

# NATIONAL ASSEMBLY

## OFFICIAL REPORT

Wednesday, 17<sup>th</sup> October 2018

The House met at 9.30 a.m.

*[The Deputy Speaker (Hon. Moses Cheboi) in the Chair]*

### PRAYERS

### QUORUM

**Hon. Deputy Speaker:** Order, Hon. Members. We do not have sufficient numbers. Therefore, I order the bell to be rung for 10 minutes.

*(Quorum Bell was rung)*

We now have quorum. Therefore, business can begin.

*(Several Members walked into the Chamber)*

Members walking in, kindly take your seats.

### PAPERS LAID

**Hon. Deputy Speaker:** Under this particular Order, Hon. Members, I have information that there is some work that the Budget and Appropriations Committee is still undertaking. As soon as they come in, at whatever point this morning, we will give them an opportunity to lay the Paper on the Table of the House. So, even if we will have gone to the Motion under Order No.8, we will stop to give them an opportunity because they have made that request and I have accepted it.

Next Order.

### QUESTIONS

**Hon. Deputy Speaker:** Hon. Members, on this Order, there are few Members who would wish to ask Questions. We will start with Hon. Captain Ruweida Mohamed, Member for Lamu.

Hon. Members, I hope the Communication from the Speaker yesterday was clear, that this afternoon Members who will not have cards will not participate in the constitutional matter. I hope you are prepared. That is something I have to remind you because I know what will be there in the afternoon.

*Question No.037/2018*

## POLICY ON OPERATIONS OF TAXIS AT AIRPORTS

**Hon. (Ms.) Ruweida Obo** (Lamu CWR, JP): I beg to ask the Cabinet Secretary for Transport, Infrastructure, Housing & Urban Development the following:

- (i) Explain the policy in place regarding operations, management and regulation of taxis at airports in the country;
- (ii) Elucidate why the said policy has not been effective in ensuring maximum order at airports by taxi operators, especially when calling for customers.

**Hon. Deputy Speaker:** Hon. Members, as you ask Questions, it is important for you to refer to the Cabinet Secretary who is supposed to answer that particular Question. Of course, in this one, it is the Cabinet Secretary in charge of Transport, Infrastructure, Housing and Urban Development. Therefore, it will go to the Departmental Committee on Transport, Public works and Housing.

Next is Hon. Sankok, who is asking a Question on a matter in his favourite field.

*Question No.040/2018*

## BENEFICIARIES UNDER THE KENYA NATIONAL SAFETY NET PROGRAMME

**Hon. David ole Sankok** (Nominated, JP): Thank you, Hon. Deputy Speaker. It is my favourite field because I am in this House courtesy of persons with disabilities.

I beg to ask the Cabinet Secretary for Labour and Social Protection the following:

- (a) How are the beneficiaries under the Kenya National Safety Net Programme (NSNP) identified?
- (b) What challenges has the programme faced and how is the Ministry addressing them?
- (c) Could the Ministry consider using other means of cash transfers, including mobile money transfer services, bank transfers and other efficient money transfer technologies to ease the cost and time spent by the beneficiaries in accessing the funds?

**Hon. Deputy Speaker:** The Question will be replied to by the Cabinet Secretary for Labour and Social Protection before the Departmental Committee on Labour and Social Welfare.

The next Question is by the Member for Mwea. I have received information that he is unwell and, therefore, cannot ask this Question. I, therefore, defer it.

*Question No.054/2018*

## DELIVERY OF SUBSIDISED FERTILISER TO MWEA IRRIGATION SCHEME NCPB DEPOTS

*(Question deferred)*

Hon. Zuleikha Mohammed has also made a request for deferral of her three Questions. Therefore, I also defer the three Questions to another date when she will be available. She has communicated. Her position is well understood.

*Question No.055/2018*

COMPENSATION OF KWALE RESIDENTS AFFECTED BY CONSTRUCTION  
OF STANDARD GAUGE RAILWAY

*(Question deferred)*

*Question No.056/2018*

COMPENSATION OF KWALE RESIDENTS AFFECTED BY CONSTRUCTION OF MWACHE DAM

*(Question deferred)*

*Question No.057/2018*

MEASURES TO RESOLVE LAND ISSUES IN KWALE COUNTY

*(Question deferred)*

Let us go to Hon. Oroo Oyioka, Member for Bonchari. He is the Member who served for six months in the last term.

Please, proceed.

*Question No.058/2018*

POLICY ON COMPENSATION OF VILLAGE ELDERS

**Hon. John Oyioka** (Bonchari, PDP): Hon. Deputy Speaker, I beg to ask the Cabinet Secretary for Interior and Coordination of National Government the following:

What is the policy in place regarding compensation of village elders who offer support services to administrators, especially in dispute resolution in villages across the country?

**Hon. Deputy Speaker:** That one will be replied to before the Departmental Committee on Administration and National Security.

Next is Hon Qalicha Wario.

*Question No.060/2018*

FINANCIAL STATUS OF KENYA MEAT COMMISSION

**Hon. Qalicha Wario** (Moyale, JP): I beg to ask the Cabinet Secretary for Agriculture and Livestock the following:

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- (a) Provide the financial status of the Kenya Meat Commission;
- (b) State the measures the Government has put in place to ensure the Commission serves the interests of all livestock farmers;
- (c) Elucidate the steps undertaken by the management to modernise the factory to reduce overhead costs.

**Hon. Deputy Speaker:** That Question will be replied to before the Departmental Committee on Agriculture and Livestock. Next is the Member for Fafi.

*Question No.062/2018*

CURRENT TARIFF MODEL FOR PETROLEUM PRODUCTS

**Hon. Mohamed Abdikhaim** (Fafi, KANU): Hon. Deputy Speaker, I beg to ask the Cabinet Secretary for Energy to provide the following:

- (a) Current tariff model applicable for petroleum products in the country;
- (b) Maximum pipeline losses allowable;
- (c) Compensation rate for oil marketing companies for losses in depots;
- (d) Measures the Ministry is putting in place to stop adulteration of petroleum products in the country.

**Hon. Deputy Speaker:** This particular Question will be replied to before the Departmental Committee on Energy. That marks the end of that particular Order.

**Hon. Mohamed Abdikhaim** (Fafi, KANU): Hon. Deputy Speaker, my Question goes to the Cabinet Secretary for Petroleum, not Energy.

**Hon. Deputy Speaker:** That makes perfect sense. The Question is directed at the Cabinet Secretary for Energy. At the point of the Question being asked, it should have been to the Cabinet Secretary for Petroleum. Therefore, I order that it goes to that specific Cabinet Secretary. Member for Fafi, the only thing I made is that it will be replied to before the Departmental Committee on Energy, but the Cabinet Secretary who will respond to it will be the Cabinet Secretary for Petroleum and Mining.

Next Order.

**MOTIONS**

DECLARATION OF YOUTH UNEMPLOYMENT AS A NATIONAL DISASTER  
AND ESTABLISHMENT OF A NATIONAL YOUTH FUND

THAT, aware that 75 per cent of Kenya's population is under 35 years of age and that, overall unemployment among youth is at 55 per cent; cognisant of the Government's plan in the Big Four Agenda aimed at creating 1.3 million manufacturing jobs by 2022; appreciating that Article 260 of the Constitution defines youth while the Public Finance Management Act (National Government Affirmative Action Fund) Regulations, 2016 creates basic structures that support affirmative action for the youth; aware that in the Appropriation Act, 2018, youth

empowerment programme was allocated a paltry sum of Kshs7,352,220,651; this House urges that the Government declares youth unemployment a national disaster and further establishes a National Youth Fund of at least 5 per cent of the national revenue collected each year to be administered by an authority or commission for purpose of youth empowerment and employment.

*(Hon. Anthony Oluoch on 3.10.2018)*

*(Resumption of Debate interrupted  
on 3.10.2018 - Morning Sitting)*

**Hon. Deputy Speaker:** We are resuming debate. There was a balance of 31 minutes. Who is Musau Musyoka?

**Hon. Vincent Musau** (Mwala, MCCC): Thank you, Hon. Deputy Speaker. You know me by *Kawaya*.

*(Laughter)*

**Hon. Deputy Speaker:** Members should use the names that we ordinarily know them by. You can even use *Kawaya*. That will be okay with us. I was thinking that there could possibly be a stranger here.

**Hon. David ole Sankok** (Nominated, JP): On a point of order, Hon. Deputy Speaker.

**Hon. Deputy Speaker:** What is your point of order? You had just spoken, Hon. Nominated Member 001.

**Hon. David ole Sankok** (Nominated, JP): Thank you, Hon. Deputy Speaker. Is it in order for a Member to refer to himself in a name that is not in this House; *Kawaya*? It is a wire *bila stima*?

**Hon. Deputy Speaker:** You are out of order. You keep on referring to yourself as Hon.001, a name that is strange to the House. That is Hon. (Eng.) Musyoka alias *Kawaya*. That name is known to the Speaker, never mind anybody else.

Proceed.

**Hon. Vincent Musau** (Mwala, MCCC): Thank you, Hon. Deputy Speaker. My prayer is that he is not eating into my balance of two minutes. To satisfy him, *Kawaya* is likely to be on the ballot in December 2022.

**Hon. Deputy Speaker:** By the way, you only have three minutes.

**Hon. Vincent Musau** (Mwala, MCCC): There is a lot of disruption. Since I only have three minutes, I just want to conclude my remarks on this Motion.

In support, we need to ask ourselves the hard questions like whether the problem in this country, which is facing the youth, is really about creation of more funds or prudent management of the existing opportunities for the youth.

One would want to ask about the impact of the youth fund. What has been the impact of the Uwezo Fund? Where did we go wrong? The Access to Government Procurement

Opportunities (AGPO) provides a very huge opportunity for youth in this country, but we need to ask ourselves what the problem is. There is likely to be no bigger opportunity for the youth in this country than the one created by AGPO. For a development budget of Kshs1 trillion, it means an opportunity of Kshs300 billion through tenders for the youth through AGPO, but this has faced a lot of challenges. One of the major challenges is infiltration by cartels. Rich and big people pose as youths, take advantage of the youth and secure the opportunities. As a Government, we need to assess it. We need to know how many of these opportunities meant for the youth through AGPO are actually going to them.

Hon. Deputy Speaker, it is my view that one of the reasons the big tenderpreneurs are taking advantage of the opportunities for the youth is simply because a majority of the youth lack capital. It is my opinion that the establishment of a Government Local Purchase Order financing scheme will go a long way to ensure that the youth can walk into a Government office, if they have won a tender, and without necessarily having security, be given capital to finance the tender. Since these tenders are Government's, either way, when the Government pays the youths, it will deduct the amount advanced to the youths and, probably, with some little interest.

Therefore, I support, but in doing so, I do not just support the establishment of additional or creation of more funds alone. We need to create more funds, but let the opportunities created for the youth be easily audited. Let us hold ministries accountable, especially on the issue of AGPO to tell us which opportunities have been given to which youths. We need to go the extra mile to find out what went where.

**Hon. Deputy Speaker:** Very well. Your time is over. Before I give another Member a chance to contribute to this, let me revisit Order No.5. As I had earlier indicated, the Chair had made a request that he was preparing some things. He is now ready. Can you proceed and table the Papers, please?

### PAPER LAID

**Hon. Kimani Ichung'wah** (Kikuyu, JP): Hon. Deputy Speaker, I beg to lay the following Paper on the Table of the House:

Report of the Budget and Appropriations Committee on Consideration of the Supplementary Appropriations Bill (No.2) of 2018.

Thank you, Hon. Deputy Speaker

**Hon. Deputy Speaker:** Very well, you have tabled that Paper. I will give an opportunity to Hon. Hassan Maalim, Member for Mandera East.

Is he absent? So, I will give the chance to Hon. Jaldesa Dida.

**Hon. (Ms.) Rehema Jaldesa** (Isiolo CWR, JP): Thank you Hon. Deputy Speaker for giving me the chance to also say something.

**Hon. (Dr.) Robert Pukose** (Endebess, JP): Hon. Deputy Speaker (*inaudible*)

**Hon. Deputy Speaker:** You are completely out of order.

Proceed, Hon. Jaldesa. How do you say you are on top of...

*(Laughter)*

**Hon. (Ms.) Rehema Jaldesa** (Isiolo CWR, JP): Thank you, Hon. Deputy Speaker. I rise to support the declaration of youth unemployment a national disaster and the establishment of a national youth fund.

I will start by saying that the population of youth stands at 20.3 per cent. Therefore, we cannot afford to ignore the youth. The youth are known to be innovators. They have very bright ideas which can cause havoc to this country if not properly utilised. Youths are dynamic by nature. They are risk takers. They are very energetic. For that reason, we have encountered a lot of problems in this country because the youth are idle. They finish school, have nowhere to go and loiter around. It makes it a disaster. The funds that are established like the Youth Enterprise Development Fund and the Uwezo Fund, we need to relook at their framework. In some of the counties like Isiolo, most of the youths who have borrowed money from these funds have no capacity to repay. The funds become loaded with bad debts. It even scares some youth who want to borrow because of that history. The issue of a fund is not really an issue as such. The issue is how we look at this fund in a more strategic way. If possible, we should make the fund a seed fund so that the youth can just borrow money as grants and start businesses that are mentored by the Government.

The Woman Representatives are told to cater for the youth and the marginalised, but the funds that were given are so little that we cannot do much. Unfortunately, counties like Isiolo or Lamu have only two constituencies. It makes it a challenge to reach out to the vulnerable groups. My biggest appeal is that instead of just establishing a fund, we should establish a seed fund that the youth can borrow money from as grants instead of the current funds, which insists on loans. Due to lack of opportunities and unemployment, the youth of this country have ventured into so many illegal activities. In Isiolo County, we are dealing with a rise of radicalisation. We have had youths joining illegal groups like *Al Shabaab*. Many of them have left this country to go to Somalia. When you follow it up, these are youths who are educated. Some of them have gone to school up to university, but cannot get employment opportunities and they get frustrated.

Unfortunately, my County of Isiolo is ranking second to Lamu. Again, this is because when the youth go for interviews, they are told they must have three years of experience. Where do you get three years of experience if you cannot even get an internship? I move from one office to the other every day looking for internships, but they are so difficult to get. Therefore, youth unemployment is a disaster and I request this honourable House to declare it so.

Thank you so much, Hon. Deputy Speaker.

**Hon. Deputy Speaker:** Okay. We will then go to another Hassan Rehema, but this time it is Hassan Rehema, Member for Tana River County.

That is gender balance. I am trying to balance between parties. I know Hassan Rehema is definitely not in the same party with the other Rehema, but I am going to balance. Do not worry, Hon. Members. Allow the ladies to speak. Hon. Baya, it is always ladies first and you know that. Proceed, Hon. Rehema or I go to my left as you prepare. You have not spoken and the microphone is off. As I prepare to give you the next chance... Can you go to the next microphone? Yes, let us see.

**Hon. (Ms.) Rehema Hassan** (Tana River CWR, MCCC): Asante sana, Mhe. Naibu Spika. Nasimama kuunga mkono Hoja ya ukosefu wa ajira kama janga la kitaifa. Ningependa kuzungumzia swala la ukosefu wa ajira kwa vijana wetu. Jambo la kwanza, ukosefu wa ajira umefanya vijana wetu kupotea. Wengine wamejiunga na vikundi kama *Al Shabaab*, na wengine wamekuwa majambazi hapa nchini kwa sababu ya kukosa ajira. Hili si jambo nzuri kwa taifa hili. Ni aibu kubwa sana. Ningependa kuongezea kwa kusema kuwa ukosefu wa ajira hapa nchini unachangiwa na mambo mengi sana. Mambo mengine ni kama vile vikwazo wakati mtu anapotafuta ajira. Wakati kazi zinatangazwa, vijana hawa huwa wamewekewa vikwazo vingi. Kwa mfano, wanatarajia wawe na tajirba ya miaka kumi ndio waweze kuajiriwa. Watakuaje na

tajriba wakati hawajawahi kufanya kazi mahali popote? Inamaanisha tunawafungia hawa vijana nje ili wasipate ajira. Watakuaje na tajriba wakati wametiliwa vikwazo vya kuwa ni lazima wawe na stakabadhi za kuwawezesha kuajiriwa? Hawana kazi na wanatakikana kupitishwa na HELB na EACC ilhali hawana pesa. Vijana wengine wanatoka kwa jamii maskini sana ambao hawawezi kuwa na pesa kidogo za kujitetea. Wale wanaotoka katika sehemu za mipakani kwa kimombo tunaziita *border districts*, wanapata vikwazo kwa sababu wanasoma kwa hali ya shida. Hata wanapofanya mitihani, matokeo yao si mazuri.

Shule zingine ambazo vijana hawa husomea hazina maabara. Vijana wanaotoka shule hizi wanastahili kushindana na vijana wengine na wanatarajiwa kupita katika somo la sayansi kama wale ambao wana maabara mazuri. Inamaanisha hawa vijana hawatakuwa na matokeo sawa. Wakati wanapofanya mahojiano, wanatarajiwa kuwa na alama sawa na wale vijana wengine. Hii inawafungia vijana wengine nje. Kama vile tulivyosema kuwa kuna usawa wa kijinsia, jambo hilo ni lazima litiliwe mkazo.

Vijana ambao wanatoka sehemu kame kama Tana River, kupata ajira hata huku Nairobi, ni shida kwa sababu tunafungiwa nje. Jambo hili linaleta tatizo kwa vijana kusonga mbele.

Nasikia kuna tetezi kuwa watu wanasema kiti cha Mwanamke Mwakilishi kitatolewa. Wanawake Wawakilishi ndio wanaangalia vijana hawa angalau wapate ajira. Wakati wanapatiwa miradi, wanaweza kujiajiri wenyewe. Pesa hizo ndio zinaguza maisha ya vijana na akina mama.

Naunga mkono.

**Hon. Deputy Speaker:** The issue you are raising is now anticipating debate. We can leave that issue for another time. Let me give this opportunity to the youthful Member by the name Hon. Luyai Amisi, Member for Saboti. Let us listen to what the youths have to say.

**Hon. Caleb Luyai (Saboti, ODM):** Thank you, Hon. Speaker. I rise to support this Motion. In fact, the Member for Mathare has read my mind in presenting this Motion. This Motion is timely. They say that the youth of a nation are the trustees of prosperity. Therefore, as a nation, we have a choice either to take advantage of the youth population bulge to spur the economic growth or to leave them to become a menace. Several funds have existed in the country on youth programmes, one of them being the Uwezo Fund. Some of these funds point to Uwezo Fund that was mostly geared towards entrepreneurial skills. Not all our youths are entrepreneurs. Some have to pursue education as others pursue their various talents. So, it is important that we merge most of these funds into one kitty, so that we can take care of the various interests of the youths. Research has shown that nine in every 10 of the unemployed Kenyans are below 35 years. So, as a nation, we are grappling with a high unemployed youth population. Some of them have been taken away by the societal social vices. Some have been recruited in terrorism groups while others have been carried away in drugs and prostitution and other vices that are destroying the social fabric of this nation.

So, Hon. Deputy Speaker, it is timely that as a nation, we must think critically of how to harness the potential of our youths. One way is merging all the funds that have been allocated before into one constituency fund that will be managed by an authority. There is an Act called the Social Assistance Act. This Act has never been operationalised. It gives allowance for the Government to take care of the vulnerable groups and the elderly. The youths are also vulnerable. If we have *pesa kwa wazee*, why can we not have *pesa kwa vijana* since they are equally vulnerable? It is now important that we declare this a national disaster. We should also have a national conversation around it so that we are able to take care of the youthful force that forms an integral part of our nation.

When we talk about the agenda four of President Uhuru's Government, we see a main focus on manufacturing. We cannot talk of manufacturing if we do not take care of the many youths who are supposed to be skilled enough.

**Hon. Deputy Speaker:** Hon. Amisi, there is a complaint from this other side of the House that there is no agenda four, there is only the Big Four Agenda.

**Hon. Caleb Luyai** (Saboti, ODM): Yes, whether they are small or big, they are all important. So, let us call it the Big Four Agenda for the satisfaction of my colleague. We should not lose sight though. What is important is that it touches on manufacturing. For us to achieve a milestone in the Big Four Agenda, we must be talking clearly about equipping our youths with necessary skills in production. Some of these national funds for the youths will be used to take care of training institutions to equip our youth.

**Hon. Deputy Speaker:** Your time is over. I will be giving opportunities to three more Members. The Members should utilise less than five minutes so that we can achieve all the three of them speaking. I will start with you, Hon. Owen, and then come to Hon. Pukose, but it has to be less than three minutes.

**Hon. Owen Baya** (Kilifi North, ODM): Hon. Deputy Speaker, I want to thank you for this opportunity to speak on matters of the youth. The issues of the youth in this country need to be looked at from a different perspective. While I support this Motion, I still feel very strongly that we do not have a holistic approach to youth unemployment in this country. Sometimes I think our economists in this country have not taken time to study the problem. The youth can be divided into a few categories. One, we have youths who are supposed to be in school and are not in school. They add up to the unemployment rate. They are not in school because they are unable to pay fees and transit to the next level.

They leave school even at Standard Eight to start looking for work. Therefore, they add to the percentage of unemployed. There are youth in this country who should not be looking for employment but pursuing education. Therefore, we will remove a huge chunk to ensure that Government plans to improve the transition rate from high school to university and from primary school to high school are implemented. That way, we will reduce the number of youths who become delinquent in this country.

Creating a youth fund is a very political way of trying to solve the youth problem. Developed countries, which have created jobs, look at a holistic approach to the economy and labour and say that they need to put more youth in employment instead of giving them money for things that they are not even able to do at that age. We need to ensure that we have a marshal plan for the youth. As we grow the economy, we should be able to grow the number of jobs. The Kenyan economy is not creating jobs and that is where the problem is. Young people need to finish university and college and go into employment.

I want to give you a few examples. At the Coast, we have a huge resource in tourism, but today, decline in the tourism sector has forced many young people to be jobless. Many people have been pushed out of their jobs because there is no deliberate investment by the Government in tourism. Therefore, you have almost a Kshs5 trillion economy at the Coast which is dead because there has not been proper planning on how to grow the tourism sector. If the sector is grown, I can tell you that each year, we will put over 500,000 on jobs.

**Hon. Deputy Speaker:** Please wind up.

**Hon. Owen Baya** (Kilifi North, ODM): I am winding up. The fishing industry in this country, especially at the Coast, can put over 100,000 youth in employment in a year. But if we are looking for shortcuts and political solutions to the youth problem, then we will end up talking about the same thing year in, year out. I think the Government needs to have a marshal plan for youth employment and job creation.

I thank you, Hon. Deputy Speaker.

**Hon. Deputy Speaker:** Hon. Pukose.

**Hon. (Dr.) Robert Pukose** (Endebess, JP): Thank you, Hon. Deputy Speaker, for allowing me to contribute to this very important Motion. The issue of youth unemployment in this country is a very serious issue that needs not just to be talked about, but we also need to look for solutions. With the advent of the new Constitution and devolution, unfortunately, this country has been balkanised such that even creating opportunities for the youth has been a problem. Those who are beneficiaries in county governments are either from the community of the governor or close friends of the governor. That has created a big problem. Today, youth in this country do not even know where they can get employment.

Even with the issue of tenders, we have created bottlenecks that have made it very difficult for the youth to access tenders. Even the percentage of tenders that we said is for the youth, and there is a law to that effect, is not being implemented. We have created bottlenecks for the youth, which has made it very difficult for them to access tenders. Look at the AGPO programme. The youth have to pay annual fees. For them to apply for any document from the National Construction Authority (NCA) or other entities to access tenders, they have to pay money, which makes it very difficult for the youth to access tenders.

In the last Parliament, we passed the Companies Act, but I think those within the Government have made it very difficult for the youth to operate. When it comes to issues of employment, you are asked for experience. Where does somebody who has just cleared university going to get experience from? These are issues that make me support this Motion. We must declare youth unemployment a national disaster, have the Government take a serious look at it and look for ways of addressing the youth problem - not just the youth who have cleared university and colleges, but even the ones who have dropped out of school. How are we going to address their issues? We are not going to allow them to continue staying idle. That since one did not go to the university, that is their end. That will be creating a vicious cycle of poverty. A youth who has never been to university is going to marry somebody who has not gone to university and their children are not going to go to university. So, we will create a poverty chain and dependency by that cadre of the youth.

Hon. Deputy Speaker, with those few remarks, I support the Motion.

**Hon. Deputy Speaker:** Member for Mandera East.

**Hon. Omar Mohamed** (Mandera East, EFP): Thank you, Hon. Deputy Speaker, for giving me this opportunity. From the outset, let me support the Motion. The issues facing the youth in Kenya are not only a disaster, but a time bomb. The youth that live in far-flung areas, villages and remote areas do not have any opportunity as compared to the youth who live in

urban areas. Therefore, most of them tend to go across borders looking for opportunity in the most difficult circumstances.

The issue of radicalisation and insecurity in northern Kenya are attributed heavily to lack of opportunities for the youth. The Government must, therefore, come up with strategic ways of supporting the youth in terms of placing them in middle level colleges that can equip them with service or technical knowhow so that they can support their lives.

The retirement age was increased to 60. I believe that was not the right thing to do because at the age of 60, productivity level is in question. Therefore, the youth are never able to access positions in the Government. The Government must relook at that policy in order to create room for the youth to lead in Government positions.

Thank you, Hon. Deputy Speaker.

**Hon. Deputy Speaker:** Thank you. The time is over and, therefore, the Mover is called upon to reply. As you do so, I recognise, in the Public Gallery, pupils from Ruai Primary School, Kasarani Constituency in Nairobi County. Proceed.

**Hon. Anthony Oluoch** (Mathare, ODM): Thank you, Hon. Deputy Speaker. I want to donate a minute each to Hon. (Maj.) Bashir, Hon. Otiende Amollo and Hon. Atandi. As I move this Motion, I want to join you in recognising the young people who are seated in the Gallery today. We must think as a House, in a few years, these young people will be in the market. They will be youth seeking employment.

**Hon. Deputy Speaker:** Hon. Oluoch, when you donate time, you become the last to speak.

**Hon. Anthony Oluoch** (Mathare, ODM): Thank you for the correction.

**Hon. Deputy Speaker:** We will start with Hon. Bashir. Then we will go to the Senior Counsel.

Proceed, Hon. Bashir.

**Hon. (Maj.) (Rtd.) Bashir S. Abdullaih** (Mandera North, JP): Thank you, Hon. Deputy Speaker. From the outset, I want to add my voice in support of the Motion seeking to declare youth unemployment a national disaster. Government after Government, this issue of youth unemployment has been up and down. Nevertheless, we have never had a perfect solution for this problem.

As I support this Motion, I want to go further and urge the Government to pay a stipend to any youth who has finished college or university until they get employment. This will encourage the Government to ensure that the youths are absorbed in employment. How do we explain medical professionals who are still unemployed yet we have medical facilities all over the country? This is a disaster and a time bomb for the country. As a House, we need to take charge and ensure that the Government does what it is supposed to do.

Thank you.

**Hon. (Dr.) Otiende Amollo** (Rarieda, ODM): Hon. Speaker, I support this Motion. Sometimes we forget the definition of youth is between 18 to 35 years. Sometimes, people who are well beyond 35 also claim to be youthful. That is something that needs to be corrected in common parlance. I believe that as we pass this Motion, there is need to rationalise the other

existing youth regimes. The National Youth Service Act of 1965 last amended in 2012, the youth empowerment funds and all other regimes should be rationalised and brought together so that it can be effective. As we do this, we need to remember that many youth do not have identity cards and they require them.

I support.

**Hon. Deputy Speaker:** Let us have Hon. Atandi.

**Hon. Samuel Atandi** (Alego-Usonga, ODM): Thank you, Hon. Deputy Speaker. I support the Motion. I would like to reinforce the following facts:

First, according to the International Labour Organisations (ILO) estimates, youth unemployment in Kenya stands at 27 per cent. That is way above our East African neighbours.

Secondly, there are seven million unemployed youth in Kenya today. Thirdly, every year, one million youth join the job markets. Lastly, as we discuss youth unemployment, we must understand that there is a relationship between the expansion of an economy and youth unemployment. If we are saying that this economy has been expanding since the Jubilee Government took over, what are the consequential benefits in the area of jobs created for the youth?

**Hon. Deputy Speaker:** We will go to the Mover to wind up and move.

**Hon. Anthony Oluoch** (Mathare, ODM): Hon. Deputy Speaker, I thank all the Members. That is all the time I could donate. I recognise Hon. Christine Ombaka, Hon. Wambilianga on the other side and many other Members such as Hon. Wanjala, who had wanted to speak. I want to say few things about what some Members had said. I heard the contribution by Hon. Cecily Mbarire and I took the advice. Indeed, before we even go to the other funds, we need to see how much we can do for the youth through the National Government Constituencies Development Fund (NG-CDF).

I recognise Hon. Sankok's contributions on what ought to be put in the Bill to ensure that if we put a fund aside, the people living with disabilities should be factored in. I take Hon. Baya's points and advice, but the issue of setting up a fund and declaring a disaster are not political issues. This is an affirmative action issue. It is benchmarked under the Constitution. We want to recognise what Hon. Otiende Amollo has said that in the Bill, which is almost in the final form, there is need to amalgamate all the laws, namely, the Social Assistance Act, the Youth Authority Act, the NYS Act and the Sports Act, where we have a fund which some people want to move to some other place. I have proposed that the sports funds which bring together lottery and gaming taxes should be put in the Youth Act to help to establish sports academy, polytechnics and other skills acquisition programmes.

So, as I wind up, may I say that youth in this country should be encouraged to dream big. It is Barack Obama who said to his daughters to hitch themselves to something that is larger than them. It is only by hitching yourself to that thing that is larger than you that you will truly achieve your dreams. Let us give our youth that larger thing to hitch themselves to rather than the tokenism that we do through the Uwezo Fund.

**Hon. Deputy Speaker:** Very well, so you have moved. Since I can confirm that we have the required quorum. I proceed to put the Question.

*(Question put and agreed to)*

Next Order.

## STRENGTHENING OF REHABILITATION SCHOOLS

**Hon. Benjamin Washiali** (Mumias, East JP): Hon. Deputy Speaker, I beg to move the following Motion:

THAT, aware that several buildings in Government secondary schools in the country have had fire incidences this year, many of which being arson incidents attributable to students' delinquency; further aware that learning in the affected schools has been severely interfered with; disturbed that the number of students arrested for allegedly burning or conspiring to burn school buildings around the country continue to rise; cognisant that these students are aged below eighteen (18) years and, therefore, fall under the category of juvenile offenders; further cognisant that Article 53(1)(f) of the Constitution provides that every child has the right not to be detained, except as a measure of last resort, and when detained, to be held for the shortest appropriate period of time separate from adults and in conditions that take account the child's sex and age; appreciating that section 18(2) of the Children Act provides that a child offender shall be separated from adults in custody; further appreciating that the Children Act, 2001 advances the protection of children from any action deemed hazardous or likely to interfere with the child's education, health among others; deeply concerned that delinquency tends to lead to adult crime thereby encouraging the possibility of a lifelong criminal career if not managed appropriately; this House resolves that the National Government puts in place administrative measures to ensure that child offenders are not remanded or incarcerated in adults' remands; and strengthens the existing rehabilitation schools in the country as a measure to ensure delinquent adolescents are effectively rehabilitated while making them accountable for crimes committed.

Hon. Deputy Speaker, rehabilitation schools are sometimes known as approved schools. I developed interest in bringing this Motion after I got some information from Vigilance House, Police Headquarters which showed records of school unrest and students who have been arrested in prisons between the year 2016 and 2017.

I also have records of students who have been arrested in schools between January and 15<sup>th</sup> October 2018. If you allowed me, I would quickly cite a few schools whose records we have. For example, students were arrested from the following schools: Karama Boys High School in Meru, 11 students; Kavengero Mixed Boarding School in Embu, one student; SA Kinyui Boys High School in Machakos, three students and 13 students from Maliera School in Siaya.

**Hon. Deputy Speaker:** Obviously, there is no school by the name "Malaria".

**Hon. Benjamin Washiali** (Mumias East, JP): Also, Usenge Boys High School, six students; Ukwala Boys High School, 11 students; Rangala Girls High School, two students and 10 students from Ngere Secondary School in Kisumu. Oriwo Boys High School in Homa Bay, four students; Nyakeyo Secondary School in Kisii, 15 students; Friends School in Trans Nzoia one student and 18 students in St. Marks Girls Secondary School. In Nakuru, Shanners Girls Secondary School, 14 students and 25 students in Njoro Boys High School. This goes on and on and in total, we have quite a number of students who were arrested and taken to adult cells. In 2016 alone, around the counties, a total of 435 students were arrested. This is a very huge

number. In 2017, 108 students were arrested. I am sure going by what is happening this year, the number of students arrested will increase.

The reasons why students cause unrest in schools are as mild and lack attention from school administration. Sometimes schools have strict rules and unsolved grievances. We have even cases of poor diet. Also, not being allowed entertainment time especially during the World Cup when some students went ahead and burnt their schools. Students who want to avoid exams and others have rioted because of delocalisation of their head teachers. Others have been arrested because of possessing *cannabis sativa*. They also rioted because of wanting to go home early before the closure of the school.

A majority in this House are parents and maybe a few have just recently done a wedding and do not have school-going children. The reason why I brought this Motion is because as parents and former students, we know there are many reasons why students cause unrest in schools. There is also the aspect of peer pressure. You know when growing up, chances are that colleagues will influence how one behaves. So, we must look at these issues as parents and former students. We also have issues of crowd behaviour. When you are in a crowd, chances are that you may behave differently from your normal self. That is why as parents and leaders of this country, we must be considerate.

You will also realise that this is the age when we have a lot of internal changes and some of them easily affect the children. For example, boys start self realisation and this affects their behaviour. Therefore, I come before this House to request my colleagues that in as much as we appreciate that students are wrong, we must always give them a second chance as parents. Chances are that what they have committed may not be intentional.

Therefore, I am requesting my colleagues to help me put pressure on the Government to consider sending the students to rehabilitation schools. At the time of Independence, we had approved schools which took care of students who had behaved in a manner that required a bit of correction. So, the Government should be considerate and not send students to normal cells where sometimes they are exposed to hardcore criminals. This does not correct their manners. I request the Members listening to me to support this Motion, so that we can achieve this for our children.

Therefore, I request the Government to increase funding and staffing levels in approved schools, most of which have been neglected. In fact, they are not funded and are forgotten.

**Hon. Deputy Speaker:** Order! Hon. Sankok.

**Hon. Benjamin Washiali** (Mumias East, JP): Thank you, Hon. Deputy Speaker. I request that while the students are paying for the crimes they committed, the Government establishes programmes that focus on changing behaviour and beliefs among the juvenile that are conducive to good education, good health, physical, mental, spiritual, moral and social development as required in the Children Act, Cap 586 of the Laws of Kenya. The Government should also focus on vocational training courses to distinguish between male and female skills so that as they are rehabilitated, they are also exposed to skills that would help them become normal citizens.

I move and request Members who may have had those experiences to support. This is because issues of students being detained in adult cells cut across...

**Hon. Deputy Speaker:** We will give you just some 30 seconds to move so that hon. Members can get you clearly.

**Hon. Benjamin Washiali** (Mumias East, JP): I request Members to support this Motion so that we can give an opportunity to our students to be corrected in order for them to become good citizens of this country.

With those remarks, I beg to move and request my good brother, Hon. Lemein from Narok South, to second.

**Hon. Deputy Speaker:** Hon. Korei ole Lemein.

**Hon. Korei ole Lemein** (Narok South, JP): Thank you, Hon. Deputy Speaker. I rise to second.

I thank Hon. Washiali for coming up with this Motion. It is, indeed, true that a number of students are actually suffering in remand. Even as he said it in his final remarks, it might not be the best way to correct those particular students. Even as we look at the number of students affected, I have a case in mind. Ten students from a school called Kisiriri are in prison because of arson. If measures are put in place, there are better ways of rehabilitation other than putting those particular students in the same cells with the so-called hard criminals. By the end of the day, it is hardening them instead of correcting them.

As the Mover of the Motion has indicated, there were approved schools earlier on. I think the Government can take the initiative of rehabilitating the approved schools across the country for the benefit of those students, instead of taking them to prison. As the Mover has indicated, a number of those students are indeed very young. We are developing young Kenyans. By the time they get out of prison, they will not even appreciate the value of life. They will have what we call mental disturbance.

I also request my colleagues that we support this Motion for the benefit of young generations in this country.

With those remarks, I second.

*(Question proposed)*

**Hon. Deputy Speaker:** I give the first shot to Hon. Maanzo Kitonga, Member for Makueni.

**Hon. Daniel Maanzo** (Makueni, WDM-K): Thank you, Hon. Deputy Speaker, for giving me this opportunity to contribute to this very important Motion. I also thank Hon. Jomo Washiali for being very considerate and thoughtful of this matter, which is very serious and also, for providing statistics showing 235 children who went through a very trying moment when those matters happened.

*[Hon. Deputy Speaker (Hon. Moses Cheboi) left the Chair]*

*[The Temporary Deputy Speaker (Hon. Christopher Omulele) took the Chair]*

Hon. Temporary Deputy Speaker, my constituency was affected in three schools, some of which were burnt down on flimsy matters which would have been sorted out. In most occasions,

it was when teachers were transferred without consultations. You know the Constitution of this country talks about public participation and consultation as very important, especially on a very sensitive matter like this one. It is true that children are likely to be delinquent and commit crimes. They are likely to act in a mob and cause destruction of property. At the same time, the question arises as to how we try those students. In the case of Makueni, the students were taken to ordinary courts. They were not put in any special cells. In fact, I heard two to three complaints whereby while the male students who had been in police custody were being questioned by the police on why they had given them such a rough time and why they had to burn the school, their private parts were squeezed. You can imagine the consequences of such action against a child who may not know exactly what was happening. The way those children have been treated has served as a caution. Others are careful not to go through the same experience or cause trouble. There must be a method of getting this sorted out.

One of the proposals is the strengthening of rehabilitation schools commonly known as approved schools. We should actually have a policy whereby there are quite a number of those approved schools as they used to be, like the famous Wamumu and many other such schools across the country. We could have a school in each county. Approved schools were very much feared by students. If you know that if you make a mistake at high school you are in, or you participate in this sort of thing you will be transferred to an approved school, which is almost like a prison, you will behave. There is close scrutiny in approved schools in terms of how students behave. What happens currently is that once you burn a school or you commit such a crime, you are taken to court. Court cases take five to six years to be concluded. You are attending court and you are not attending classes. What happens is that you eventually join the club of the jobless youth – an issue we were debating a little earlier. After going through the trial system, like the infamous case of Kyanguli where several lives were lost, the suspects lead miserable lives. The suspects of the Kyanguli fire tragedy look abnormal, and they have not achieved much in life.

There should be structures within the family whereby good discipline is taught by the example of responsible parents. We should have schools with close monitoring of a child and take note when he or she begins showing this sort of behaviour. It is good when there is teamwork between teachers and parents. If such children are moved to an approved school, they have a chance of being rehabilitated and there will be no possibility that they will commit the crime of burning their fellow students.

The proposals are very good. There must be a policy which we should pursue further after this so that those schools are rehabilitated and rebuilt. In every county, whenever students mess up, they should know they will go to approved school. That, in itself, will be correctional. Students will be careful not to participate in this sort of behaviour.

I support this matter. I urge Hon. Washiali that this Motion should be followed up at the implementation stage so that we do not have such high numbers of flimsy excuses. There should also be retraining of teachers who handle students so that they end up encouraging students and bringing up responsible Kenyans instead of criminals. Because of the way they are treated, they may not end up in university...

**The Temporary Deputy Speaker** (Hon. Christopher Omulele): Hon. Maanzo, the time allocated to each Member to contribute to this debate is usually five minutes. I will allow you one extra minute. Members, note that it is just five minutes.

**Hon. Daniel Maanzo** (Makueni, WDM-K): Thank you, Hon. Temporary Deputy Speaker for giving me one minute to complete my contribution. Teachers should be constantly trained, particularly those dealing with discipline. There should be specific teachers with that sort

of training in schools who monitor behaviour. When the principals of schools come together for their annual meetings, they should have a session on how to deal with this.

Finally, monitoring through Closed Circuit Television (CCTV) will correct a lot of behaviour. This is a hot debate. I believe the Government has to do something.

I support the Motion and urge Members to also do the same.

**The Temporary Deputy Speaker** (Hon. Christopher Omulele): Let us have Hon. ole Sankok.

**Hon. David ole Sankok** (Nominated, JP): Thank you very much, Hon. Temporary Deputy Speaker for giving me this opportunity to support this very important Motion whose time has come.

We should ask ourselves a few pertinent questions. One of the most important questions is: Why do riots and burning of schools always happen just before exams? Is it because students panic? Are they following the footsteps of their role models who are the teachers? Whenever they are just about to do their exams that is when trade unionists, including those in the Kenya National Union of Teachers (KNUT), threaten to go on strike. Are our students also now emulating their role models who are the teachers? For a long time, teachers have held this country to ransom. Whenever we need them - mostly just before the exams - that is when they threaten to strike. Suppose other departments like the Kenya Army also emulate teachers that whenever we have an attack by the *Al Shabaab*, they also go on strike? Suppose doctors follow suit that whenever we have emergencies like road accidents and terrorist attacks, they go on strike? Probably, those students are actually following in the footsteps of their role models who are the teachers. Our children spend nine months with their teachers. They are only with their parents for three months in a year. For nine months, they take lessons from teachers, either in class or from their behaviour. This particular Motion should reflect on the teachers and their behaviour.

In the Bible, in the book of Luke 17:2...

*(Loud consultations)*

**The Temporary Deputy Speaker** (Hon. Christopher Omulele): Hon. Odanga, what is out of order? Hold on, Hon. Sankok. Members, the volume of the consultations is quite high.

**Hon. Geoffrey Odanga** (Matayos, ODM): Thank you, Hon. Temporary Deputy Speaker. Is Hon. Sankok in order to impute that the very good teachers of this country who have taught all of us and brought a lot of sanity in our society, misbehave, are disorganised and, therefore, mislead our children?

**The Temporary Deputy Speaker** (Hon. Christopher Omulele): Hon. Sankok, the point of order is valid.

**Hon. David ole Sankok** (Nominated, JP): Yes, Hon. Temporary Deputy Speaker. I did not impute that the teachers are misbehaving.

**The Temporary Deputy Speaker** (Hon. Christopher Omulele): Then withdraw your statement.

**Hon. David ole Sankok** (Nominated, JP): I just said that our students are with their teachers for nine months in a year. If that will massage your ego, then I withdraw.

In Luke 17:2, it states that those who lead the young ones astray should be killed. A huge stone should be tied around their necks and thrown into the depths of the sea. That is what the

Bible says. Since our children are with their teachers for nine months in a year, they should be good role models to our children.

Let us come to parenting. Is there a problem of parenting? Is there a problem whenever there is no father figure in that particular family? I see my time is almost up because it has been taken.

**The Temporary Deputy Speaker** (Hon. Christopher Omulele): Hon. Sankok, you still have time. The button is only yellow. You still have two or three minutes.

**Hon. David ole Sankok** (Nominated, JP): Hon. Temporary Deputy Speaker, sometimes, when kids have no father figure in the house, they tend to go astray. That is according to research. If you have five kids and all of them have different genes and DNA because they are from different communities, you will find that sometimes they have problems intermingling within the family and this is extended to the school.

We should also try to...

**The Temporary Deputy Speaker** (Hon. Christopher Omulele): Hon. Sankok, I will add you a minute.

**Hon. David ole Sankok** (Nominated, JP): Thank you very much, Hon. Temporary Deputy Speaker. The Government should also come in. Why are hard drugs available in our country? Why are bars built a few metres from our schools? The Government should regulate and make sure that hard drugs and alcohol are not available next to schools.

Apart from having approved schools, it may also be time for the country to rethink the issue of corporal punishment. When there was corporal punishment in schools, cases of strikes and burning of schools were few and far apart. But now, without corporal punishment, we find that there is an increase in cases of burning of schools and strikes.

As a former student leader in the University of Nairobi (UON), I support that we have approved schools for our students so that we give them a second chance.

**The Temporary Deputy Speaker** (Hon. Christopher Omulele): Hon. Sankok, clearly you have been in positions of leadership for a very long time. It is a compliment to you.

Let us now have Hon. Oduor Ombaka, Member for Siaya.

**Hon. (Dr.) Christine Ombaka** (Siaya CWR, ODM): Thank you, Hon. Temporary Deputy Speaker for giving me this opportunity to contribute to this Motion. It is true that young people today are going through a lot of problems. Burning of schools is an indication that something is wrong with young people. There are crimes being committed by young people and the problem is world-wide. This is not a new thing. Young people are normally going through a stage where they are rebellious to society. They find glory in burning schools, beating women, stealing and drinking. This is what they admire. They admire wrong things and commit crimes and do not care about school. I have been telling some young people that burning a school is a crime and it is like burning a church because a school is the place where young people are modeled. That is where their personality is developed and that is the place they learn the values of society. To burn a school is a huge crime. Punishment is required for all that. While we may not want to remand them in jails because they are young, we need to sensitise and make them follow the right path. But still, we need to punish. There are those who constantly commit crimes even when they are counselled. Even when you talk to them, they still drink and beat people in the villages. What is wrong with arresting and imprisoning them for, at least, two years?

The Motion says that we should not imprison them, not take them to jail but we should take them to approved schools. The approved schools do not seem to exist. Long time ago, when I was a teacher, I used to hear that there were approved schools where young boys and girls

would be taken. Today, I do not hear about them. There are no teachers to help them and mould them to be good people.

I do not know how we are going to get the approved schools when teachers are not there to help them change their character. Some of those young people are extremely dangerous. They simply need to be taken to prison for a year or two to learn something. In any case, prison or jail is always a very good thing. People learn skills from there. They come out as carpenters and trained in various areas.

**The Temporary Deputy Speaker** (Hon. Christopher Omulele): Hon. Ombaka, you seem to be arguing on the line that juvenile offenders should be taken to prison, but the Constitution has said they should not be jailed. Unless you are proposing to amend the Constitution so that we can take those juvenile offenders to prisons, your line of argument is not available. The Motion says that it is our duty as Parliament to provide guidance and funding to build hospitals and juvenile homes so that those children can be given the skills they require. That is the line of argument the Mover is pursuing.

Proceed, Hon. Ombaka.

**Hon. (Dr.) Christine Ombaka** (Siaya CWR, ODM): I was attracted by what is written in the Motion that child offenders are not to be remanded or incarcerated in adult remands. Of course, adult remands are not good for them because they are young, but they should be taken to remand. I expect that in a remand they are trained and come out as completely changed people, people with new values and people who are ready to survive or work within the society. The idea of counselling them is critical as well because those are young people who need parental guidance and constantly be reminded to adopt good values in the society. Even within a school system, that should be part and parcel of their training. A child in school should learn that good manners are good. But, when they go overboard, punishment is necessary. That is my contribution. I am not saying that they should not be punished. They should and values should be inculcated in them.

**The Temporary Deputy Speaker** (Hon. Christopher Omulele): Hon. Ombaka, what we and the Motion are saying is that, we should find ways within what is acceptable worldwide on how to deal with delinquent children so that we do not, by punishing them, make them worse than they really were or expose them to things that children are not supposed to be subjected to. We shall have Hon. Injendi Malulu, Member for Malava.

**Hon. Moses Injendi** (Malava, JP): Thank you, Hon. Temporary Deputy Speaker. This is a timely Motion. The first question we should ask ourselves is, how come, currently, the crime rate is very high among our children in schools who are below 18 years? One of the reasons is because rehabilitation centres or approved schools have collapsed. Children who would be identified as a problem are no longer being taken to approved schools for correction purposes. If we do not rehabilitate those centres, the country is likely to lose its children.

When we go around the country as MPs, we realise that the family has completely failed to socialise the child. How have we failed as families? Most of us parents are not there for our children. I am sorry that Hon. Sankok said that single parenting is the problem. That is not true. Parents may be there, but the father may be absent. He is not there for the child. Even the mother may not be there. So, parents may not be existing in such a family. Because of technology, children have assumed that they are more intelligent and superior than their parents and so, they do not listen to them.

The school has also failed. It has failed in the sense that some of the teachers, because of the pressure of teaching, have no time for the children unlike our times. Society in general has

failed. When we were growing up, the larger society would control or socialise us by correcting us. Currently, with individualism, children are left on their own and that is why they have problems in schools. Some of the problems are basic. Children who get arrested are getting involved in those practices to simply seek attention. As a child grows up, they seek attention. They may have something to express, but they may not have someone to express it to. The parent or teacher may not be there. How else can they express what they have? How else can they demonstrate that they exist? So, some of them get involved in crime.

We also know that children are naturally inclined to disobey authority. So, it is punitive for us to take them to prison.

I support the Motion strongly because I believe that when we had approved schools, we never used to see the burning of schools. Now that they are not there, we have our children committing crimes. They are socialised right from baby class to be criminals and it explodes in burning of schools and then we take them to prison. If we are not careful, our prisons will be full of children under 18 years.

**The Temporary Deputy Speaker** (Hon. Christopher Omulele): Hon. Wanyonyi Kevin, Member for Kwanza.

**Hon. Ferdinand Wanyonyi** (Kwanza, FORD-K): Hon. Temporary Deputy Speaker, I take this opportunity to thank Hon. Washiali for bringing up this Motion. First and foremost, we have a problem in the country. Lack of parental care is one of the causes. In fact, the Motion, to me, is a tail end of the problems of child care. You find parents, including myself, taking a child to school and leaving them to teachers. So, what happens? The child gets mixed up. The problem is lack of parental care. The other problem that is serious is: "Spare the rod, spoil the child." Some parents have left their children to others to take care of them. I take this opportunity to tell Kenyans to, please, take care of their children.

All this is happening today. Hon. Washiali, you are right. We leave everything else to others to take care of. Spare the rod and spoil the child. We should reintroduce corporal punishment in schools. That should be done. This country has been thrown to the dogs. The same children you are seeing around are the ones forming the bad boy's gangs around. The other day, I saw in the newspapers a child who was killed. When you look at it, you will find that the person has not been brought up well. My request is that we do that.

The other thing is that we have to fast-track counselling in schools. This House passed a Motion that every secondary school should have a counsellor. What happened? I do not know whether the Ministry of Education, Science and Technology has implemented it or not. As a remedy for those problems, let us have counselling. We passed a Motion that every secondary school must have a counsellor. If PAG is the sponsor of a school, it should hire a counsellor. If it is Catholic, let us have a priest acting as a counsellor so that we have some of those problems detected before they get out of hand. That, again, is in a Motion that this House passed.

Lastly, putting the children in prison is just not making sense. You are creating more problems. As Hon. Washiali has said, those are lifelong criminals. When the child comes out of prison, I can assure you that he or she will join another group. We have had the same problem. There was a case in my constituency where four children who had been imprisoned came out and did not seem to have reformed. They even became worse. They are criminal leaders in that area. Therefore, we are not doing anything by putting those children in prison. All you are doing is perfecting them so that they become more dangerous. Putting those children in prison is not a solution. The solution is to have counsellors. Instead of putting them in prison, we should have them counselled. The counsellors should detect bad behaviour and correct it.

School management normally calls parents to school. I can assure you that from my own records in my constituency, most parents do not even attend those meetings. Therefore, you find that school management is having a problem because they cannot even communicate with the children. Therefore, this is a notice to parents. If you are a parent and you are asked to go to school, do that so that you understand the problems that are being faced by the school. This is a lesson. As we pass this Motion, *Mheshimiwa* Washiali should also fast-track the counselling aspect because we passed that Motion in this House. I do not know whether it was last year or the other year. I cannot remember but that was done. All sponsoring religious...

**The Temporary Deputy Speaker** (Hon. Christopher Omulele): Hon. Kevin Wanyonyi, the time is up. You have said what is important, that we should spare the rod and spoil the child. Hon. Hulufu Oda, Member for Isiolo North.

**Hon. Hassan Hulufu** (Isiolo North, KPP): Thank you, Hon. Temporary Deputy Speaker. I would like to thank Hon. Washiali for bringing this Motion which I support. As a country, we are alive to the fact that we are having a lot of misbehaviour among our children, especially in high schools. We cannot wholly blame our students for their misbehaviour. Part of the reasons we are observing an upsurge in misbehaviour in our schools could be attributed to what happens at home and generally in society, as well as in the school environment. There are lapses in terms of parenting at home. If we are frank with ourselves as parents, we should appreciate this.

We also have situations where schools are not managed properly. There is poor governance, poor student-teacher relationship, and inadequate counselling in our schools. We have discussed this before where counselling departments in our schools are not functional. Where they are functional, probably the students are not getting adequate counselling and so on and so forth.

We also have situations where drugs find their way into our schools. Of course, you cannot blame students for this. This is something that probably can only happen if there is laxity on the part of school administration, especially those who are supposed to provide security for the schools.

Juvenile crime is, of course, a serious issue in our country. As to whether a child is in school or not, as long as the child is below 18 years, he or she should be sent to a remand home or to an approved school. That decision normally lies with judicial officers. As legislators, we should be aware that we have very few rehabilitation schools. Those few schools are also ill-equipped to deal with challenges of rehabilitating delinquent students in current times. Most of those institutions were set up during colonial times and are concentrated in high potential areas. For instance, we have 11 juvenile remand homes and the Children's Department. We also have 10 schools for rehabilitating children who, after assessment, are sent to rehabilitation schools. You realise that in those 10 schools, eight are for boys and two for girls. In the whole of northern Kenya, we do not have a single rehabilitation school. So, you can imagine if a kid misbehaves in Moyale, which is at the far end on the border with Ethiopia, if he or she is to be referred to rehabilitation schools for correction, the closest is in Nyeri County. The same happens to students in Mandera, Garissa, Tana River and other places.

Therefore, as I support this Motion, we need to seriously think about how best children can be provided with opportunities for them to change their behaviour through placements in rehabilitation schools. But those schools need to be adequately funded. Those who are managing those schools and the teachers need to be trained afresh so that they are properly equipped to deal with the modern students. The students of yesteryears are different from the current generation of students whom we have, some of whom are more advanced in terms of their thinking and creativity which is misdirected to commit crime compared to their parents.

Therefore, as I support, I would like, as part of what comes out of this Motion, to have many more correctional facilities put up in the regions where we lack those facilities, particularly in upper Eastern, North Eastern and part of the Coast and part of upper Rift Valley.

Thank you.

**The Temporary Deputy Speaker** (Hon. Christopher Omulele): Very good contribution. Hon. Washiali, I hope you are taking notes. As Members are contributing, it is clear that the institutions are not seen and the few that are there are dilapidated and have fallen into disarray. Probably, with the way we have expanded our education system, it may be proper that we expand those kinds of schools so that they can take care of our children.

We shall have Hon. Oduol Adhiambo.

**Hon. (Prof.) Jacqueline Oduol** (Nominated, ODM): Thank you, Hon. Temporary Deputy Speaker. I would like to support this Motion. When we look at what is happening in our society largely, the breakdown that we can see in the social fabric; the breakdown in the family where to a large extent parents are either overwhelmed because they are trying to make ends meet; and a number of cases where by the very nature of engagement, children tend to be growing up in a context that does not give them very clear direction, then we would see that it is important to strengthen mechanisms that can allow our children to grow and become wholesome adults.

When we are thinking about rehabilitation we are talking of how to restore our children who, for one reason or another, emotional or otherwise, have veered off the desired way of engagement. Therefore, as I support this Motion, I would like to, indeed, agree that we want to ensure that we do not place any children who have committed crime, or in any way not behaved in a manner that is in accordance with required standards, in adult cells. I say this because we know that those who are in those cells will have been there because they have committed some crime. If you have children who are liable to abuse placed there, they are not only likely to become hardcore, but are most likely going to experience some form of abuse. So, I urge the House to become aware of the children in our rehabilitation schools. I want to share because I know that Hon. (Dr.) Christine Ombaka was talking about the need to ensure that our children are disciplined. I also wanted to bring it to our attention that we have 11 rehabilitation schools in our country today. Indeed, we have a very systematic way by which when children have committed crime, if they are boys, they go to Getathuru Rehabilitation School for assessment to determine what nature of crime they have committed and see the level of intervention. Then, they are placed in different remand schools. If they are girls, they are taken to Kirigiti Rehabilitation School. So, the point here is that we have some form of engagement but it is, sometimes, not sufficient because there are children who are placed in those rehabilitation schools not because they have committed crimes, but because they need care and protection. They may have been abused by their parents or relatives.

I support this Motion because it is a very critical one at this point in our country, particularly in ensuring that we arrest any cases where children are losing track and are not disciplined enough so that we can seek to ensure that we place them in an environment that allows them to be those that can find their way into the standards we require. So, I support this Motion. I, in particular, want to draw the attention of the House that we have, at the county level, already existing children's county protection networks. As we look at this Motion, what I would like us to do is ensure that we have a mechanism through which teachers, parents, elders and members engaged in law enforcement are able to intervene and help our children so that they do not get to a point where they engage in criminal activities and end up in this kind of situation.

So, as I support this Motion, I would like to draw the attention of the House that it would, indeed, be a very wrong thing for us to expect that children, even if they commit a crime, would be put in police cells with adults. Therefore, we must strengthen mechanisms and ensure that we are able to keep those children as children as we ensure that we bring them back to the required standards.

With those remarks, I support.

**The Temporary Deputy Speaker** (Hon. Christopher Omulele): Very good contributions. The Hon. Mabongah Mwambu, Member for Bumula.

**Hon. Mwambu Mabongah** (Bumula, Independent): Thank you, Hon. Temporary Deputy Speaker.

At the outset, I want to congratulate my brother, Hon. Washiali, for bringing this great Motion before the House. Life is sacred. As we speak here, we need to have some time to see what happens behind bars; in our prisons. That is before we can even comment. I have heard some comments that we can as well have our young people being punished from the prisons. One thing you ought to know is that a punishment to a young offender achieves very little. On the young people that we are talking about, according to the statistics we have just been given a number of 235. We need to ask ourselves some questions, just like what *Mheshimiwa* has just said. That even before those young people are arraigned in court, I do not know whether the authorities have ever taken time to do an assessment to know why they are behaving in such a manner.

On punishing young offenders, let us consider the fact that those are people who are going through different situations, like what my brother has just highlighted. The environment in which young people are being brought up right now is not the same environment in which we were brought up. Some of us had time to sit with our parents; we had time to sit with our grandparents. I doubt whether some young people right now communicate with their grandparents. The direction we were given when we were young is not the directions that our young people are being given. They are on television every day. They copy quite a lot of things. I have even listened to one Member quoting from the Bible and justifying punishment. That is misinterpretation. The hermeneutics of the Bible is very different from that of story books. We need to understand the emotions of young people. We need to understand their capability to hold in the environment they have been put in. You realise what the Government is doing through the Big Four Agenda and the Motions that we have just discussed about youth unemployment. If I may connect it with what we are discussing now, we need to look for a solution. If you go to the counties, you will find many young people loitering in the streets. If we are talking of approved or rehabilitation schools being enhanced, we should be talking of each county having at least one rehabilitation school so that the young children that are loitering on the streets of our counties can have somewhere to go to.

A rehabilitation school is just like a health facility. Those people need to be restored. What is your intention when you take a young person to prison? Is your intention to punish or to reform? Is your intention to restore or destroy? Is your intention to salvage the dream of young people or to destroy their dreams? I have even heard one Member saying that we need to look into the issue of having them in prison for even a day, two days or even a month. One thing you ought to know is that when those children are in school or college – let us talk of children who are in high school and are below 18 years old - they are in an environment where a teacher is always with a book and, probably, with a chalk. Now, what happens immediately you transfer that child from there to a prison where the caretaker is holding a gun? Do you know what comes

into the mind of this young child? He knows that he is now a criminal and, therefore, he or she has to look for mechanisms of defending him or herself.

So, as we discuss this Motion, I request my brother to, first of all, make a follow up. We talk of counsellors. We have some pastors in schools who give counselling services and yet, they are not trained. We need professional counsellors so as to reduce the number of youths in the streets of our towns.

Thank you, Hon. Temporary Deputy Speaker for giving me time to contribute to this great Motion.

**The Temporary Deputy Speaker** (Hon. Christopher Omulele): Hon. Mboko Khamisi, Member for Likoni.

**Hon. (Ms.) Mishi Mboko** (Likoni, ODM): Ahsante sana, Mhe. Naibu Spika wa Muda. Nami pia nasimama kumuunga mkono kakangu, Mhe. Jomo Washiali, kwa kutuletea Hoja hii. Ni kama amejua mwambao wa Pwani na mambo ambayo yanajiri wakati huu hata katika *constituency* yangu. Kwa hakika, vijana wengi wameathirika sana na mihadarati. Mambo ya mihadarati imewafanya vijana kuingia katika magenge haramu na hata magenge ya ugaidi. Sisi, kama Wakenya na viongozi, tumefanya machache kuhakikisha tumeweza kuunasua umma wetu na vijana hao wadogo. Kabla hatujazungumzia mambo ya kuwanasua vijana hao ama kuwabadilisha tabia, tujiulize katika taifa letu iwapo taasisi ambazo zinaweza kubadilisha watoto wetu tabia ni ngapi.

Pale ambapo kuna taasisi, unapata hakuna walimu, hakuna washauri na pia hakuna vifaa. Utapata ya kwamba pia ni taasisi ambayo mipangilio yake imechanganya watoto wa kike na watoto wa kiume. Hivyo basi kuwafanya watoto wa kike kuathirika na mambo ya ubakaji. Ningependa kuunga mkono sheria ambazo zinasema watoto wadogo ambao wako chini ya miaka 18 wasiwekwe rumande ama jela pamoja na watu wazima. Mara nyingi wanapowekwa katika sehemu kama hizi, badala ya kubadilika tabia, wanaendelea kuwa sugu. Kwanza wale watoto wadogo waliopelekwa jela, wale wazee ambao wamekuwa jela kwa miaka mingi, huweza kuwatumia kwa njia mbaya kama kuwalawiti. Tumepata kesi nyingi sana ambazo watoto wadogo ambao wamepelekwa jela wameweza kulawitiwa hivyo basi kuhatarisha maisha yao.

Nataka tujiulize kama Wakenya, sasa hivi, mahakama zetu zimejaa kesi nyingi sana. Kuna kesi za watoto wadogo ambazo bado ziko katika mahakama zetu. Vile vile, tunapata jela zimejaa watoto wadogo na jela zimekuwa na msongamano mkubwa sana mpaka imekuwa hatari kubwa kwa wakenya wengi ambao wanawekwa katika jela hizo. Hii ni njia moja ya kuhakikisha ya kwamba, katika kupunguza kesi ambazo ni ndogo ndogo za vijana wadogo na pia kupunguza vijana wadogo kuwa katika jela na kupunguza msongamano, lazima tuongeze taasisi zinazofaa katika kunasua vijana wetu.

Vijana wengi wanaoingia katika mambo kama haya, wengine ni kwa sababu pengine familia zao zimevunjika. Baba na mama wamekuwa mbalimbali na wamewacha majukumu yao juu ya watoto. Wengine pia ni wazazi ambao wamekufa. Kuna majanga ya ukimwi, wazazi ambao wamefariki, mtoto amebaki akirandaranda, hana wa kumuangalia ndiposa anaingilia mihadarati na magenge kama hayo. Je, swala la ushauri, tunalifanya kwa njia inayofaa ama tunalifanya tu ili tuambiwe kwamba tumefanya? Tukiangalia hata katika shule zetu, walimu wa ushauri ni wachache. Utapata shule nzima ina mwalimu mmoja wa Kiswahili na shule hiyo ina watoto zaidi ya mia tano. Je, mwalimu huyu mmoja atamshauri nani amuache nani? Lazima swala la ushauri na walimu wa ushauri wawe wa kutosha ndiposa matukio kama haya ya watoto kuchoma shule yaishe.

Vile vile, lazima walimu waweze kubadilisha riwaya. Kwa kimombo tunasema: “An alternative narrative.” Riwaya ya kwamba mtoto ambaye ni mtundu anakuwa ni adui wa mwalimu ama anatengwa anawekwa kando. Riwaya kama hizi hazitasaidia watoto kama hao. Lazima walimu wawafanye marafiki wale watoto watundu ama wale wameingilia mihadarati, wawaweke karibu, wawapatie ushauri ndiposa tutapata ya kwamba hatutakuwa na watoto wahalifu kama hao.

Ningependa kuzungumzia jela na rumande zetu. Tunazijua zilizovyo. Hivi karibuni, katika eneo bunge langu, nilikosana sana na OCS wa eneo la kwangu wakati msichana wa miaka kumi na miwili alikuwa ameshikwa, akawekwa rumande ambako kuna wazee na wanaume chumbani. Msichana wa miaka kumi na miwili amewekwa katika chumba kama hicho! Jamani...

**The Temporary Deputy Speaker** (Hon. Christopher Omulele): Hon. Mishi, you will have an extra minute to wind up.

**Hon. (Ms.) Mishi Mboko** (Likoni, ODM): Ahsante sana, Naibu Spika wa Muda. Ndio nasema tusiwaweke watoto kama hao wa kike katika rumande na kina baba, watu wazima ambao wako pale. Tunajua hisia ni tofauti na wakati jinsia mbili zimekutana mahali kama pale ambapo huwa pana giza, mambo mengi hutokea. Je, hao watoto wetu wa kiume tutawachunga vipi kuhusiana na mihadarati? Katika jela zetu na rumande zetu, kuna wafungwa sugu ambao wanakuwa vichuuzi wa mihadarati, na vijana wanapokuwa pale, mbali na kuwacha mihadarati, wanazidi kuitumia. Unapata sigara zinazwa na kutiwa mihadarati na maafisa kadhaa kuhusika kabisa kufikisha vitu kama vile katika jela hizo. Lazima tuangalie upeo mkubwa sana, tupige msasa na tujue tutawanasua na kuwasaidi vipi vijana ambao ni zaidi ya asilimia 70. Bila ya kufanya hivyo kuanzia chekechea hadi shule zetu za upili na katika vyuo vikuu, basi jamii hii ya taifa la Kenya itaangamia na hatutaweza kuwa na vijana ambao wataweza kusimamia taifa letu na kuendeleza maendeleo.

Ahsante sana, Mhe. Naibu Spika wa Muda. Naunga mkono Hoja hii.

**The Temporary Deputy Speaker** (Hon. Christopher Omulele): Hon. Jaldesa Dida, Member for Isiolo.

**Hon. (Ms.) Rehema Jaldesa** (Isiolo CWR, JP): Thank you, Hon. Temporary Deputy Speaker for giving me this opportunity to contribute. I would also like to join my colleagues in thanking Hon. Washiali for bringing this very important Motion. As a parent of school-going children and as a leader, I rise to support this Motion.

As parents, we really face a lot of challenges in dealing with teenagers and I really understand the number that has been quoted by Mheshimiwa, that about 235 children were arrested. This is because children encounter a lot of challenges that range from peer pressure, technology advancement; pressures of adolescence, poor parenting, negligence, absentee fathers, and the challenges are massive. We cannot even finish the list of the challenges. Therefore, we will not be right as leaders and as parents to condemn our children, much as we say that we should also not encourage this negative vice.

I strongly support that we should have established rehabilitation schools because statistics show that the approved schools we have in Kenya have only 11 juvenile remands which have a capacity of 2,500 children. Therefore, with the rising issues, it will not be enough.

I am sure everyone here understands the danger of putting our young children with other criminals. The reports indicate that children have been sodomized in those remands.

I have encountered youths in Isiolo who were arrested for petty offences but, when they came out of those remands, they became hardcore criminals. I have those experiences. I have tried to mentor some, but it is still a big challenge.

As we establish those centers, what we really need is to have mentoring programmes for the young people. The parents are absent and they do not consult their grandparents as we did in our generation. They do not have leaders they can look up to. Therefore, when we establish those centers, one of the things that we must emphasize is mentoring programmes. Secondly, we need guidance and counselling for our youth. I do not know whether it is there in other places but in my county, Isiolo, we do not have a juvenile center and we do not have centers where the youth can be counselled. I have not seen it in churches or in mosques. So, we must emphasise that we must have guidance and counselling centers. Our youth have a lot of talents. We should take this opportunity, especially when they break the law, to nurture their skills so that they can head in the right direction.

I want to finish by saying that the youth of this country are really going through a lot of challenges as was said in the morning, when we were contributing to the Motion that seeks to declare youth unemployment a national disaster. If we follow it up with *Mheshimiwa Washiali's* Motion, we are likely to have our country back. But as it is now, when I go around, I see a lot of vices and it really breaks my heart, especially issues to do with the youth. Therefore, I support and urge *Mheshimiwa Washiali* to use his position and make sure that this Motion is followed up.

Thank you, Hon. Temporary Deputy Speaker.

**The Temporary Deputy Speaker** (Hon. Christopher Omulele): That is a lot of passion from the heart. We shall now hear from a youthful Member, Hon. Luyai Amisi, on this issue.

**Hon. Caleb Luyai** (Saboti, ODM): Thank you, Hon. Temporary Deputy Speaker. My colleague is also youthful and he is demanding to also make a few remarks. So, please consider Hon. Babu Owino.

**The Temporary Deputy Speaker** (Hon. Christopher Omulele): Hon. Amisi, you cannot have a union of youthful Members.

**Hon. Caleb Luyai** (Saboti, ODM): I am just representing the interests of the youth, Hon. Temporary Deputy Speaker.

**The Temporary Deputy Speaker** (Hon. Christopher Omulele): It is all right but Hon. Babu has just walked in. He will wait in line to have an opportunity.

**Hon. Caleb Luyai** (Saboti, ODM): Thank you, Hon. Temporary Deputy Speaker. Without consuming my time, I would like to make my comments. I rise to support this Motion by *Mheshimiwa Washiali*. It is quite a timely one. Our youth, mostly the adolescent children, are exposed to internet and social networks and what they learn there, the movies they watch and what they read influence their lives. In that case, most of them become juvenile delinquents. It calls for a programme to re-evaluate our rehabilitation centres in terms of strengthening them, establishing others in areas that do not have and equipping them to standards that are able to take care of our youth.

Most parents of those young children are so busy with their daily chores trying to fend for their families, leaving the children at the mercy of the world. There are teachers who try to come in and in most cases; you have seen teachers being accused of beating up children because they are not well trained to handle cases of young children misbehaving. Recently, you saw a very young student being arrested for possession of *cannabis sativa*. Surely, this is a case that has become inevitable at this juncture that we need as a nation to concert our efforts so that our

children are brought up in the rightful manner that is befitting of our nation. Most of the parents love their children so much to an extent that they do not punish them where they need to correct them. They do not even try to inflict some pain where necessary because of the love they have for their children. When they are left at the mercy of teachers, some rogue teachers go beyond disciplining children. So, this Motion is timely.

We have been passing so many Motions in this Parliament. What is not clear is what happens subsequently. Do we follow up on implementation? It is one thing to pass a Motion and another one to follow up whether it has some legislation to it so that it is passed and observed, so that we do not become a Parliament that just passes Motions and sits on them. We have passed so many Motions since the beginning of the year. Do we have a clear framework upon which we can know if they are implemented?

Thank you, Hon. Temporary Deputy Speaker.

**The Temporary Deputy Speaker** (Hon. Christopher Omulele): We shall now have Hon. Lomorukai Ekamais, Member for Loima.

**Hon. Jeremiah Lomorukai** (Loima, ODM): Thank you, Hon. Temporary Deputy Speaker for giving me this chance. I will start by recognising my honourable colleague, Mr. Jomo, for bringing this important Motion. Indeed, incidents of arson across the country have become so many. This surely puts us in an awkward situation in trying to determine what is really happening across the country. In mid-1980s when some of us started schooling, cases of arson were so rare; you could not experience even one. This means there is something wrong. Maybe, both parents and the Government are sleeping on their job.

The implementation of the Motions we pass here is important, like the one on creating counselling centres in all institutions such as primary and secondary schools. If that Motion was implemented, we would not, at this particular time, be talking of trying to create more centres. That is because it was passed. So, there is need for the Committee on Implementation to be following some of those Motions so that we avoid repeating the same issues.

If you try to recall what happened in Lokichogio some months ago, one of the students who was chased out of school went into the village and came back with a gun and killed more than five pupils in school. This surely tells us that the kind of scenario our children now live in has gone berserk. We need to do something. We need to support this very important Motion. It tries to tell the courts to enforce the laws that touch on children, especially the Children Act. What is contained there is what the courts should follow. They should not just be jailing children below the age of 18. They need to find the right places for them. This is what makes it critical that we create more centres across the country, even in places such as Turkana County. If an arson incident happens there, I think it would become hard to even transport those that have burnt the buildings. So, there is need to put up more centres across the country in places where probation centres are missing. I support this Motion strongly. I just urge that we need to implement the Motions that we pass here.

Thank you, Hon. Temporary Deputy Speaker.

**The Temporary Deputy Speaker** (Hon. Christopher Omulele): The Member for Loima, the way to follow up those Motions is that any Member here, including the Mover and yourself, can take it up and transform it into a Bill so that the House can effectively implement it.

I wish to recognise the presence, in the Public Gallery, of students from Kiburu Primary School in Ndia Constituency, who have come to observe the proceedings of the honourable House. They are welcome to observe the proceedings.

*(Applause)*

I will give this opportunity to Hon. George Kariuki, Member for Ndia, to make his contribution.

**Hon. George Kariuki** (Ndia, JP): Thank you, Hon. Temporary Deputy Speaker for giving me an opportunity to contribute to this very good Motion and to also recognise students from Kiboro Primary School, Ndia Constituency. This is part of my mentoring programme which is very much in line with the Motion of the day.

I am happy to contribute to this Motion. We know very well that rehabilitation centres should not be punishment centres. These are centres where children should be remoulded and sent back to the society. The children are fed and taught in school to be productive citizens. I also want to urge that counselling programmes need to be employed in our schools so that we can rehabilitate these children in a way that they fit back to the society as productive citizens in future.

Thank you very much and I support.

*[The Temporary Deputy Speaker  
(Hon. Christopher Omulele) left the Chair]*

*[The Temporary Deputy Speaker  
(Hon. Patrick Mariru) resumed the Chair]*

**The Temporary Deputy Speaker** (Hon. Patrick Mariru): Very well, we shall have Hon. Wafula Wamunyinyi. He has taken leave. Let us have Hon. Nyikal, Member for Seme.

**Hon. (Dr.) James Nyikal** (Seme, ODM): Thank you, Hon. Temporary Deputy Speaker. I support this Motion by Hon. Washiali. This Motion is premised on the fact that we have massive unrest in schools with very severe consequences. The basic problem in our society is the indiscipline in schools. This has shown itself in the most notorious ways such as burning of schools. If you get to the reasons why our children burn schools, you will realize that they are flimsy. For example, if they are refused entertainment, or the day for entertainment is changed, or if they desire early closure and half-terms, or when they fear exams, or even when resisting transfer of teachers which is not their role at all, they resort to burning schools.

This is an indication of a big problem of indiscipline. Look at the issue of cheating in exams. We are aware that students have tried forcing heads of schools to make exam papers available to them in advance. They want to be allowed to go to exam halls with mobile phones. In some cases, even parents are involved. I do not understand how a parent can participate in cheating so that a child passes exam. Passing is not as equivalent to knowing and so we have a big problem. At the end, as the children grow up, they get into more serious criminal activity and deviant sexual behaviour. So, we have to look at the role of adults in society. What is our role as leaders and role models? What is the role of parents? When our children see what we, leaders and adults do, they obviously realise that there is no need for discipline. We know of cases where parents have even attacked teachers who have tried to discipline their children. So, the situation we have in the country is a breakdown of discipline. As parents, we have not taken our roles seriously and the children we present to schools and teachers are already bad material, not properly disciplined.

The problem of indiscipline, as I see it, is not in schools but in our homes and in the society at large. What is the role of Information Technology (IT)? Children these days organise strikes such

that they happen at intervals. They do that through mobile phones. Indeed, it is a national problem. But be that as it may, when we are addressing these issues we should not hurt these children more but find ways of addressing the national problem. We need to relook at parenting and then deal with the children in a way that rehabilitates them and does not hurt them any further.

This is recognised in the Children Act of 2012 and it emphasises that during incarceration children should not be put in the same cells or prisons with adults because they are liable to abuse and could be used within the systems to commit more crime or abet it. Our system recognises this and we have 12 remand homes for children in this country. We have special cells for children. We have institutions that could host children instead of putting them in prison. We have 10 rehabilitation centres and we have eight rescue centres for children. So, it is true that we have a system.

I support Hon. Washiali's Motion.

**The Temporary Deputy Speaker** (Hon. Patrick Mariru): Very well. Shall we have Member for Samburu East?

**Hon. Jackson Lekumontare** (Samburu East, KANU): Thank you, Hon. Temporary Deputy Speaker for giving me this chance to contribute to this Motion. Our children are going through so many problems. Their being imprisoned with adults is not the solution. The rehabilitation centres are there to correct behaviour and must be improved. When one is taken for that sort of correction, they are not meant to suffer. These centres ought to be allocated with resources so that children do not suffer during the correction period. Our schools have so many challenges which cause the students to do wrong. This is not to say that they have to mix with adults.

We need to revive these centres so that we have a place where we can go and correct the unbecoming behaviour in our children. We have cited so many issues affecting schools and we now need to come to our senses and rehabilitate the schools by giving them resources to enable us correct the children's behaviour. Children are being used by adults to do wrong and they end up in prison.

Therefore, as a country, we need to revive these centres. I support Members who have said that we need more of these centres. In some places, taking children to centres is problematic. We need to have many of them so that our children can get good services because the intention of taking them there is to correct them. Children should not be mixed with adults because we know what happens in these prisons. It is very important for us to take care of our young children. It is not correct at all, for minors to be mixed with the adults.

Therefore, I support this Motion. We need to revive rehabilitation centres for the sake of the students.

Thank you and I support.

**The Temporary Deputy Speaker** (Hon. Patrick Mariru): Hon. Wafula Wamunyinyi, I know you have been very patient and that is why you are top on the list. However, after inserting your card do not move too far from where you want to speak from. You now have the Floor.

**Hon. Wafula Wamunyinyi** (Kanduyi, FORD-K): Hon. Temporary Deputy Speaker, I was taking a health break and was within the precincts of the House. However, thank you, for giving me an opportunity to make a contribution on this important Motion by Hon. Benjamin Washiali.

This Motion should not urge the Government. Remember a colleague proposed that this House should make a resolution that certain steps be taken by the Government, to put in place administrative measures to deal with cases of children in schools who are suspected of having

committed some offence. The Mover is not talking about street children. I want us to be careful with our words when referring to child or juvenile delinquency. This Motion targets children, and students in schools from normal families.

Therefore, it is important to recognise that it is illegal and unacceptable to take children to a prison and remand them with adults. This is not something we need to debate about because the law is very clear on it. The point I wish to bring out is that detention of children cannot be done outside the law. The law is very clear on how to handle children or the offenders who are under age. It is important for us to stress this so that it is adhered to.

The most important fact that we need to establish is the root causes of cases referred to by the Mover of this Motion; that is burning of schools and indiscipline. We need to know the root cause and why it is happening. This needs to be investigated and addressed. In fact, my colleagues who have spoken earlier have talked about continuous guiding and counselling in schools. Something we have talked about many times and passed laws on.

Kenya now has an increasing number of counsellors and psychologists in the market who are not utilised to help us deal with cases such as the ones in question. We also have the borstal institutions but they are not necessarily institutions where you can take a child who has committed some indiscipline in school. There is also a procedure of taking young offenders to borstal institutions and approved schools. Therefore, it is important for us to follow the law.

Recently, the Governor of Uasin Gishu County picked up all the street children in Eldoret, put them in a truck and dropped them in Bungoma and Busia. Now Bungoma city is full of street families. There should be a way of dealing with these issues as opposed to treating them as criminals. I want to appeal that as we go further and address the issues affecting these school children...

**Hon. Caleb Kositany** (Soy, JP): On a point of order, Hon. Temporary Deputy Speaker.

**The Temporary Deputy Speaker** (Hon. Patrick Mariru): Order? What is it Hon. Kositany Caleb?

**Hon. Caleb Kositany** (Soy, JP): On a point of order, Hon. Temporary Deputy Speaker. Hon. Wamunyinyi has just mentioned that the Governor of Uasin Gishu County rounded up street children and dropped them in Bungoma. I do not know whether he has facts or he is just making wild allegations. I come from Uasin Gishu County and I know such a thing did not happen. Therefore, he should withdraw and apologise.

**The Temporary Deputy Speaker** (Hon. Patrick Mariru): Hon. Wafula Wamunyinyi, when prosecuting your point, this matter seems to be contentious.

**Hon. Wafula Wamunyinyi** (Kanduyi, FORD-K): Hon. Temporary Deputy Speaker, I think I understand the rules of the House. When I say something, I know I am right. I know that street children from Eldoret were dropped in Bungoma. They were carried on a truck and this is a fact. This information was all over.

**The Temporary Deputy Speaker** (Hon. Patrick Mariru): Order! Order, Hon. Wafula Wamunyinyi! You can tell that Hon. Kositany is completely uncomfortable and in contention. Proceed please.

**Hon. Wafula Wamunyinyi** (Kanduyi, FORD-K): Hon. Temporary Deputy Speaker, the way I brought it out, I was not accusing the Governor of Uasin Gishu. I am saying there should be a way of addressing the issue of street children in all the cities in the country. They should be rehabilitated taken to borstal institutions and approved schools so that they can become good citizens of this country.

With those few remarks, I beg to support this Motion.

**Hon. Onyango Oyoo** (Muhoroni, ODM): On a point of order, Hon. Temporary Deputy Speaker.

**The Temporary Deputy Speaker** (Hon. Patrick Mariru): What is it, Hon. Oyoo Onyango, Member for Muhoroni.

**Hon. Onyango Oyoo** (Muhoroni, ODM): On a point of order, Hon. Temporary Deputy Speaker. I may be a little bit late. However, I wanted Hon. Wamunyinyi to state with facts how he knows about the Governor of Uasin Gishu County. This is because he is not present in this House to take personal responsibility. This is not something you can just wish away. That a Governor can wake up and pack up street children in a lorry and take them elsewhere. It is something which must have evidence. Otherwise, we cannot wish away something said by someone who has just thought about it or heard it elsewhere. This is very important because he is a responsible person.

**The Temporary Deputy Speaker** (Hon. Patrick Mariru): I think Hon. Kositany had raised the same point of order. Hon. Wafula Wamunyinyi behind there seems to be laughing in a manner suggesting that next time he will be a bit careful. Before we get to the next person, allow me to recognise the presence of St. Bakhita Girls Secondary Kiangini; Makueni Constituency, Makueni County. They are most welcome. Hon. Kosgei.

**Hon. Hilary Kosgei** (Kipkelion West, JP): Thank you, Hon. Temporary Deputy Speaker for allowing me to add my voice on this very important Motion. Recently, we saw students burning schools and being caught with *bhang*. However, one thing we have to bear in mind is that a child is always a child. Therefore, the mental capacity of a child is not fully developed and they can easily be influenced.

Initially, if parents and teachers are careful enough, they can pinpoint students who are likely to have criminal behaviour. First of all, they will start with a lot of cheekiness after which they easily graduate to having mob behaviour. With the onset of mob behaviour these children graduate to taking drugs, alcohol and engaging in criminal activities like burning of schools. Therefore, what should we do when a child or student has done a criminal activity, for example, when he or she is found with *bhang* and has participated in burning of an institution? Should we put them in police cells or remand prisons where adults and hardcore criminals are?

The answer is no because it is inhuman and also unlawful. Imagine a 12-year-old student being put in a cell where there are adults and these adults are not just ordinary adults but criminals. Within one week, the moment you release that child either from remand or from the police cells, that child is already hardened and will become a criminal. The things that the child will go through in that cell or the remand prison cannot be said. They will be abused and when I say abused I do not mean abusing verbally. There are various other ways of abuse which are very bad.

So, as a country, what do we need to do? First and foremost, it is high time parents and teachers took their responsibilities seriously. It is not enough for parents just to send their children to school and that is the end of it. In fact, nowadays, it has gone to a stage that parents actually wish there were no school holidays because they do not want that responsibility. It is high time parents took those responsibilities. Teachers should take caution on children who are likely to go that route.

Thirdly, we need to increase the number of functional approved juvenile schools. Those students should carry on with their normal education. Let us not just go there and make them carpenters. They should just continue with their normal learning. At the same time, counselling should go on. That is to mould their behaviour towards what is required. The question of the

cane is actually debatable. It is something to be discussed. I believe it has a place but we should be very careful because occasionally we may have sadistic teachers who may...

**The Temporary Deputy Speaker** (Hon. Patrick Mariru): Shall we now have Hon. Mukwe Lusweti, Member for Kabuchai.

**Hon. James Mukwe** (Kabuchai, FORD-K): Thank you, Hon. Temporary Deputy Speaker, for giving me this chance to contribute to the Motion. As the saying goes, charity begins at home. We have some parents who do not take care of their children. They leave their children to live as if they are in the streets. When they make mistakes, they are not punished. That encourages the child, even if he is in school, to always make mistakes and they do not expect anything to happen to them. If a child is taken to prison, the cells or to remand, the fingerprints are taken and once they are taken, this child remains a criminal throughout their life. Nowadays, if you want to get a job, there is an issue of certificate of good conduct and once your fingerprints are taken as a criminal, you will never get it.

The cells in Kenya are in bad condition. When our children are taken to the cells, they will go through hardships. They are sodomised and you know once something like that happens to a child, he will remain a victim. As much as he grows up, he will not get a good life like others because he was molested when he was in cells. For instance, take the girl who burned a school in Nairobi. A young girl burned a school and the parents said they cannot punish their child because she was in school and was in the company of others. Clearly that was the student who burned the school but the girl was sent away without being punished. That encourages others to do such mistakes.

Secondly, these children are underage and once they are put in the cells... There is a lot of congestion in our cells. Let us establish the approved schools or the rehabilitation schools so that our children are advised, taught good manners and taken through that course that will take them into life as adults and as responsible people. This is a timely Motion because our children are suffering. Taking children to cells and remand will not correct the behaviour of our children. They must be counselled and they must be in school. Some of those who are in schools like chaplains are not trained. Those children go there without even a course or anything about guidance and counselling. They must be trained so that when they are in school preaching to our children they can also counsel and guide them.

With those few remarks, I support.

**The Temporary Deputy Speaker** (Hon. Patrick Mariru): Hon. Wanjiku.

**Hon. (Ms.) Wanjiku Kibeh** (Gatundu North, JP): Thank you, Hon. Temporary Deputy Speaker, for this opportunity. I have really waited with bated breath for this opportunity to add my voice in this important Motion that we need to strengthen the rehabilitation schools in our country. I agree with my colleagues that the issues of juvenile delinquency are, of course, triggered by socio-economic status in our homes and community. As we look at this issue, it is a very important matter that we need to address at this time because when we have our students engaging in criminal activities in schools, then we need to get very worried about the leadership and the generations to come.

We are privileged in Kiambu to have one such school called Kirigiti Rehabilitation Centre. I have had an opportunity to visit this school. Of course, they play a very important role, but we must also remember that some of these institutions came up during the colonial times. Therefore, the programmes majority of them run are outdated. When we consider and look at today's society, we know how parenting has become difficult. I am a parent of an adolescent and I can tell you it is not easy. As we look at strengthening these institutions, I also believe we must

also be very cautious of what we will do to ensure that community-based rehabilitation programmes are also strengthened in the community.

Why am I saying this? In the community where I come from, a child was never owned by a family but he or she was owned by the community. What this means is that if my child misbehaves in my neighbourhood, my neighbour had the opportunity to discipline this child. For me, even as we try to strengthen the rehabilitation schools, the issue of community-based rehabilitation is very important. I am looking at a situation whereby we can use the security structures that we have established like *Nyumba Kumi*. We should look at how to strengthen them and give them mandate because currently they are operating in a very amorphous status. So, can we also look at such initiatives to ensure that the child or adolescent at the community level, apart from the family, also has support that ensures that they remain as good people in the society?

There are two critical issues. First, let us look at the programmes and strengthen them. Those programmes have been there for a very long time. We need to rethink them.

Secondly, let us use the community-based rehabilitation model to ensure that we mentor our youth and ensure that they do not get into juvenile delinquency.

I support the Motion.

**The Temporary Deputy Speaker** (Hon. Patrick Mariru): Hon. Members, Hon. Babu Owino has resorted to raising his hand. I am afraid, Hon. Owino, and many other Members who have registered interest to speak to this Motion that, the time allocated to this Motion is over.

*(Hon. Babu Owino spoke off record)*

Order, Hon. Owino! If Hon. Washiali was gracious enough he can donate a minute or two to you. We must call the Mover to reply now. He can donate one or two minutes to different people. Let us have Hon. Washiali.

**Hon. Benjamin Washiali** (Mumias East, JP): Thank you, Hon. Temporary Deputy Speaker. The Motion has overwhelming support. Many Members still want to speak. If you allowed me, I would donate one minute each to Hon. Odanga and Hon. Babu Owino.

**The Temporary Deputy Speaker** (Hon. Patrick Mariru): Let us have Hon. Odanga.

**Hon. Geoffrey Odanga** (Matayos, ODM): Thank you, Hon. Temporary Deputy Speaker. I support the Motion as moved by Hon. Washiali. Our children who are under eight years of age and are juvenile should not be incarcerated, remanded and imprisoned together with adults. We are not forgetting the fact that any offender has to account for their offences. Children under 18 years of age should be handled separately from adults.

In 2016, I moved a Motion in this House to introduce chaplains in all secondary schools, and we passed it. It has not been implemented to date apart from a Cabinet Secretary one time saying that it would be implemented with effect from January this year. This has not happened. This should also be...

**The Temporary Deputy Speaker** (Hon. Patrick Mariru): Hon. Babu, you have a minute.

**Hon. Babu Owino** (Embakasi East, ODM): Hon. Temporary Deputy Speaker, I humbly request you not to cut me off because I have a very important and urgent issue to talk about.

Children below the age of eight years have no criminal minds. Those above eight years, or those with criminal minds, can only act because they are under duress or undue influence by their colleagues or other people in the society. Therefore, taking children with criminal minds who have committed offences to prisons will expose them and they will be misused and abused.

The intention should always be to correct and rehabilitate and not to punish. The Children Act, 2001 advances the protection of children.

**The Temporary Deputy Speaker** (Hon. Patrick Mariru): Let us have Hon. Washiali. Hon. Babu, you were only given one minute.

Hon. Washiali, you have the remainder of the time.

**Hon. Benjamin Washiali** (Mumias East, JP): Thank you, Hon. Temporary Deputy Speaker. Hon. Babu's support had already been expressed. I thank all the Members who have supported this Motion. The Motion urges the House to make a resolution. When a Motion receives as much support as this one has, it means that the House has resolved that the Government must act. Therefore, I request the Committee on Implementation to take up this matter because this is already a resolution of the House.

Secondly, I wish to sit with the legal officers and look at what the Members have contributed in terms of developing this Motion into a Bill so that it can have the backing of the law.

I thank all the Members who supported the Motion and remind them that these are our children. Some of them are ours biologically. You cannot sit back and assume that the child who will be arrested and taken to a cell will be a child belonging to somebody else. It could be your own biological child. Let us protect all the children who belong to this country like they were our own children so that we safeguard them and their future.

Also, as required by Standing Order No.53(3), given the situation as it is in the House right now, you should defer putting of the Question to a later date.

**The Temporary Deputy Speaker** (Hon. Patrick Mariru): Hon. Washiali, in light of what you have just said at the end of your reply, I will defer putting of the Question on this particular Motion.

*(Putting of the Question deferred)*

Let us move to the next Order.

ESTABLISHMENT OF POLICY GUIDELINES ON  
ACQUISITION OF LAND FOR EXPANSION OF PUBLIC SCHOOLS

**Hon. Caleb Kositany** (Soy, JP): Hon. Temporary Deputy Speaker, I beg to move the following Motion:

THAT, aware that land is one of the most important resources in Kenya from which the country generates goods and services, and a source of livelihood for many people; further aware that land is a scarce resource which is highly sought for various economic and commercial purposes leaving little or no space for establishment of social amenities, including learning institutions; cognisant of the Ministry of Education guidelines which provide that the amount of school land should be sufficient with the minimum amount of land required being determined by enrollment; concerned that the increasing number of students in learning institutions puts a lot of strain on the available infrastructure especially those institutions which are established on limited space with no space for future expansion; this House urges the Government to establish policy guidelines on

land for expansion of public schools and sets aside a fund for acquisition of such land.

It is very important for Members to ventilate on this issue. What drove me to come up with this Motion is that I visited a school in my constituency which is in an area called Moi's Bridge Ward. The school sits on one acre of land and has 450 students. Looking at the young students enjoying themselves, you want to give them the most comfortable place to acquire their education.

An acre of land in that area goes for about Kshs1 million. The parents within that area live on an acre or less. They will definitely not be able to afford it if we say that they should contribute to the purchase of land. The money that we get from the National Government-Constituencies Development Fund (NG-CDF) and the money that comes down to our county governments is not sufficient for us to rapidly expand our facilities. This is because the rate at which the population is expanding is not the same rate at which we expand the facilities, especially the learning facilities. This is to urge Members to debate on this Motion and pass it so that we establish a fund that will be specifically for funding expansion of land for primary and secondary schools, and polytechnics.

It has also come to my knowledge that whenever we want to acquire land for schools using NG-CDF funds or even county government funds, whenever the owner of the land learns that the purpose of purchasing the land is expansion of facilities for a school, the price always triples.

Therefore, we also need to have guidelines so that we have a Government valuer to value the land and acquire it at the most competitive price or at the Government valued price so that we expand our learning institutions for now and for posterity.

Thank you, Hon. Temporary Deputy Speaker.

**The Temporary Deputy Speaker** (Hon. Patrick Mariru): You beg to move.

**Hon. Caleb Kositany** (Soy, JP): I beg to move.

**The Temporary Deputy Speaker** (Hon. Patrick Mariru): Who is seconding?

**Hon. Caleb Kositany** (Soy, JP): My brother from Meru is ready to second.

**The Temporary Deputy Speaker** (Hon. Patrick Mariru): Who is that brother of yours from Meru, Hon. Kositany?

**Hon. Caleb Kositany** (Soy, JP): Hon. Iringo.

**The Temporary Deputy Speaker** (Hon. Patrick Mariru): Hon. Kubai Iringo, the brother from Meru?

**Hon. Caleb Kositany** (Soy, JP): Yes. He is the new king from Meru.

**The Temporary Deputy Speaker** (Hon. Patrick Mariru): Hon. Kubai Iringo, please, you have the Floor.

**Hon. Kubai Iringo** (Igembe Central, JP): Thank you, Hon. Temporary Deputy Speaker. Let me thank my brother Kositany for giving me this opportunity to second the Motion.

Hon. Temporary Deputy Speaker, I beg to second the Motion and thank Hon. Kositany for bringing it. We have been blessed this morning because many students and pupils have come in our Chamber as we discuss about our children and education. So, it is a blessed Wednesday for us.

In seconding the Motion, I agree with my colleague that we need to have a fund to cater for needy cases of schools that do not have grounds. There is a prescribed average acreage of land required for establishing a school, but because of explosion in population more so because of the number of pupils we have in schools, some schools without big playing grounds have

become constrained. When that happens and the value of land goes up, it becomes quite difficult for parents or for us as leaders to buy more land. More so, as it has been said, if it is an institution going to buy land, the prices are very high. So, if we have a fund through the Ministry of Education, Science and Technology which will look at the cases of needy schools and not every other schools, the schools with limited land can be expanded through purchase of land identified and valued.

It is said that children must read and also play, but you find some schools in alleys of some shopping centres or even towns and children there leave classrooms to play around the door and go back to class. Such schools need a lot of land that costs a lot of money which parents cannot afford. The NG-CDF, which most people in rural areas rely on, is not enough to do all these things. But if the Ministry of Education, Science and Technology caters for that purpose or even the lands office provided it is monitored by the Ministry of Education, Science and Technology machinery who will identify the needy schools, it will be very prudent to do the same.

The vote which needs to be safeguarded seriously should also be monitored through the National Treasury so that the funds are used for the intended purpose.

Hon. Temporary Deputy Speaker, I beg to second.

*(Question proposed)*

**The Temporary Deputy Speaker** (Hon. Patrick Mariru): First is Hon. Mbui, Member for Kathiani.

**Hon. Robert Mbui** (Kathiani, WDM-K): Thank you, Hon. Temporary Deputy Speaker, for this opportunity. First, I want to begin by thanking Hon. Kositany for coming up with this timely Motion. Clearly, this is one of the problems we are facing as a nation in managing our educational institutions.

The first thing I want to point out is that, for quality learning to take place, there is need to have enough space for classes, offices, laboratories, and all sorts of amenities. More importantly, we need space where our learners in early childhood all the way up to secondary school can exercise their bodies and play. Different sporting activities are part and parcel of our curriculum. The tragedy is that majority of our institutions do not have space at all for the children to carry out these activities. In fact, it is shocking because some of our schools do not even have space for us to build extra classes. Therefore, when a school grows and requires expansion so that it can have extra classes or an extra laboratory, most times we have to look for land.

My experience under the NG-CDF is that when many of our schools are started, because of the need of the community to have a place where children can go to school, we always have someone donating land. So, under the NG-CDF programme, once it is agreed that a person has donated land and the land is available for public use, funds are availed from NG-CDF and schools are put up. But then, the most interesting thing is that after a short while, there is going to be required expansion and this same person who was a donor now becomes a seller. The rates at which they sell land after schools have been set up are incredible.

Therefore, it is important that this Motion passes and we ensure that there is a land policy on acquisition of school land because people who are adjacent and neighbouring schools take advantage, all the time, of these institutions and sell their land at prices that go way beyond the normal rates. So, it is important that this policy is set up so that as we go into the future, no one

takes advantage of an institution. The Government has policy on land where we can acquire land for construction of roads and for expansion of institutions. In my constituency, when a dam was put up, people were moved because that would serve the public. It is important that when this policy is set up, it displaces people who are near schools for purposes of providing quality education and space for expansion of our schools.

There is a programme the Government has of setting up technical training centres in our constituencies. The target is to have 290 of them. The minimum requirement in land is five acres. In many of our constituencies, we are forced to look for an institution that exists so that we can take it over and convert them into these technical training colleges. Unfortunately, you will hardly find an institution that has five acres. It is important that we support this Motion, set up land policy, and ensure that there is money set aside for purposes of acquisition of land.

As this fund is set up, it is important that we look at the rates that will be used. Again, we could set up a fund and agree that we will acquire this land from people by buying it at prices that are reasonably low. That can also happen. Whenever the Government takes over, the prices are set. It is important that as we set up this fund to be considerate to those people who have previously donated land.

With those few comments, I support and urge my colleagues to also support because it makes a lot of sense.

**The Temporary Deputy Speaker** (Hon. Patrick Mariru): Let us have Hon. Dawood Rahim.

**Hon. Rahim Dawood**, (North Imenti, JP): Thank you, Hon. Temporary Deputy Speaker. Even though we are debating another Motion, I had wished to contribute to the previous one. I agree with Hon. Caleb that we need to have a policy in place on how we can expand our public schools. We even need a policy whereby for schools in urban centers that have no more land to expand, the Ministry of Education, Science and Technology should set aside funds to facilitate the schools to grow structurally because in urban centers it is difficult to get land. Even if it will be available, it will be expensive. We need remedy for this. If it is done through the NG-CDF, it will be cheaper than giving money to the Ministry.

In the 11<sup>th</sup> Parliament, there was money - Ksh5 billion - that was allocated for classrooms construction from NG-CDF to the Ministry of Education, Science and Technology. You cannot believe it, but where we were constructing a classroom with Kshs650,000 to Kshs700,000 from NG-CDF, the Ministry was using Kshs1.2 million per classroom. So, we wonder whether there are two ways of making classrooms. We know how much it costs to make a classroom, how can it cost double? If this thing is left to the Ministry of Education, Science and Technology to go and source for land and expand schools, it will be wrong.

We have seen, for example, in the construction of the Standard Gauge Railway (SGR) where we had land acquisition, the prices shot up when they knew the Government wanted to buy. If it is a private buyer, the prize will be less than a quarter of the Government's value. So, if we have a policy on purchasing land, we need to know what the market rate was before land appreciated in a certain place. We need not just buy land, but we need to know where the land is. We have a lot of public land in this country that is lying idle, for example, in the chiefs' offices or elsewhere. We need to make use of such public land to establish schools because we cannot have public land being grabbed then we go to buy land for schools.

Therefore, I support this Motion and I hope once we establish the policy, as Members of Parliament, through NG-CDF, we will be given the money to build those schools. There is a school in my constituency that was built through NG-CDF Funds. By the time they were

building, they had not been given the title deed. Later, after a few years they realized that they had built on another parcel of land that was not theirs. The school had been allocated a neighbouring piece land. Now there is a problem of moving the school from where it is to where it is supposed to be. That is one of the things that the Government needs to sort out. If there is a portion of land belonging to someone else where a school has been built, it should be given to the person who owns the land that the school is currently occupying instead of creating bottlenecks.

I support this and we must have a good policy in place.

Thank you.

**The Temporary Deputy Speaker** (Hon. Patrick Mariru): Let us have, Hon. Karani Odhiambo.

**Hon. Christopher Karani** (Ugenya, ODM): Thank you, Hon. Temporary Deputy Speaker. I rise to support this Motion by Hon. Caleb Kositany. With the establishment of free primary education, we are aware that the enrollment in our schools went up by almost 100 per cent. Where we have reached at the moment, it is painful and we do not understand it. Some of our schools, as we speak, do not have space for expansion.

We have several schools in my constituency which are just upcoming. These schools however, lack the space or land for expansion. This has forced parents to turn to fundraising to get the land. This automatically leaves the burden to the parents whom we are aware have a problem paying school fees for these children in the first place. The Government has to come up with a policy that will establish funds that can be used anytime for the expansion of these institutions.

It is in the public knowledge that failure for us to get alternative land for expansion of academic purpose will lead us to fail. The performance of some of these schools cannot just go up because of lack of space for extra-curriculum activities. We have a saying that goes, “all work and no play makes jack a dull boy”. How can you expect students to perform when a classroom that is supposed to accommodate about 40, has more than 100 pupils? We are getting problems within our constituencies. In one of the schools I visited, you will find that in one classroom we have almost 100 pupils. These schools do not have space to build other classrooms. Even if we try to help out with the NG-CDF, we are unable. We may have funds to build the classrooms, but where are we going to put the classrooms?

Let me finalise by urging the Government to come up with a policy to ensure that we have enough funds and space to build extra classrooms. For the performance of our children to go up, we should also come up with other facilities like libraries in our primary and secondary schools. We cannot manage to have these things unless we have enough land to build these institutions to help us improve on performance of our children.

With those few remarks, I beg to support.

**The Temporary Deputy Speaker** (Hon. Patrick Mariru): Hon. Mutua Barasa.

**Hon. Didmus Barasa** (Kimilili, JP): Thank you, Hon. Temporary Deputy Speaker for giving me this opportunity. At the outset, I support this Motion. It is very important because it is the responsibility of Government to ensure that its citizens have access to proper education, both basic and higher.

As I have seen in other areas, the way you admit students for form one selection should not be done in the same manner cattle are stocked. I have seen the Ministry of Education, Science and Technology sending children to a school, stretching the facilities. I believe that the men and women in the Ministry are knowledgeable enough and should understand that you only

increase the population of a school, if it is through form one selection, when you have plans to increase the facilities for these children. It is very important to note that we have some primary schools whose total number of pupils in that school surpasses the teacher-pupil ratio. It is important that the Ministry has a policy that will ensure that the facilities are going to be expanded, *vis-a-vis* the number of students and pupils that are being admitted to the schools.

I have seen the Ministry allocating some schools Kshs50 million from infrastructural funds without rationale, that allocation of such funds should strictly be guided by the facilities and the population of the students. I want to appreciate Hon. Caleb Kositany for bringing this Motion. This is a Motion whose time has come and it should be the responsibility of Government to ensure that we have availability of land and money set aside to build classrooms for such schools.

That is the only way we can add value to the huge budgets that this House approves for use by the Ministry of Education, Science and Technology. Allocation of such money should never be at the whims of the Principal Secretary, but it should be dictated by the infrastructural requirements of various schools, like buying land and building, because NG-CDF is not enough. You understand that the amount of NG-CDF money available for such development is less than Kshs55 million, which is not enough to turn around the infrastructural needs of these schools. So, we must push the Government. As this House resolves, it is now upon the Committee on Implementation. I am aware that this House has passed very many Motions, but they have not been implemented.

As we support, it is in the same spirit that we will urge the Government to take what comes out of this House very seriously. It should not be business as usual; that we pass Motions and five years down the line, nothing is being implemented. The Motions that we pass here are the ones that will dictate, guide and direct future budgeting. We need to move away from the tradition where the Ministries sit down, come up with strategic plans without being guided by the various laws and Motions that this House has approved. It is Motions like this one that should guide them on what needs to be put in place, so that they budget money to implement whatever the House has approved.

With those remarks, I support the Motion.

**The Temporary Deputy Speaker** (Hon. Patrick Mariru): Hon. Kaunya Oku.

**Hon. Oku Kaunya** (Teso North, ANC): Thank you very much, Hon. Temporary Deputy Speaker. I rise to support the Motion by Hon. Caleb Kositany. It is a very important and timely Motion. The biggest problem that we have in our schools, especially for expansion purposes, is land given that the prices are not standardised. It is important that we develop a policy guideline and allocate funds to enable public schools acquire land.

Given the Government policy of 100 per cent transition, we have realised that most secondary schools require more classrooms. In Teso North, which I represent, each of the 33 secondary schools there requires a minimum of two extra classrooms but the classrooms have to be built on available land. Secondly, there is need to put up additional secondary schools, which will also require land.

The other big problem is that in the Physical Planning Act, there is provision for public utilities. In all land that is planned for development, public utilities are supposed to be provided for. That includes schools. Unfortunately, we have not been very keen in implementing the Act, which makes it mandatory to provide land for public utility, hence space for secondary schools. Therefore, this particular Motion, if implemented, will be able to help us develop guidelines to

ensure that public utility land is set aside in settlement areas, and that the Act is implemented to the letter.

At the same time, there are questions of standardising land prices. I think we have a big land problem even within our localities. For instance, you will find that within one area or constituency, land is being sold on a second rate where people speculate. When they hear that Ng-CDF is buying land for a school, the price goes up threefold.

Therefore, there is need in this particular policy guideline to insist on establishing a price of land that is applicable across the board so that with this standardisation, we save a lot of money to acquire adequate land for expansion of schools.

I support the Motion. Thank you.

**The Temporary Deputy Speaker** (Hon. Patrick Mariru): Member for Lari.

**Hon. Jonah Mwangi** (Lari, JP): Thank you, Hon. Temporary Deputy Speaker. I support Hon. Kositany on this issue because our schools are ballooning every day. Someone would say that Central Province is not adding the numbers but truth be told, when you go to my Constituency of Lari, I have five schools which need extra land and we do not have a policy for this.

Recently, I had to buy land for a school called Wangware Primary School which was the top school in my constituency. It is operating on half an acre of land. Students want to go out and play. They want to excel in extracurricular activities, we want to build more classes but we have no space. The Government should have a policy and also take an audit of all the schools that exist. In the 63 primary schools in my constituency, we need an audit to know how much acreage each school has. I have another school called Iria-ini. Every day they request for more land. I had to transfer another school called Lari Primary School from the location it was to a new establishment, taking a lot of budget which could be used in other infrastructural development. Many private schools are coming up just because we do not have enough space and good infrastructure in public schools. The Government should take it as a priority to give to schools land so that we can have more space for expansion, development, extracurricular activities and serenity in the schools.

We need land for colleges that are coming up in our constituencies. The other day, our County Woman Representative and governor had to look for land to build a rehabilitation centre. The Government should come up with a policy as to where we should put up all these - the technical training institutes that are coming up. Most time, this burden is given to the NG-CDF and the money is not increasing. We need a policy where the Government should add more money so that we can acquire land on need basis. So, an audit is necessary and that is why I support Hon. Kositany.

**The Temporary Deputy Speaker** (Hon. Patrick Mariru): Hon. Mohammed Sheikh.

**Hon. Mohamed Mohamud** (Wajir South, JP): Thank you. It is always important to realise that our institutions are very important social amenities that will definitely have a long term impact on our communities.

I support this Motion in saying that our schools should have sufficient space for our children to grow and prosper, for them to have social times and a time they can reflect on while they are out there outdoors.

Extracurricular activities are important and they require spaces where children can go to practise and train. These are spaces where children can have their own time as they require in life. What is very important is that land is a very emotive issue that requires to be considered quite well. When establishing schools and institutions, they require that space for them to grow.

As time goes by, the curriculum changes and hence we require places where curriculum can be practised and utilised.

Further to that, if I can take the example of Wajir South, there are so many schools that have been moved closer to towns and there is no space for expansion. It is important that our people, parents and families are aware that these institutions need places to expand.

Therefore, I support this Motion.

**The Temporary Deputy Speaker** (Hon. Patrick Mariru): Hon. Mohamed, you do not need to be in a rush to conclude. It is now 1.00 p.m. and the House must rise. You will have a balance of three minutes, when this Motion comes back next on the Floor as the House Business Committee will schedule it.

**Hon. Mohamed Mohamud** (Wajir South, JP): Thank you, Hon. Temporary Deputy Speaker.

**The Temporary Deputy Speaker** (Hon. Patrick Mariru): From the other Members, I can see quite a bit of interest on this Motion which is not concluded. There is a balance of 1 hour and 27 minutes. So, it will continue the next time when it is scheduled.

### ADJOURNMENT

**The Temporary Deputy Speaker** (Hon. Patrick Mariru): Hon. Members, the time being 1.00 p.m., this House stands adjourned until today at 2.30 p.m.

The House rose at 1.00 p.m.