICY FRAMEWORK, 2009.**

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

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

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

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

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

(Sen. Peter Mositet)

Order deferred.

32. **MOTION – NOTING OF THE REPORT OF THE STANDING COMMITTEE ON NATIONAL SECURITY AND FOREIGN RELATIONS ON THE REPORTS AND RESOLUTIONS OF THE EAST AFRICAN LEGISLATIVE ASSEMBLY(EALA)**

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

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

Order deferred.

33. **MOTION– NOTING OF THE REPORT OF THE STANDING COMMITTEE ON EDUCATION ON THE 38TH SESSION OF UNESCO GENERAL CONFERENCE IN PARIS, FRANCE.**

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

(Sen. Daniel Karaba)

Order deferred.

34. **MOTION - ADJOURNMENT OF THE SENATE PURSUANT TO STANDING ORDER 28 (3)**

Motion made and question proposed;

THAT, pursuant to Standing Order 28 (3), the Senate do adjourn until Tuesday, 14th February, 2017.

(The Senate Majority Whip)

Debate arising;

And the time being ten minutes past seven O'clock, the Temporary Speaker (Sen. Sang) adjourned the Senate without Question put, pursuant to the Standing Orders.

35. **SENATE ROSE** – at ten minutes past seven O'clock.

M E M O R A N D U M

*The Speaker will take the Chair on
Tuesday, February 14, 2017 at 2.30 p.m.*

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