



REPUBLIC OF KENYA

TWELFTH PARLIAMENT – (SECOND SESSION)

THE SENATE

ORDER PAPER

THURSDAY, NOVEMBER 22, 2018 AT 2.30 PM

PRAYERS

1. Administration of Oath
2. Communication from the Chair
3. Messages
4. Petitions
5. Papers
6. Notices of Motion (as listed in the appendix)
7. Statements (as listed in the appendix)

8. MOTION – REPORT OF THE SESSIONAL COMMITTEE ON COUNTY PUBLIC ACCOUNTS AND INVESTMENTS ON FINANCIAL OPERATIONS OF THE KIAMBU, BUSIA, KWALE, TANA RIVER, TRANS NZOIA, NYANDARUA, MIGORI, KISUMU, SAMBURU, KERICHO, BOMET, BUNGOMA, GARISSA, ISIOLO, KITUI, LAMU, MAKUENI, MANDERA, MARSABIT, MERU, MOMBASA, NYAMIRA, TAITA TAVETA, UASIN GISHU, VIHIGA AND WAJIR COUNTY EXECUTIVES FOR THE FINANCIAL YEAR 2013/2014 (1ST JULY, 2013 – 30TH JUNE, 2014).

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

THAT, this House adopts the Report of the Sessional Committee on County Public Accounts and Investments on the inquiry into the Financial Operations of Kiambu, Busia, Kwale, Tana River, Trans Nzoia, Nyandarua, Migori, Kisumu, Samburu, Kericho, Bomet, Bungoma, Garissa, Isiolo, Kitui, Lamu, Makueni, Mandera, Marsabit, Meru, Mombasa, Nyamira, Taita Taveta, Uasin Gishu, Vihiga and Wajir County Executives for the Financial Year 2013/2014 (1st July, 2013 – 30th June, 2014), laid on the Table of the House on Wednesday, 14th November, 2018.

9. MOTION – THE FIDUCIARY RISK REPORT OF THE SESSIONAL COMMITTEE ON COUNTY PUBLIC ACCOUNTS AND INVESTMENTS

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

THAT, this House adopts the Report of the Sessional Committee on County Public Accounts and Investments on Fiduciary Risk regarding issues raised by the Auditor General on public financial management by County Governments for Financial Years 2013/14 – 2015/16, laid on the Table of the House on Wednesday, 14th November, 2018.

...../Motion

10. **MOTION - ZERO RATING OF DUTY AND EXEMPTION FROM V.A.T ON LOCALLY MANUFACTURED SANITARY TOWELS**

(Sen. Abshiro Halake, MP)

THAT, WHEREAS Menstrual Health management among women and girls in Kenya has been a major issue particularly for the low income earners with about 65% of women and girls in the country who can barely afford sanitary towels each month;

AWARE that many girls and women are severely affected during menstrual cycle and are not able to consistently attend and concentrate in class and school work leading to poor performance;

FURTHER AWARE that if not handled appropriately menstruation can cause infections of the urinary tract and pelvic inflammatory diseases as well as bad odour, soiled garments and embarrassment, ultimately leading to infringement on the girls' dignity and other health related complications;

COGNIZANT that Menstrual Health Management (MHeM) is a health as well as an education issue and therefore a critical developmental hindrance in Kenya with statistics indicating that one in ten adolescent girls miss school and eventually drop out of school due to menstruation-related issues;

RECOGNIZING menstrual hygiene and affordable access to menstrual hygiene products is inextricably linked to rights to health, sanitation, education and dignity among other rights;

NOTING that the Basic Education Act, No.14 of 2013 obligates the government to provide free, sufficient and quality sanitary towels to every girl child registered and enrolled in a public basic education institution who has reached puberty;

CONCERNED that the cost of sanitary towels is too high and out of reach for many girls and women who are out of basic education institutions;

FURTHER CONCERNED that classifying and taxing raw materials for locally produced sanitary towels, as luxury items, is counter-productive to the government policies on enhancing the manufacturing sector and distribution of sanitary towels to schools;

NOW THEREFORE, the Senate resolves that the Government-

- a. prioritises gender sensitive budgeting as a way of addressing issues affecting women and girls; specifically menstrual health matters.
- b. initiates measures to ensure zero rating of duty on raw materials used for locally manufactured sanitary towels and zero rating Value Added Tax (VAT) on locally manufactured sanitary towels, to ensure affordability for the many poor households in Kenya; and
- c. advance further tax incentives to manufacturers for cheaper production of sanitary towels.

...../Motion

11. **MOTION - REPORT OF THE SIXTH ORDINARY SESSION OF THE FOURTH PAN-AFRICAN PARLIAMENT.**

(Sen. (Dr.) Abdullahi Ali, MP)

THAT, this House notes the Report of the Sixth Ordinary Session of the Fourth Pan- African Parliament held in Midrand, South Africa, from 7th to 18th May, 2018, laid on the Table of the House on Tuesday, 24th July, 2018.

12. **MOTION - REPORT OF THE 138TH ASSEMBLY OF THE INTER-PARLIAMENTARY UNION (IPU)**

(Sen. Susan Kihika, MP)

THAT, this House notes the Report of the 138th Assembly of the Inter – Parliamentary Union (IPU) and related meetings held in Geneva, Switzerland from 22nd – 28th March, 2018 laid on the Table of the Senate on Thursday, 21st June, 2018.

13. **MOTION - REPORT OF THE SENATE DELEGATION TO THE AFRICAN PARLIAMENTARIANS' NETWORK AGAINST CORRUPTION (APNAC) CONFERENCE**

(Sen. (Dr.) Isaac Mwaura, MP)

THAT, this House notes the Report of the Senate Delegation to the African Parliamentarians' Network Against Corruption (APNAC) Conference held in Ghana from 17th – 18th March, 2018, laid on the Table of the House on Tuesday, 19th June, 2018.

14. **MOTION - REPORT OF THE 62ND SESSION OF THE COMMISSION ON THE STATUS OF WOMEN**

(Sen. Abshiro Halake, MP)

THAT, this House notes the Report of the 62nd Session of the Commission on the Status of Women laid on the Table of the House on Tuesday, 17th July, 2018.

15. **MOTION - REPORT OF THE 49TH SESSION OF THE AFRICAN CARIBBEAN PACIFIC PARLIAMENTARY ASSEMBLY AND INTER - SESSIONAL MEETING**

(Sen. (Prof.) Margaret Kamar, MP)

THAT, this House notes the Report of the 49th Session of the ACP Parliamentary Assembly and Inter- Sessional meeting of the ACP-EU Joint Parliamentary Assembly held on 20th – 22nd March, 2018 in Brussels, Belgium, laid on the Table of the House on Tuesday, 31st July, 2018.

16. **MOTION - REPORT OF THE STANDING COMMITTEE ON LABOUR AND SOCIAL WELFARE ON THE 2018 COMMONWEALTH GAMES**

(Sen. (Dr.) Alice Milgo, MP)

THAT, this House notes the Report of the Standing Committee on Labour and Social Welfare on the 2018 Commonwealth Games held in Gold-Coast, Australia from 4th to 15th April, 2018, laid on the Table of the Senate on Wednesday, 1st August, 2018.

...../Motion

17. **MOTION - REPORT OF THE SENATE DELEGATION TO THE CONFERENCE ON ENHANCING THE ROLE OF PARLIAMENTARIANS IN THE INTERLINKAGE BETWEEN POPULATION ISSUES AND THE 2030 AGENDA FOR SUSTAINABLE DEVELOPMENT**

(Sen. Fredrick Outa, MP)

THAT, this House notes the Report of the Senate Delegation to the Conference on Enhancing the Role of Parliamentarians in the Interlinkage between Population Issues and the 2030 Agenda for Sustainable Development, held in New Delhi, India from 13th – 15th September, 2017, laid on the Table of the House on Thursday, 2nd August, 2018.

18. **MOTION - REPORT OF THE GLOBAL PARLIAMENTARY CONFERENCE (GPC) HELD AT THE WORLD BANK HEADQUARTERS**

(Sen. (Dr.) Abdullahi Ali, MP)

THAT, this House notes the Report of the proceedings of the Global Parliamentary Conference (GPC), held at the World Bank Headquarters, in Washington DC, United States of America from 16th to 17th April, 2018, laid on the Table of the House on Thursday, 12th July, 2018.

NOTICE

The Senate resolved on 14th February, 2018 as follows:-

THAT, pursuant to Standing Order 106 (1), the Senate resolves that debate on a Motion not sponsored by the Majority or Minority Party or a Committee shall be limited in the following manner:-

A maximum of three hours with not more than twenty minutes for the Mover, twenty minutes for the Majority Party Official Responder, twenty minutes for the Minority Party Official Responder and fifteen minutes for each other Senator speaking and that fifteen minutes before the time expires, the Mover shall be called upon to reply.

APPENDIX

1. NOTICES OF MOTION

a) SUPPORT OF DYSLEXIC PEOPLE OF ALL AGES TO REACH THEIR FULL POTENTIAL

(Sen. (Dr.) Getrude Musuruve, MP)

THAT WHEREAS Article 43 (1)(f) of the Constitution of Kenya explicitly provides for the right to education for all;

AND WHEREAS Article 24 of the Convention of the Rights of Persons with Disability (CRPD) recognizes the right of persons with disabilities to education without discrimination and on the basis of equal opportunity and that State Parties shall ensure an inclusive education system at all levels and lifelong learning directed to among others, the full development of the dignity and human potential of persons with disabilities;

NOTING THAT Dyslexia is a form of disability that involves difficulty in learning to read or interpret words, letters, and other symbols, but does not affect general intelligence;

COGNIZANT THAT with the appropriate intervention, dyslexic children have talents that can be nurtured in an inclusive setting;

DEEPLY CONCERNED THAT lack of appropriate curriculum for dyslexic learners in public schools disadvantages such learners resulting to failure to maximize their full potential;

NOW THEREFORE the Senate calls upon the national government through the Ministry of Education to:

1. ensure that educational needs of dyslexic learners are catered for in all public schools;
2. ensure a differentiated curriculum for dyslexic children is developed and accommodated within the regular curriculum;
3. allocate funds for purpose of developing Special Needs Education (SNE) support materials and resources for dyslexic children in regular public schools; and,
4. ensure that an inclusive mechanism is put in place to facilitate economic empowerment of dyslexic children as they transit from school to the work place.

b) REVIVAL OF THE POSTAL CORPORATION OF KENYA

(Sen. Cleophas Malalah, MP)

THAT AWARE THAT the Postal Corporation of Kenya is a state-owned Corporation established by the Postal Corporation of Kenya Act, (CAP 411) and operates as a commercial public enterprise;

FURTHER AWARE that the Corporation's mandate includes provision of accessible, affordable and reliable Postal Services to all parts of the country in line with its Mission to deliver innovative superior communication, distribution and financial solutions to its customers and create value to stakeholders;

NOTING THAT the corporation has remained the most accessible, affordable and effective communications platform in Kenya with a total of 623 outlets spread across the country;

CONCERNED THAT that the Corporation has very attractive and innovative services and a developed infrastructure that is underutilized, hampering efforts to carry out its mandate as enshrined in the Act;

ACKNOWLEDGING THAT the Corporation would see a much needed revival if included in the Government connectivity project through the National Optic Fibre Backbone project (NOFBI), aimed at ensuring connectivity in all the 47 counties of Kenya whose implementation aims to ease communication across counties as well as improve government service delivery to the citizens such as application of national identity cards, passports and registration of births and deaths;

NOW THEREFORE, the Senate calls upon the Ministry of Information, Communication and Technology in collaboration with the National Treasury, to:

- a) ensure fair distribution of postal outlets throughout the country with at least ten (10) functional Postal outlets in each of the 47 counties of Kenya;
- b) channel Government cash disbursements like the women fund, youth fund and the fund for senior citizens through the Corporation to enable the Corporation earn revenue through commissions charged;
- c) channel Government mail delivery, and clearing and forwarding services to the Corporation; and,
- d) channel Government Courier and logistical services through the Corporation.

2. STATEMENTS

Statements Pursuant to Standing Order No. 48 (1)

- i) The Senator for Wajir County (Sen. (Dr.) Abdullahi Ibrahim, MP) to seek a statement from the Standing Committee on Health regarding lack of medical supplies in Wajir County.
- ii) The Senator for Turkana County (Sen. Imana Malachy Ekal, MP) to seek a statement from the Standing Committee on National Security, Defence and Foreign Relations on the invasion and take – over of a Constituency Development Fund, National Government Project, namely the Kapetadiye dam, by pastoralists from a neighbouring country.

b) Statements Pursuant to Standing Order No. 51 (1) (b)

- i) The Chairperson, Standing Committee on Agriculture, Livestock and Fisheries to issue a statement relating to the activities of the Committee.
- ii) The Chairperson, Standing Committee on Devolution and Intergovernmental Relations to issue a statement relating to the activities of the Committee.
- iii) The Chairperson, Standing Committee on Education to issue a statement relating to the activities of the Committee.
- iv) The Chairperson, Standing Committee on Energy to issue a statement relating to the activities of the Committee.

- v) The Chairperson, Standing Committee on Finance and Budget to issue a statement relating to the activities of the Committee.
- vi) The Chairperson, Standing Committee on Health to issue a statement relating to the activities of the Committee.

c) **Statement Pursuant to Standing Order No. 52 (1)**

The Senate Majority Leader to issue a statement on the business of the Senate for the week commencing Tuesday, 27th November, 2018.
