



REPUBLIC OF KENYA

TWELFTH PARLIAMENT – FOURTH SESSION

THE SENATE

VOTES AND PROCEEDINGS

THURSDAY, MARCH 05, 2020 AT 2.30 P.M.

1. The Senate assembled at thirty minutes past Two O'clock.
2. The proceedings were opened with prayer said by the Speaker.

3. **COMMUNICATIONS FROM THE CHAIR**

The Speaker conveyed the following communications from the Chair-

(a) Visiting Pupils and Teachers from Chebigen High School, Kericho County

“Honourable Senators,

I would like to acknowledge the presence, in the Public Gallery this afternoon, of visiting Pupils and Teachers from Chebigen High School, Kericho County.

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

I thank you.”

(b) Visiting Pupils and Teachers from Moi Girls Kamusinga, Bungoma County

“Honourable Senators,

I would like to acknowledge the presence, in the Speaker’s Gallery this afternoon, of visiting Pupils and Teachers from Moi Girls Kamusinga, Bungoma County.

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

I thank you.”

(c) Visiting Pupils and Teachers from Alliance High School, Kiambu County

“Honourable Senators,

I would like to acknowledge the presence, in the Public Gallery this afternoon, of visiting Pupils and Teachers from Alliance High School, Kiambu County.

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

I thank you.”

(d) Visiting Pupils and Teachers from Zetech University, Kiambu County

“Honourable Senators,

I would like to acknowledge the presence, in the Public Gallery this afternoon, of visiting Pupils and Teachers from Zetech University, Kiambu County.

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

I thank you.”

(e) Visiting Pupils and Teachers from Nginda Girls High School, Murang’a County

“Honourable Senators,

I would like to acknowledge the presence, in the Public Gallery this afternoon, of visiting Pupils and Teachers from Nginda Girls High School, Murang’a County.

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

I thank you.”

(f) Visiting Pupils and Teachers from Pioneer Girls High School, Murang’a County

“Honourable Senators,

I would like to acknowledge the presence, in the Public Gallery this afternoon, of visiting Pupils and Teachers from Pioneer Girls High School, Murang’a County.

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

I thank you.”

(g) Visiting Pupils and Teachers from Thangira Umoja Secondary School, Murang'a County

“Honourable Senators,

I would like to acknowledge the presence, in the Public Gallery this afternoon, of visiting Pupils and Teachers from Thangira Umoja Secondary School, Murang'a County.

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

I thank you.”

4. **PAPER**

The following Paper was laid on the Table of the Senate-

Statement on the business of the Senate for the week commencing Tuesday, Tuesday, 10th March, 2020.

5. **NOTICE OF MOTION – PROVISION OF CEMETERY, FUNERAL PARLOURS AND CREMATORIA IN ALL COUNTIES**

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

THAT, AWARE THAT under Article 61 of the Constitution of Kenya, land in Kenya is classified into three categories, public, Community and private land;

FURTHER AWARE THAT, public land is vested in both the County and National Governments and is managed on their behalf by the National Land Commission, and that Article 62 (2) clarifies the distribution of public land between the two levels of government.;

COGNIZANT THAT, the Fourth Schedule of the Constitution delegates cemeteries, funeral parlours and crematoria as a function of County Governments;

CONCERNED THAT, cemeteries in the Country are filling up, and counties are finding it increasingly difficult to identify land to allocate as “public” for use as a cemetery with the knowledge that any cemetery or burial-place that is crowded and therefore dangerous to health is defined as constituting a nuisance in the Public Health Act;

NOW THEREFORE, the Senate calls upon the county governments to ensure that funds are allocated in the County Annual Development Plans for FY 2020/2021, towards the planning and development of cemetery, funeral parlours and crematory facilities.

6. STATEMENTS

a) Pursuant to Standing Order 47(1)

Nominated Senator (Sen. (Dr.) Alice Milgo, MP) made a statement concerning medical interventions to address the challenges brought about by diabetes in Kenya.

In her statement, she noted that the number of Kenyans living with diabetes is rising and deaths from the disease have doubled in the last three decades, and that a report by the World Health Organization in 2016, suggests that one in every 17 Kenyans is diabetic and the International Federation data figures show that there were 458,900 diabetes cases in 2017.

She was concerned that despite being termed as a lifestyle and manageable disease, especially with regard to Type 2 Diabetes, many more people are still getting diagnosed with it, and that low income members of society are worst hit by the disease. She was further concerned that this category of people lack easy access to information about the disease in terms of how it can be prevented, diagnosed or even managed, finances to screen, buy drugs or properly manage the disease, once diagnosed.

She urged the Standing Committee on Health to look at this matter and come up with conclusive recommendations on addressing diabetes in the country.

b) Pursuant to Standing Order 48(1)

- a) Nominated Senator (Sen. (Dr.) Alice Milgo, MP) sought a statement from the Standing Committee on Land, Environment and Natural Resources concerning the implementation of the National Land Use Policy in the counties.
- b) The Senator for Taita Taveta County (Sen. Johnes Mwaruma, MP) sought a statement from the Standing Committee on Education on the understaffing of Special Unit Schools in Taita Taveta County.
- c) The Senator for Taita Taveta County (Sen. Johnes Mwaruma, MP) sought a statement from the Standing Committee on Education on the supply of text books and learning materials to public schools.

c) Pursuant to Standing Order 51(1)(a)

The Chairperson, Standing Committee on Justice, Legal Affairs and Human Rights (Sen. Samson Cherarkey, MP) made a Statement on the inquiry by the Committee into extrajudicial killings and enforced disappearances in Kenya.

He informed the House that extrajudicial killings and enforced disappearances present a grave affront to the Constitution and the administration of justice, in that persons profiled or suspected to have committed crimes are summarily executed without being subjected to the benefit of a fair trial, where evidence may be presented against them and the opportunity to rebut such evidence granted.

He further informed the Senate that cognizant of its mandate as set out in the Standing Orders of the Senate, the Committee commenced an inquiry into extra-judicial killings and enforced disappearances in Kenya, with a view to establishing the factors that led to the continuance of this practice, and to making recommendations thereon on the interventions necessary to address the issue decisively.

He noted that the Committee had since undertaken site visits and met stakeholders in Nairobi, Mombasa and Kwale Counties, and preliminary observations and findings of the Committee disclose serious gaps in law and in enforcement of the law that have allowed these heinous practices to continue. These included: -

- a) the non-operationalization of the National Coroner Services Act, 2017 and the Prevention of Torture Act, 2017;
- b) the failure by the Inspector-General of the National Police Service to formulate and gazette regulations on the use of force and firearms, as required under the National Police Service Act;
- c) overlaps of mandates between IPOA and the Directorate of Criminal Investigations when it comes to investigating cases of arbitrary and unlawful use of lethal force by police officers;
- d) lack of independent oversight mechanisms for officers serving under the Kenya Wildlife Service (KWS), Kenya Forest Service (KFS), National Prison Service, and the Kenya Coast Guard Service, who do not fall within the jurisdiction of IPOA;
- e) refusal and/or failure by police officers to cooperate with IPOA during investigations into extra-judicial killings, including in making available documents, reports and evidence that would be necessary in ensuring full investigations are undertaken; and
- f) failure by police officers to comply with service standards, including in identifying themselves whenever they are carrying out an operation, and ensuring that all police records and registers are correctly, properly, timely and accurately entered, updated and kept.

He that the Committee plans to continue with its inquiry and to present its final Report later during the current Session.

d) Pursuant to Standing Order No. 52 (1)

The Senate Majority Leader issued a statement regarding the business of the Senate for the week commencing Tuesday, 10th March, 2020.

7. THE STATUTE LAW (MISCELLANEOUS AMENDMENTS) (NO. 2) BILL (NATIONAL ASSEMBLY BILLS NO.13 OF 2018)

(The Senate Majority Leader)

(Second Reading)

(Resumption of debate interrupted on Wednesday, 4th December, 2019)
(Division)

Order deferred.

8. THE SACCO SOCIETIES (AMENDMENT) BILL (NATIONAL ASSEMBLY BILLS NO. 1 OF 2018)

(The Senate Majority Leader)

(Second Reading)

(Resumption of debate interrupted on Tuesday, 18th February, 2020)
(Division)

Order deferred.

9. THE FISHERIES MANAGEMENT AND DEVELOPMENT (AMENDMENT) BILL (SENATE BILLS NO. 22 OF 2019)

(Sen. Moses Kajwang', MP)

(Second Reading)

(Resumption of debate interrupted on Wednesday, 19th February, 2020)
(Division)

Order deferred.

10. THE INDEPENDENT ELECTORAL AND BOUNDARIES COMMISSION (AMENDMENT) (NO. 3) BILL (NATIONAL ASSEMBLY BILLS NO.35 OF 2019)

(The Senate Majority Leader)

(Second Reading)

(Resumption of debate interrupted on Thursday, 20th February, 2020)
(Division)

Order deferred.

11. COMMITTEE OF THE WHOLE CONSIDERATION OF THE NATIONAL ASSEMBLY AMENDMENTS TO THE OFFICE OF THE COUNTY ATTORNEY BILL (SENATE BILLS NO. 3 OF 2018)

(The Senate Majority Leader)

(Resumption of debate interrupted on Tuesday, 25th February, 2020)
(Division)

Order deferred.

12. **COMMITTEE OF THE WHOLE**
CONSIDERATION OF THE NATIONAL ASSEMBLY AMENDMENTS TO THE
PETITION TO COUNTY ASSEMBLIES (PROCEDURE) BILL (SENATE BILLS NO.
22 OF 2018)

(The Senate Majority Leader)

(Resumption of debate interrupted on Tuesday, 25th February, 2020)
(Division)

Order deferred.

13. **COMMITTEE OF THE WHOLE**
CONSIDERATION OF THE NATIONAL ASSEMBLY AMENDMENTS TO THE
EARLY CHILDHOOD EDUCATION BILL (SENATE BILLS NO. 26 OF 2018)

(The Senate Majority Leader)

(Resumption of debate interrupted on Tuesday, 25th February, 2020)
(Division)

Order deferred.

14. **THE LIFESTYLE AUDIT (NO. 2) BILL (SENATE BILLS NO. 21 OF 2019)**

Order for Second Reading read;

Motion made and Question proposed;

THAT, the Lifestyle Audit (No. 2) Bill (Senate Bills No. 21 of 2019) be now read a Second Time.

(Sen. (CPA) Farhiya Ali Haji, MP)

Debate interrupted on Tuesday, 3rd March, 2020 resumed;

And the time being thirty minutes past six O'clock, the Temporary Speaker (Sen. Judith Pareno, MP) adjourned the Senate without question put, pursuant to the Standing Orders.

15. **SENATE ROSE** – at Thirty Minutes past Six O'clock.

M E M O R A N D U M

The Speaker will take the Chair on
Tuesday, March 10, 2020 at 2.30 p.m.

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