

# PARLIAMENT OF KENYA

## THE SENATE

## THE HANSARD

Tuesday, 7<sup>th</sup> July, 2020

*The House met at the Senate Chamber,  
Parliament Buildings, at 2.30 p.m.*

*[The Speaker (Hon. Lusaka) in the Chair]*

### PRAYER

### PETITIONS

#### ALLEGED DOUBLE TAXATION OF PHARMACIES IN KENYA

**The Speaker** (Hon. Lusaka): Hon. Senators, I hereby report to the Senate that a Petition has been submitted through the office of the Clerk of the Senate by Mr. Collins Agutu Omolo, a citizen of the Republic of Kenya.

As you are aware, under Article 119(1) of the Constitution and I quote -

“Every person has a right to Petition Parliament to consider any matter within its authority, including enacting, amending or repealing any legislation.”

Hon. Senators, the salient issues raised in the Petition are-

(i) That under Section 23 of the Pharmacy and Poisons Act, pricing of pharmacy shall only be carried out in premises registered by the Pharmacy and Poisons Board and that application for registration of the premises shall be made to the Board and shall be accompanied by prescribed fees.

(ii) That every year all 47 county governments enact Finance Act that require pharmacies to pay single business permits for premises inspected, licensed and regulated by the Pharmacy and Poisons Board.

(iii) That the requirement for pharmacies to pay a single business permit to respective county governments as well as pay for registration of the same premise to the Pharmacy and Poisons Board amounts to double taxation

(iv) That the mandate of the Pharmacy and Poisons Board is only limited to registration of premises for practicing pharmacies and regulation of the profession and has no power to intervene on single business permit fees levied by counties.

Hon. Senators, the Petitioner, therefore, prays that the Senate intervenes with a view to enacting national legislation to remedy the situation and avoid double taxation by pharmacies, taking into consideration that pharmacy is a profession requiring advanced education and training.

Hon. Senators, pursuant to Standing Order No.231, I shall now allow comments, observations or clarifications in relation to the Petition for not more than 30 minutes.

I do not see any interest.

Hon. Senators, pursuant to Standing Order No. 232 (1), the Petition should be committed to the relevant standing committee for its consideration. In this case, I direct that the Petition be committed to the Standing Committee on Health. In terms of Standing Order No. 232 (2), the Committee is required to not more than 60 calendar days from the time of reading the prayer, to respond to the Petitioner by a way of a report addressed to the Petitioner and laid on the Table of the Senate.

I thank you.

*(The Petition was committed to the Standing Committee on Health)*

#### LANDSLIDES IN NANDI COUNTY AS A RESULT OF HEAVY RAINS

**The Speaker** (Hon. Lusaka): I also have another Petition.

Hon. Senators, I hereby report to the Senate that a Petition has been submitted, through the office of the Clerk, by Gov. Steven K. Sang, a citizen of the Republic of Kenya and the Governor of Nandi County.

As you are aware, under Article 119(1) of the Constitution and I quote:

“Every person has a right to Petition Parliament to consider any matter within its authority including enacting, amending or repealing any legislation.”

Hon. Senators, the salient issues raised in the Petition are-

(i) That the geography of Nandi County which comprises of many ragged hills and sharply rising escarpments disadvantages the residents of the county who were forcibly transferred by the colonial Government from fertile lands to settle in native reserves, which have the aforementioned characteristics and are prone to perennial landslides and mudslides

(ii) That the mudslides and rock falls have become cyclical and result to loss of lives and property thus causing humanitarian crisis. During these periods, residents of the county, particularly Tinderet, Nandi Hills and Mosop sub-counties are more prone to such calamities and live in deplorable condition as a result.

(iii) That irregular and illegal awarding, extension and renewal of expired or expiring leases to individuals and multinationals in the county’s tea growing highlands and sugarcane growing lowlands and further irregular allocation of land belonging to ADC that had been earmarked for settlement of squatters continue to worsen the situation as local residents are forced to settle on landslides prone areas.

(iv) That this year 2020 approximately 300 households in Tinderet Ward, 250 households in Sogor Ward, 20 households, 20,000 bushes of coffee, 120 acres of maize and 90 acres of beans have been destroyed as a result of landslides and rockslides.

(v) That the Nandi County Government has taken steps to address this issue, including provision of temporary shelter or higher grounds for affected families, availing relief food and non-food items for affected families, provision psychosocial support and

engagement with the National Land Commission(NLC) to address the historical land injustices that have already affected concerned communities. However, efforts to have the matter addressed by relevant government agencies, including implementation of recommendations made by the NLC concerning historical and land injustices, have not been fully implemented.

The Petitioner, therefore, prays that the Senate intervenes with a view to -

(a)Have the perennial landslides and mudslides situation in Nandi County and other parts of Kenya declared a national disaster and that relevant government departments and agencies take the requisite action.

(b)Ensure that the recommendations of the NLC on its inquiry into historical injustices in Nandi County are fully implemented.

(c)Investigate into the irregular and illegal rewarding extension and renewal and of expired and expiry leases belonging to individuals and multinational corporations in tea growing highlands and sisal and sugarcane growing lowlands and make appropriate recommendations;

(d)Ensure that the Government avails land outside the existing landslide prone, ragged and rocky environment for resettlement and use by vulnerable families.

Hon. Senators, pursuant to Standing Order 231, I shall now allow comments observations and clarifications in relation to the Petition for not more than 30 minutes.

**Sen. Khaniri:** Mr. Speaker, Sir, thank you for the opportunity. I also want to thank the Governor for Nandi Hon. Sang for bringing this Petition to this House. Gov. Sang was one of us in the last Senate representing the same county as the Senator and he is now the Governor.

The reason why we get numerous Petitions in this House is because Kenyans have confidence that this is the House will address the problems that are bedeviling them. Therefore, the onus is on us to rise to the occasion and make sure that we provide answers to the Petitions that come to this House.

Nandi County is a neighbour and I know it very well because many of my people have migrated into Nandi and what Gov. Sang is talking about is a situation, I am familiar with and requires urgent attention. It is unfortunate that people have lost a lot of property and lives because of the perennial landslides. I strongly support the first prayer that landslides be declared a national disaster because happens year in, year out.

The first responsibility of any government is to protect the property and the lives of its people. We cannot sit back and watch our people lose properties year in, year out, and sometimes lives. We are all aware what happened in Elgeyo-Marakwet and West Pokot recently.

Mr. Speaker, Sir, this is a situation that must be addressed, arrested and resolved, once and for all. I want to urge the Committee that this matter will be referred to that it expedites and makes sure the Nandi people get justice in terms of these landslides.

**The Speaker** (Hon. Lusaka): Sen. Cheruiyot, you have the Floor.

**Sen. Cheruiyot:** Thank you, Mr. Speaker, Sir, for this chance. This is a very welcome Petition by our former colleague Gov. Sang of Nandi County. A county that neighbours the county that I represent in this House. The salient issues that Governor Sang wants the Committee of this House to conversed and find a solution to his residents are shared interests to many of us who come from this region.

Mr. Speaker, Sir, it was not out of idle duty that the drafters of our Constitution included many of the Chapter 15 Commissions. Part of the Commissions included therein includes the NLC whom among many other duties they are supposed to take, is ensure the right of ownership and address some of the historical issues that Governor Sang and many of us who have been in this campaign have tried to seek NLC to give us a final solution to this issue.

It is unfortunate that 10 years after the passage of the Constitution we have not answered the land question. However, many of the people we represent here were dispossessed of their lands taken away by colonial masters back in the day. On many platforms, citizens of this country were promised that upon the passage of the new Constitution all the injustices that were meted upon them were going to be addressed.

It is the duty of this House to ensure with finality and good reason, that our people feel justice has been done and done properly to them. I believe the Committee will also address itself to the second point raised by Governor on what happens to the citizens of the country that were dispossessed out of very good and fertile land that right now they could be making good use of it. It was taken away by the multinationals and well-connected families back in those days.

Our people were settled on rocky places where it is difficult for them to eke out a living under those circumstances. Like he has pointed out, many of them have been put on the cliffs and edges of mountains where you wonder what will have driven people to live there. Nevertheless, they had no choice because back in the day when the colonial masters say that it is where you stay, you have to reside there. Yet successive governments have not given them a solution.

It is my proposal to this Committee that they will invite the newly installed NLC, all the commissioners together with the Chairperson. Let us give us a far-reaching proposal so that we understand. If you read our Constitution under Article 60 on the Principles of Land Policy; equitable distribution of land is one of the values that we espouse as citizens of this country. We hope that one-time NLC shall respond to the question and answer it with finality so that these kinds of disparities and petitions do not find their way in this House. Our citizens want to see justice done to them. When this Committee reports to this House, I am looking forward to see what proposals will have come from the NLC and other Government agencies that they will invite to share their concerns with them.

**The Speaker** (Hon. Lusaka): Sen. Wetangula, proceed.

**Sen. Wetangula:** Thank you, Mr. Speaker, Sir. The land question in this country remains a ticking time bomb. When the Constitution of Kenya 2010 was promulgated, the NLC was set up with the hope that it was going to do what successive lands Ministries had not done in the management of public land. It has not been so. In fact, the first NLC whose term expired a year or so ago, spent all their time and energy battling on how to compensate people for the Standard Gauge Railway (SGR) land and forgot their entire mandate of dealing with land issues.

The Petition by our distinguished former colleague Sen. Sang - now Governor Sang - is very important. Landslides and mudslides have claimed many lives. You may recall about 10 years ago on the Nandi Escarpment, the boundary between Kakamega and Nandi Counties at a place called Khuvasali, there was a landslide that consumed close to

40 lives. We have had landslides in Elgeyo Marakwet, West Pokot, Murang'a and many other places.

I hope my distinguished colleague from Nyandarua is still the Chairperson of the Committee because these days they are changed every other day. If he is still the Chairperson, he has done a good job previously. We hope they will look into this matter critically. Alongside the salient points raised by Gov. Sang is the issue of management of the environment; the mowing of trees almost everywhere even on dangerous slopes.

More importantly, we have enough agrarian scientists in this country. We also have enough know-how to map out and tell the country areas that are prone to possible landslides and mudslides, so that people can be moved from those areas and settled in other areas.

Under the Constitution, the Government has a responsibility of making sure that the safety of the people of this country is not compromised. Areas designated by geologists as possible landslide-prone areas, the Government has a duty to make sure that people are moved from there and settled in other areas.

Equally and more important – this is my last point – Gov. Sang is also talking about Agricultural Development Corporation (ADC) lands and lands that were disposed from people and put in the hands of either colonial companies or Government agencies, but since Independence have successfully been taken away or alienated and given to who is who in the echelons of leadership.

The Government must, through the NLC, find ways and means of settling deserving people and not using land to be given to people who are well-to-do as gifts for political considerations. This is the only way we can avoid losing lives and property. Above all, endangering the lives of Kenyans because of poor planning and the NLC not being able, having now been in office for 10 years to come up with any tangible policy that can help avoid these kind of calamities.

I congratulate Gov. Sang and hope the Committee will do a good job on this.

**The Speaker** (Hon. Lusaka): Let us listen to the Senate Majority Leader.

**The Senate Majority Leader** (Sen. Poghisio): Mr. Speaker, Sir, I also support this Petition because what has been said about Nandi can be said about West Pokot and the neighbouring Marakwet. We have suffered countless landslides and mudslides. In fact, the latest is the one that covered a whole town called Chesegon with rocks and boulders from upstream.

Historical injustices should be addressed. This is the moment to do that. The reason why people cultivate higher up on the mountains is because land has become scarce and forests have been destroyed. That is why we are prone to these kind of things.

As the Committee will be looking at all these issues, there are a number of issues that go with lands that are not flat and West Pokot is a good example. There are few flats areas in West Pokot because there are many mountains and valleys and the same situation is in Nandi. When the Committee will be dealing with this Petition, they should take cognisance of the other areas with similar cases. It should not just be about Nandi alone.

The NLC on the other hand should address the issue of lands that were alienated or given to the ADC. When the time comes, it should be used for solving problems for those who have other difficulties. This is because if that is not done, people will squeeze

in those areas and cause damage to everybody. They will go up the hills and mountains and cause damage to everybody.

In supporting, I urge the Committee to give us a report, but they should take cognisance that there are many such areas in Kenya. I support Gov. Sang for bringing this Petition.

**Sen. Olekina:** Mr. Speaker, Sir, I rise to support the Petition by Gov. Sang. One of the things that baffle me is the first Government of the Republic of Kenya. It actually made the colonial Government look like philanthropists.

If you look at the issues that have been raised by Gov. Sang, one of the things that bother me is the role of ADC and land which is still owned by ADC. If you go out there and ask the poor people who live in Nandi or even in Maasailand if they know anything about ADC, they will tell you that ADC is a Government state agency that was formed to enrich a few people.

I remember a few years ago, there was a case where it was alleged that the former powerful Minister, hon. Nyachae, bought over 17,000 acres of land from ADC at a cost of Kshs343,000, at the expense of the poor Kenyans. I do not think there is any reason to deliberate further on this matter. ADC is dead as an institution. In Laikipia, the Samburu land which is managed by ADC has been taken by powerful individuals.

There is no reason why Kenyans should be suffering and living in the cliffs. In fact, one of the recommendations that maybe this Senate should consider is the proposal that the land owned by ADC should be subdivided and given to poor Kenyans who are living up the hills.

The corporation was set up to advise us on the best practices in dairy farming and beef production, among others. However, when you go to those farms now, you will find that most of them are owned by former powerful people who made up the successive governments.

The Committee that will look into this Petition by Gov. Sang should extend their findings to know how many people own ADC lands and the acreage, so that poor Kenyans who have now become squatters can be given an opportunity to also live a life like every other person.

Mr. Speaker Sir, COVID-19 has shown us one thing; that it does not matter the amount of money you have because we are all equal. What we need to do is to find a way. This Senate must rise to the occasion and find out how to defend those poor people who were made squatters by our own governments.

**Sen. (Dr.) Langat:** Thank you, Mr. Speaker, Sir, for also giving me this opportunity to make a contribution to this important Petition by Gov. Sang. My great disappointment is on landslides and natural disasters that normally befall Kenyans.

I tend to think that if the geologists that we have in this country can study robustly in advance and identify some areas prone to disasters, it is possible to advise people to settle in safe areas. So, the greatest challenge we have is on policy that guides research and identification of landslide prone areas so that people are advised in advance on the dangers of landslides.

I urge the Committee that will look into this matters to make sure that clarification on matters policy are put in place, so that proactive measures are put in place to prevent regular disasters happening every time.

Secondly, whenever such disasters happen, I am usually disappointed by the way mitigation processes are done. When disasters occur in some areas, the Government goes there and distributes 20 bags of maize. Those people are forgotten. Up to now, in some areas, some bodies have not been identified. Even as we talk, some places in Bomet were affected by floods and not even one sack of maize has been taken by the national Government to those people who were affected.

Mr. Speaker, Sir, the greatest challenge that we have is the way the Government reacts or mitigates this particular process. I would say that it is selective and there is no fair distribution of food and other mitigation measures to these people whenever this challenge comes. Our Government should move from being reactive to at least engaging in proactive measures, so that people are advised in advanced and settled in other places. Some people were saying here that some good land has been used to settle some very rich friends of the Government instead of settling these people.

I want to thank Gov. Sang, and the Committee that will take over this matter must concentrate on proactive measures to solving these problems.

**Sen. Mutula Kilonzo Jnr.:** Thank you, Mr. Speaker, Sir. My first comment is that I would have loved to see this Petition coming under Standing Order 44, where a governor issues a statement and it is tabled here through the Senator, but the Petition is good enough.

The solutions to this problem have already been canvassed here. Sen. Sakaja and I proposed the Disaster Management Bill. It would handle the disaster that is in Elgeyo-Marakwet, Samburu and many other areas following the tragedy that was in Solai. The solutions are already available. Therefore, the Committee should not look any further because those solutions are available.

Mr. Speaker, Sir, secondly, historical injustices will not be handled in the legal regime currently in force. In the last Session, I brought a Motion on historical injustices. The law that is currently in force, under the Lands Act, has cut the hands and legs of the NLC. There is nothing much they can do, except to issue a recommendation.

Again, to the Committee that you will commit this Petition, the framework that was proposed by Sen. Orengo when he was Minister for Lands, in the Land Policy of April, 2009, is the one that needs to be followed under Article 67 to give the NLC teeth like a court to issue orders that can be enforced, as opposed to what is in the law now.

Now that I have seen some element of a truce between you and your colleague of the other jurisdiction in the other House, it is high time that we revisited the question of historical injustices legal framework. This is because it is available. The Constitution has given the framework, but the NLC can only issue a recommendation under current framework as it is. That recommendation was not contemplated under Article 67.

Lastly, Mr. Speaker, Sir, our former colleague, Gov. Sang, has a knack for historical injustices. The Committee on Justice, Legal Affairs and Human Rights, which he deputized, took us to visit the Talai Clan on historical injustices. I am aware that the first historical injustices case was actually filed by Nandi County. The question is: Why is the NLC unable to deal with its mandate?

To the Committee that you will give this work, we know, and these colleagues here know, that the Ministry of Lands and Physical Planning has made sure that the NLC cannot function. They have no offices and have not been given any work to do. In fact,

that Commission is more idle than any other Commission we have ever had in this country. The solutions are available. If they ask, we will give them the material that we have used before.

I would like to congratulate the Governor of Nandi for continuously advocating for justice and human rights, and being at the forefront in defending the plight of those people who are being trampled on as if they are not Kenyans.

Thank you, Mr. Speaker Sir.

**Sen. Murkomen:** Thank you, Mr. Speaker, Sir. First of all, I would like to congratulate Gov. Sang, being a former Senator, for demonstrating his faith in this House, particularly in the process of resolving this very important issue regarding land.

The issue raised by Gov. Sang is so important, especially for those of us who come from the Kerio Valley Region, particularly Elgeyo-Marakwet and West Pokot, who are affected by landslides every year. The Nandi situation is known to us, especially the Tinderet situation. If you look at that Petition, most of the people who were displaced are the ones who used to live in the Nandi Hills area and the larger tea estates.

In my opinion, the crux of this Petition is the argument that the leases came to an end and there is a responsibility in law for those leases to revert to the county government. Instead, there is irregular renewal of leases, which would have provided a solution to the question of resettling and dealing with the problem of the squatters.

The question that we need to ask ourselves is: What did Article 67 of the Constitution really anticipate when it talked about the role of the NLC, and particularly in resolving matters that related to expiry of leases? When we converted all leases to 99 years, what did we intend to do with it? When the land reverts back to the Government, what responsibility do the county governments and the national Government have? What is the situation of those who were historically displaced from their homes? They are suffering twice. They suffered through colonial times and are now suffering under their own Government even after the leases have expired.

I hope that the Committee will not come up with a response that deals with Nandi alone, but also a solution to what we do with the expiry of leases across the country, and what the responsibilities of county governments, the national Government and the NLC are.

Finally, Mr. Speaker, Sir, in the resolution of the question of landslides, I repeat that you never know. Nowadays, the rains have become erratic. Five years ago, during this period, it would be raining all over the country. We never know if it will rain the same way it did a few months ago when our people were swept in Embobut and all those areas of Kerio Valley.

I request the national Government that they should not be reactionary to disasters. It is obvious that if it rains again, landslides will happen in Tinderet, along Kerio Valley and in many parts of the country. There will be floods in Western and Nyanza regions. The Government should not be reactionary. What is important is to prepare in good time and be ready to warn people.

As Sen. (Dr.) Langat asked: What is the work of geologists and the meteorological department? They are there so that people are warned in good time and disaster is averted. We have lost too many lives and we do not want to continue seeing this. I hope that Sen. Githiomi's Committee, or any other committee that you will give



this responsibility to will come back with solid recommendations that include legal amendments to the existing laws.

**The Speaker** (Hon. Lusaka): Sen. M. Kajwang’.

**Sen. M. Kajwang’**: Mr. Speaker, Sir, I also rise to congratulate Gov. Sang for always considering the Senate as an arbiter when issues get tough. The issues of landslides would be a problem in Nandi, Elgeyo-Marakwet and West Pokot, but issues of natural disasters and the process through which they can be declared a national emergency or disaster, are issues that we need to address.

For example, in Homa Bay, the rising levels of the lake and perennial flooding are as serious and severe as landslides in Nandi and West Pokot. During this period of COVID-19 pandemic, we have seen the relationship between federal and state governments in other countries, with structures almost similar to ours, like the United States of America. It is high time for the Senate, through various legislations, to come up with a process through which the national Government and county governments can sit together and declare national disasters. I am not sure whether the Bill by Sen. Sakaja and Sen. Mutula Kilonzo Jnr. addressed this.

Mr. Speaker, Sir, response to disasters should not be limited to donations of beans, maize and cooking oil. That is what the Ministry of Devolution and ASALs has perfected. This is one of the issues that we, in the Committee on Devolution and Intergovernmental Relations, are committed to looking into.

Finally, Governor Sang’ is a man with a very good understanding of the law and our Standing Orders. It is unfortunate that he has brought this as a Petition. This is because the Petition will be subjected to 60 days. After that, we shall respond to the petitioner.

I want to encourage governors to take advantage of our Standing Orders. Standing Order No.44 allows any governor to submit a Message to the Senate. If Governor Sang would have used Standing Order No.44, I believe in your wisdom, you would have committed this to the relevant Committee and be addressed as a substantive agenda of this House.

It is not too late and I want to encourage the Senator for Nandi to find ways of bringing this back as a Message from Nandi County, so that we are not restricted to 60 days to discuss such an important issue that does not only apply to Nandi, but to all counties.

I support.

**The Speaker** (Hon. Lusaka): Sen. Sakaja then Sen. (Dr.) Mwaura should come from the extended Chamber for his Petition.

**Sen. Sakaja**: Mr. Speaker, Sir, thank you for the opportunity.

I join my colleagues in lauding Governor Sang for bringing this Petition. In as much as the form and nature that Sen. M. Kajwang’ has ably said could have been different, I think the content cannot be ignored. He is raising pertinent questions.

Even the Committee that he is seeking these answers from is an extremely competent Committee.

Mr. Speaker, Sir, this morning, I had the chance to attend a sitting of the Standing Committee on Lands, Environment and Natural Resources chaired by Sen. Mwangi where they were discussing the matter of Lang’ata where thousands of residents have

been threatened. I am glad about that meeting and his communication with the Cabinet Secretary (CS), who I have also spoken to, that he can give an assurance to the people of Lang'ata that no action as had been stipulated will take place. We shall conclude it as the Senate because the facts have come out.

I have confidence that the Standing Committee on Lands, Environment and Natural Resources will get to the bottom of this matter that Governor Sang' has brought. Even if not by way of responding to the Petition in nature in which it has come, the Committee can, on its Motion, look at what already exists. This is a House of records.

This House unanimously passed a Bill sponsored by Sen. Mutula Kilonzo Jnr., and myself on dealing with these disasters. The Bill talks about early warning systems; the response between National and county governments, how to coordinate and how resources are provided for.

Mr. Speaker, Sir, would it be in order if I ask that your office, especially as Sen. Mutula Kilonzo Jnr., has mentioned, about the renewed or reinvigorated working relations that we enjoy with our neighbours who we previously called 'noisy neighbours'; that they can fast-track that Bill?

It does not make sense for Sen. Mwangi to start from scratch a process that we did with public consultation and public participation with Ministries and stakeholders after a disaster in Solai. I would like to advise him that they can do a quick and clear report that the National Assembly passes our Bill. It is as simple as that. These issues are emotive.

I want to pass my condolences to the people who lost their lives, especially in Rift Valley after these landslides and the people who were affected in the former Western Province after the floods, all the way from Kwanza Constituency in Trans Nzoia County to Kakamega County. However, it looks very disingenuous to us as leaders to come and say time to time that we are sorry, yet we are the ones with the tools to sort out these issues.

We have people here like Sen. Wetangula who has been in Parliament since 1992. I am sure that he feels bad about addressing the same thing; imagining that we can do the same thing and expect different results. We have passed laws and we have protocols. Sen. Mwangi, please push for the implementation of this.

Sen. Mwangi, you were in this Parliament from the Eighth Parliament, if not the Seventh Parliament, and you have addressed this issue before. Our hon. Speaker can write to the Speaker of the National Assembly and ask him where that piece of law is. It addresses all the issues that Sen. M. Kajwang' is asking.

Finally, I think we have reached a time in this country where we must start getting upset when we come and try to do the same thing over and over again. This matter has come before this House and it has not been resolved. Sen. Mwangi has handled this in the Standing Committee on Lands, Environment and Natural Resources Committee. It has not been resolved.

Today is 7<sup>th</sup> July, 2020; *Saba Saba*. I have hundreds of Nairobian arrested for doing peaceful demonstrations because of the freedom that we enjoy today because of *Saba Saba*. Some things must begin to change.

We cannot talk about the ADC land. We know the story of ADC. Sen. Wetangula knows ADC in Bungoma and Trans Nzoia counties. We know the stories. We can decide to be coming here for poetry and fun or decide to be decisive as a House and calling

justice where it is injustice and be very resolute in the decisions we make. Sen. Mwangi, the ball is in your court.

Sen. M. Kajwang', you have given good proposals, but you are now a Chairperson of the most important Committee in this House; the Standing Committee on Devolution and Intergovernmental Relations. Do something different on your Motion from those who have been Chairpersons before.

**Sen. (Dr.) Ochillo-Ayacko:** Thank you, Mr. Speaker, Sir, for giving me an opportunity to congratulate Governor Sang for petitioning the Senate to find a solution to this perennial matter.

The issues of disasters have been with us from as long as we have been a nation and even before that. In Migori County, where I come from, year in, year out, flooding invades us, especially in Nyatike sub-county. We have had disasters in places like Luanda, Got Kachola, Nyora and Aneko.

Mr. Speaker, Sir, if you ask these people why they continue staying there, it is due to poverty, lack of facilitation and being forgotten by the Government. What comes to mind is that no person would like to place himself or herself in harm's way. People get into such troubles because there are no options.

This matter is definitely being placed before the Standing Committee on Devolution and Intergovernmental Relations to look at it. I believe that Sen. M. Kajwang' is equal to this task. However, we must find a permanent solution. It will be very easy and lazy for the Government to say that now that we have counties we do not give a damn because counties can deal with such disasters. That will not help. We must hold our Government accountable for the dangers that invade or attack our people. The solution lies with the national Government. County governments do not have sufficient resources to ensure that when such disasters strike, our people are taken care of.

I want to plead with the Chairperson and Members of the Standing Committee on Devolution and Intergovernmental Relations to ensure that the Ministry responsible gives a final and definitive answer to this perennial problem.

**The Speaker** (Hon. Lusaka): Hon. Senators, pursuant to Standing Order No. 232 (1), the Petition should be committed to the relevant Standing Committee for its consideration. In this case, I direct that the Petition be committed to the Standing Committee on National Security, Defence and Foreign Relations and the Standing Committee on Lands, Environment and Natural Resources.

In terms of Standing Order No. 232(2), the Committees jointly are required in not more than 60 calendar days from the time of reading the prayer, to respond to the petitioner by way of a report addressed to the petitioner or petitioners and laid on the Table of the Senate.

*(The Petition was committed to the Standing Committee on National Security, Defence and Foreign Relations and the Standing Committee on Lands, Environment and Natural Resources)*

The next Petition is by Sen. (Dr.) Mwaura.

REFORMS ON THE DESIGN AND STRUCTURE OF THE  
PROCUREMENT FRAMEWORK IN KENYA

**Sen. (Dr.) Mwaura:** Thank you, Mr. Speaker, Sir. I wish to present the following Petition to the Senate concerning reforms on the design and structure of the procurement framework in Kenya.

We, the undersigned citizens of Kenya and in particular the Kenyan youths at the grassroots level draw the attention of this august House to the following:

(1) That Article 174 of the Constitution of Kenya 2010 identifies objects and principles of devolved government as including giving powers of sub-governance to the people and enhancing citizens' participation in governance at lower levels, recognizing the rights of communities to manage their affairs and further their development, promotion of socio-economic development and providing easily accessible services throughout Kenya, as well as ensuring equitable distribution of national and local resources throughout Kenya.

(2) That the Public Procurement and Asset Disposal Act, 2015, as amended in 2016, Section 33 (2) (1) provides for rules, roles and responsibility of county governments being to promote preference and reservations schemes for small and micro enterprises and other disadvantaged groups, citizens, contractors, women, youth, Persons With Disabilities (PWDs), minorities and marginalized groups in public procurement at the county.

(3) That the existing regulatory frameworks on procurement are so stringent that they disadvantage youths at the grassroots from engaging in procurement activities at both national and county levels of government.

(4) That the Public Procurement and Asset Disposal Act 2016 and amended thereof introduces bottleneck procedures to the extent that procurement becomes more of an elitist adventure as opposed to access by people from all walks of life.

(5) That the vulnerable and disadvantaged persons at grassroots levels cannot participate in procurement activities at both levels of government due to the stringent regulations provided for by the amended Public Procurement and Asset Disposal Act 2015.

(6) That the stringent requirements of procurement laws for youths and minorities at grassroots levels undermine the spirit and intent of the Constitution and the well-thought out Access to Government Procurement Opportunities (AGPO) programme.

(7) That so far, only the elite members of the Kenyan society seem to benefit exponentially from the Government procurement opportunities which include a bigger percentage of young people and disadvantaged groups of persons who are the actual target groups from the said opportunities.

(8) That in instances where the youth and members of the vulnerable communities qualify for Government procurement opportunities, they are either used as proxies for the benefit of non-deserving persons or denied those opportunities all together.

(9) That we have made the best effort to have these matters addressed by the relevant authorities. All of which, have failed to give a satisfactory response.

(10) That none of the issues raised in this Petition is pending before any court of law, constitutional or any other legal body.

Therefore, your Petitioners humbly pray that the Senate-

(i) Reviews the existing framework on procurement and makes the necessary adjustments in the interest of young people and vulnerable communities at the grassroots levels.

(ii) Formulate procurement policies which will favor the youth and other disadvantaged groups of people at grassroots levels as opposed to a few elites at the county headquarters.

(iii) Formulate policies which will outlaw using of deserving yet unsuspecting youths, PWDs and women at grassroots levels as proxies in the AGPO.

(iv) Develop a procurement framework that is easily accessible and simple to the youths, members of the vulnerable communities and PWDs at grassroots levels, especially on simple procedure matters.

Mr. Speaker, Sir, this Petition is very timely. It is reemphasizing that even when you try to help marginalized groups of people, some people take advantage of them. Our legal codes are so stringent such that they discourage startups. Therefore, that space is still dominated by the elite people who know how to procure.

In fact, while AGPO was meant for preferential procurement for previously disadvantaged groups, it is a carryover from the broad-based Black Economic Empowerment (BEE).

**The Speaker** (Hon. Lusaka): You have just presented the Petition. Do not discuss it.

**Sen. (Dr.) Mwaura:** Mr. Speaker, Sir, okay. I submit.

**The Speaker** (Hon. Lusaka): Hon. Senators, pursuant to Standing Order No. 231, I shall now allow comments, observations or clarifications in relation to the Petition for not more than thirty minutes.

Sen. (Dr.) Musuruve, proceed.

**Sen. (Dr.) Musuruve:** Mr. Speaker, Sir, thank you very much for giving me this opportunity to support this Petition by Sen. (Dr.) Mwaura. Our policy is very clear that 30 per cent of procurement opportunities should go to youths, women and PWDs. However, this is just theoretically on paper. Practically, it is not working on the ground because PWDs are leading miserable life. They have no one to hold their hands. They want to be involved with the procurement process, but it is a tall order for them.

Sometimes back, I visited counties to find out what exactly the problem with procurement processes is. I realized that PWDs are not given an opportunity to even procure despite the fact that it is clear in the law. This is the only win-win situation that we would have as a country for our PWDs who are currently languishing in poverty. Many women all over the world are poor. There is need to review these policies so that they in tandem with what exactly is on the ground.

During this COVID-19 period, there is work that women and PWDs can do very effectively. However, they are not given an opportunity to do so in the counties. I toured one of our counties and almost cried seeing PWDs struggling to make masks. They told me that they wanted to supply those masks to the counties, but they were denied the opportunity to do so.

I call upon governors, wherever they are, to kindly remember PWDs because they are your constituents. Please give them an opportunity to do some work for the counties because they have talents. We have to nurture these talents. We cannot continue seeing them dying in poverty when they have talents.

Mr. Speaker, Sir, this is a Petition that should go to the right Committee. We have to review how we treat our vulnerable groups in this country. Are we being fair to them? Is there parity when it comes to economic development with regard to PWDs? It is wrong the way we treat them and we must correct it as a country.

**The Speaker** (Hon. Lusaka): The Senate Leader of Minority, proceed.

**The Senate Minority Leader** (Sen. Orengo): Mr. Speaker, Sir, I support this Petition very strongly. More particularly, when you read the Constitution in Article 227, it was speaking to the situation to which this Petition is talking to. Knowing that in the past, certain categories of people had been either discriminated or did not have the means to be competitive in procurement processes. They are actually very complicated.

What happens when a process is very complicated? People build up cartels. People have insider information. So, if you are somebody suffering from disability or a young person trying to venture into business, it is extremely difficult under the current legal framework.

Mr. Speaker, Sir, this Petition is justified. We should go beyond just the committee looking into it and reporting. The Public Procurement and Asset Disposal Act should speak to what has been brought up in this Petition. If we want the youth and certain people who are specified in the Constitution to not suffer from an unfair advantage, then the law should be positive. It should be cultured and framed in such a way that it is possible during these procurement processes to enable the youth and the other disadvantaged groups to take part in business and procurement processes effectively.

Mr. Speaker, Sir, I want to point out that Article 227 of the Constitution was built out of a mischief and the past malpractices in this sector. That is something you do not find in many constitutions in the world yet our Constitution talks about the need for having a fair, equitable, transparent and competitive and cost effective procurement process.

Other than that the general statement in the Constitution which is mandatory because it is couched using the word “shall”. Part 2 of that Article says-

“An Act of Parliament shall prescribe a framework within which policies relating to procurement and asset disposal shall be implemented and may provide for all or any of the following—

- (a) categories of preference in the allocation of contracts;
- (b) the protection or advancement of persons, categories of persons or groups previously disadvantaged by unfair competition or discrimination”.

This is what is important because if you look at the procurement policies of the Government even at the moment, there is a general objective of trying to reach out to the youth particularly. However, in real life, these contracts and procurements are not awarded to the youth. It is the same old people who get business and advance their cause using the youth and so on.

This Petition should be looked into. I thank the petitioners and the distinguished Senator from Kiambu for bringing this very important and valid Petition.

Having said that, since I am on the Floor, today is *Saba Saba* day and many people who took part in it were young. It is by coincidence Sen. (Dr.) Mwaura is talking about the youth and Sen. Sakaja earlier on was also talking about the youth. *Saba Saba* was an important day in our history. It is just like we celebrate Mashujaa Day. That is the day Jomo Kenyatta and his colleagues were arrested. It was even created out of conflict. The government in power at that time was arresting these people for fighting injustice.

For Kenyans who want to celebrate Mashujaa Day and they are being arrested is something which is totally shameful and unacceptable. I urge the Government that those who are in custody should be released without any conditions because they are just peaceful demonstrators. They are not causing any chaos. All they are doing is to signify the importance of this day called *Saba Saba*.

Mr. Speaker Sir, since you and the distinguished Senator for Bungoma are here; on that *Saba Saba* Day, the late hon. Masinde Muliro wore a suit unlike many of us. It was a very important day for him. For some people to treat this day as if it is some casual event in our history is completely despicable.

Those who are in custody should be released forthwith. If the President can hear me, those who are in custody because of *Saba Saba* are like the same people who were taken to detention in Kapenguria in 1952. Why should we celebrate Mashujaa Day and not *Saba Saba*? This is shameful. *Aibu kubwa sana. Shetani ashindwe!*

*(Applause)*

**The Speaker** (Hon. Lusaka): Order, Senator. Proceed, Sen. Sakaja.

**Sen. Sakaja:** Mr. Speaker Sir, I thank Sen. Orengo. We, as the young Senators in this House, realize that we stand on the shoulders of giants. We do not take it for granted that the freedoms we enjoy today were hard fought for. Many times, Sen. Orengo will tell you because he is not even my elder brother but my dad. We sit down and he is a mentor. When we hear stories of what happened---

There was a time when as the Chairman of the Then National Alliance (TNA) Party was in a television show with Prof. Anyang Nyong'o. When the debate got a bit heated, Prof. Anyang Nyong'o asked me, "Where were you in 1992 when we were fighting for multipartyism?" I told him I would have loved to be there but I was in Class Two. So, it was impossible. Every generation has its role, time and space.

That is why I earlier raised this matter. I might be bringing a Statement. The entire morning today, I have been on phone reaching the inspector General of police and all these people. I have eight young people in Kayole Police Station. I have six in Pangani Police Station, ladies and gentlemen. I have another six in Central Police Station. Those from Kibra are being held in Kilimani Police Station. Sen. Orengo, I might need your legal services. I have their names among them: Mr. Ochieng', Vincent Odhiambo and Frank Chacha.

Mr. Speaker Sir, it will be such a big shame for a country to take for granted its journey of liberation. It is an insult to the democracy and the freedom we have now. Sometimes I tell Sen. Orengo that even in this time where we have the "Handshake"

where we are in cooperation agreement with Sen. Mutula Kilonzo Jnr., let us never forget that we swore fidelity to this Constitution to protect it, the rights of our people and democracy. I always say that even if we support the Government, the best support we should give it is by speaking the truth. Today's events have been unfortunate. I am calling upon the IG of Police not only to release them unconditionally as Sen. Orengo has said but to apologies for arresting these young people.

On the Petition by Sen. (Dr.) Mwaura, I thank him. He has proven to look out for the interests of young people. I will take up from where Sen. Orengo left off. He has mentioned that the Constitution talks about certain statutory provisions of an Act of Parliament.

In 2015 - and if Sen. (Dr.) Mwaura remembers well, he will tell you because I was with him in the National Assembly - I brought a raft of amendments to this law; the Public Procurement and Disposal Act. If you go to Section 157 and maybe this might even guide you in terms of which Committee, you give this Petition. We put very specific provisions in the Public Procurement and Disposal Act to make sure our young people, women and Persons with Disability (PWDs) have at least a preference and reservation- Those are two different things and many of the accounting officers do not know of the 30 per cent.

Section 157 talks about the preferences that are non-discriminatory, allow competition among eligible persons. However, 157(5) says clearly-

“An accounting officer of a procuring entity shall when processing procurement reserve a prescribed percentage of its procurement budget which shall not be less than 30 per cent to the disadvantaged group and comply with the provisions of this Act.”

I went further ahead to make sure--- I remember moving this amendment and I was very proud the day the President signed it into law. I moved that when paying this procurement entity---We saw the mischief that would come; that people would give tenders to their daughters, girlfriends and family instead of those deserving groups or register groups in the name of young people and then go and procure themselves. We said in Section 157(11) that when paying, every procuring entity-

“ Shall ensure that all money paid out to an enterprise owned by youth women or person with disability is paid into an account where the mandatory signatory is that youth, woman or person with disability”.

There are many other provisions. There is a final one which shows that there is nothing new that Sen. (Dr.) Mwaura needs to ask for but just implementation of this. Parliament, counties and national procurement entities have failed and have breached this provision. Section 157(12) says-

The procuring entities at the national and county level shall make a report to the Procurement Authority every six months. This report shall satisfy compliance with the 30 per cent requirement and provide disintegrated data to indicate the number of youth, women, and Persons With Disability (PWDs), whose goods have been procured by the procuring entity.

Finally, that Authority shall make a report to Parliament every six months for consideration by the Committee responsible for equalization of opportunities of youth, women and PWDs. The report shall contain details of procuring entities and how they have complied with the provisions of this section. This is the law as it exists, and it has



not been complied with. Procuring entities are not giving their reports to PPRA, and PPRA is not doing a report to Parliament.

I was so specific when bringing this amendment to say “the Committee responsible for equalization of opportunities.” I used to Chair that Committee in the last Parliament, but even in this Parliament today, we have a Chair, Sen. Naomi Shiyonga. I have seen Sen. (Rev.) Waqo coming in; she was a Chair of this Committee. I am sure that they never got this report even once.

Mr. Speaker, Sir, just direct that this provision of the Act, because we have provided what we call a Statutory Secretariat in Treasury under this Act, 157 (17); that Treasury operationalize a preference and reservation Secretariat. This is one of the only secretariats provided for under the Statute to help and train these young people.

Our laws should stop being taken as suggestions. Please, direct that we get that report to this House through that Committee, as mentioned and they can ask those questions.

Thank you, Sen. Mwaura and all Senators who are supporting this Petition. Our young people in this country are the trustees of our country’s posterity and must be given these opportunities that they deserve. The national Government and county governments, including we, as Parliament, have all failed because we have not implemented this very obvious and specific time-based provision of our law.

Thank you.

**Sen. Wetangula:** Thank you, Mr. Speaker, Sir. The reason I stand to support the Kenyans who have brought this Petition and the distinguished Sen. Mwaura, who conveyed it to the Floor, is based on the provisions of Article 227 of the Constitution.

When we put this provision in the Constitution, it was on the clear understanding that the biggest entity that any citizen can do business with is the Government. That is where all procurements and many other business opportunities lie for provision of goods, services and other things. The Constitution is very clear that the Government shall procure goods and services in accordance with a system that is fair, equitable, transparent, competitive and cost-effective.

Listening to the Petition and the contributions of Sen. Orengo, Sen. Sakaja and others, it is very clear that this provision is honoured in total breach. Nobody cares. When you go to the national Government institutions and counties, you will find that the people who have been procuring goods and services, and giving these services and goods to the Government, are the same cartels. You will find that a contractor has a company for the youth, and the man is 70; he has a company for women and he is a man; he has a company for disability and he is not disabled, and they just keep on rotating all through. They capture these disadvantaged persons, young people, women and disabled persons without capital and give them token gifts for using the advantage to get work.

I do agree absolutely with my distinguished nephew, the Senator for Nairobi, that we need a proper reporting system as provided for in the law. I would not want to go the route he went by asking you to direct. Committees must know their work; they do not need your direction.

*(Applause)*

A Committee that is given authority to do work for this House and country must be proactive, read and understand the law, and be able to cause things to be done in accordance with the law without necessarily asking you to give directions. This is because the law is the law; it is clear and must be followed.

Mr. Speaker, Sir, I want the Committee that you will commit this Petition to, to in fact, summon the Director of Procurement from the National Treasury to explain why this process has not been done since the passage of the law and this Constitution. To date, women, youth and Persons With Disabilities (PWDs) continue crying because it is business as usual.

As I finish, I also want to pay tribute to the *Saba Saba* celebrations of today. I want to urge that the level of brutality being meted on Kenyans in very peaceful causes is worrying and frightening. When we were students at the university, and probably my brother from Mandera could remember, we used to routinely celebrate J.M. Day. In fact, the University was always destined for closure on J.M. Day. The Government brutalized Kenyans until J.M. Day died; nobody talks about it.

You cannot be having Mashujaa Day engraved in our Constitution and celebrated around the country, when the heroes and *mashujaas* of this country cannot be mentioned by peaceful processions by the people of this country.

*[The Speaker (Hon. Lusaka) left the Chair]*

*[The Deputy Speaker (Sen. (Prof.) Kamar) in the Chair]*

Madam Deputy Speaker, this weekend, my brother, Hon. Musalia Mudavadi, and I, were in Busia County and we decided to go and see *Mzee* Philip Masinde, an elder statesman in our community, a former Member of Parliament, former Minister and a respected person. On arrival at his residence, we found a police truck with teargas and guns blocking the entrance to his home. It is a big same.

You will recall, two weeks ago, when I was driving home with colleagues escorting me, the police followed us like they were chasing criminals; shooting and firing teargas recklessly, injuring women who were trading on the roadsides, in Kamukuywa, Kimilili and Vokoli markets. Where are we headed to? We need this country.

If the President of this country had the humility to stand before the Houses of Parliament, jointly sitting, and give an apology for sins committed by his predecessors, I thought that was a turning point for freedom in this country. This freedom must be protected by everybody. Those who are gloating in what they think is not their business, very soon, it will be their business as well.

Madam Deputy Speaker, I beg to support this Petition and hope that the Committee that will look at it will not only gloss over issues and come and tell us that youth, women and PWDs are ignored and are not benefiting from the provisions of the Constitution. Instead, they should tell us proactively what needs to be done, so that we do not slip back to what has been going on.

Thank you, Madam Deputy Speaker.

**Sen. Mutula Kilonzo Jnr.:** Thank you, Madam Speaker. Allow me, first, to associate myself with the sentiments of Sen. Orendo, Sen. Wetangula and Sen. Sakaja

about the plight of the *Saba Saba* heroes and people who were innocently arrested for peaceful demonstrations.

Had the likes of the late hon. Masinde Muliro, the late Hon. Rubia, the late Hon. Shikuku and Sen. Orengo not taken it upon themselves to face the KANU Government at the time, there are many people sitting right in front of me, who would not be here. One is the Senator for Nandi, Sen. Sakaja and Sen. Mwaura, people who I admire because they have managed to come to this Senate--- They sit with Sen. Orengo and Sen. Wetangula at a very youthful age. It is because of affirmative action and the fight for democracy and space.

It is unfortunate and sometimes I think that the policemen in this country file returns just like marketers for commissions for the number of people that they arrest. Why would you arrest people and lock them in a police station on *Saba Saba* Day during this COVID-19 pandemic? What point are you making, to whom, for whom and what for?

Madam Deputy Speaker, the people in Tiananmen Square in China, Europe and Hyde Park demonstrate daily and nobody bothers them. Every day, people demonstrate about everything including the sun, the clouds and everything under the sun. I think this Constitution was the reason we enjoy all the freedoms.

Somebody said; to echo the sentiments of Sen. Wetangula, “freedom is like toothpaste; the minute you remove it, you cannot return it. We cannot allow people like us to be arrested because if we do not condemn this arrest, we are next to be arrested and mistreated.

Unfortunately, and to support the Petition of Sen. (Dr.) Mwaura, the person who made this proposal for Access to Government Procurement Opportunities (AGPO) is none other than the distinguished nephew of Sen. Wetangula, Sen. Sakaja. He is seated right here with us.

Once again, just like the Petition by the Governor of Nandi County, the solutions are available. I agree with the sentiments raised on the Floor. The only thing I think can be done is that I am still waiting for a governor to be impeached for not giving contracts to the youth and women and Persons With Disability (PWDs).

*(Applause)*

Madam Deputy Speaker, is it not a constitutional violation not to conform to the affirmative action? In fact, the definition of affirmative action includes measures designed to overcome an inequity or systematic denial or infringement or right of fundamental freedom. How can we allow young people---? Justice Kwach used to call them phantoms of the imaginations of the makers. These companies are made up by people who are 70 or 80 years old; men pretending to be women and non-disabled pretending to be disabled. Is that not obtaining by false pretense? It is.

We should demand an audit from every national Government and county entity of their compliance of 30 per cent because it is a violation. I repeat; it is a violation and not an irregularity. This is because the people you are talking about are the majority; the youth. People like Sen. (Dr.) Musuruve who should be looked at with a sympathetic eye.

Please, commit this to our relevant committee. Let the Committee not grapple too much and grope in the dark. The solutions are available. We want an audit.

**The Deputy Speaker** (Sen. (Prof.) Kamar): Thank you, Senator. For the remaining five minutes, Sen. M. Kajwang' and Sen. Cherargei take two and a half minutes each.

**Sen. M. Kajwang'**: Madam Deputy Speaker, 30 years later, the youth are saying it is not yet uhuru. That is why the young people have brought this Petition to this House to save them from the greedy who rig procurement and tenders in county and national Governments.

Thirty years ago, we had the *Saba Saba* Day. It is interesting that 30 years ago, some of the Members of this House, like Sen. Sakaja, still had milk teeth.

**Sen. Mutula Kilonzo Jnr.**: I tell you.

**Sen. M. Kajwang'**: Madam Deputy Speaker, I think Sen. Cherargei was in a semi-solid state.

*(Laughter)*

Today, he has the privilege of sitting with the people who led *Saba Saba*. On *Saba Saba* Day, there were two sides to the story. So, it is not just about Sen. Orengo. It is also about the people who are in the Kenya African National Union (KANU). Every coin has two sides.

Madam Deputy Speaker, we are extremely indebted to the people who opened up the democratic space that allows us to speak our minds today. Those people who were arrested today were protesting against police brutality.

Not too long ago, my President, President Uhuru Kenyatta, while addressing the Atlantic Council, said that all lives matter. The protesters today were carrying banners saying that all lives matter. They were protesting against police brutality. Mr. President, you must order the release of those protesters if, indeed, you meant every word you said that all lives matter.

Coming back to this Petition because you have given me two minutes, not too long ago, the President ordered the resignation of accountants and procurement officers across the country. We do not know what happened to it. Mr. President, you might suffer from amnesia but we, Kenyans, remember. We need the relevant Committee to tell this House what became of the accountants and procurement officers.

Madam Deputy Speaker, in the last Parliament, it was fairly easy to deal with the reports on the fulfillment of AGPO because the Public Procurement Regulatory Authority (PPRA) would be required to report to Parliament. We had a joint Committee which was chaired by Sen. Sakaja and I was a Member. I recall we demanded that those reports be brought before Parliament.

Now that we do not have joint Committees, I encourage the Committee on National Cohesion, Equal Opportunity and Regional Integration, that even though the National Assembly could be considering the same, they have a mandate as a competent House of Parliament to address these issues.

Finally, I hope that the Committee that will deal with this will also look at the bottlenecks that have been introduced by the Integrated Financial Management

Information System (IFMIS). I believe in automation and that IFMIS is a good solution if implemented properly. The e-procurement module of IFMIS has been rigged in many circumstances to disadvantage the youth and PWDs.

I support the Petition.

**The Deputy Speaker** (Sen. (Prof.) Kamar): Thank you, Senator.

Finally, Sen. Cherargei.

**Sen. Cherargei:** Thank you, Madam Deputy Speaker. From the onset, I condemn the arrest of many *Saba Saba* Day protesters today. That is a violation of Article 37 of the Constitution.

I have seen people like Frank Chacha and many others who were arrested in Kibera and other police stations across the city. We ask the Inspector-General (IG) of Police, the President and the Cabinet Secretary (CS) for the Ministry of Interior and Coordination of National Government to release them because they were not violating any law. They were just exercising their democratic right.

**An Hon. Senator:** And apologise.

**Sen. Cherargei:** Madam Deputy Speaker, and apologise to the nation. Being my neighbour, you are aware of what happened in Lessos. Yesterday in Rioma in Kisii County, we saw police applying excessive use of force, and even extra-judicial killings. This made the people to riot and burn down a police station in Lessos in Nandi County.

This police brutality must stop. We are seeing a very dangerous trend in this country where the police, instead of maintaining law and order, are now misusing that power they have been given under the law.

Madam Deputy Speaker, I laud the heroes of *Saba Saba* who fought for the freedom of democracy in this country. I might have been young those days when this *Saba Saba* started but I encourage people like Sen. Orenge – although he has stepped out – to continue keeping the fight of democracy and freedom of expression and space in this country, unlike what we are witnessing at the moment.

Second, I laud Sen. (Dr.) Mwaura, the newest and youngest Member of the Speaker's Panel, for this wonderful Petition to the Senate. Under Article 55, the youth have been given rights through an affirmative action. As Sen. M. Kajwang' has said, I request that we need an audit of all 47 county governments and the National Government on the number of tenders they have awarded to the young people in this country. The issue of young people being used as flower girls and page boys in access to tender awards in counties and the National Government must stop.

We cannot be reduced to what we call *Kazi Mtaani*. It is a wonderful idea by the President to start *Kazi Mtaani* but we want those young people to be empowered. We do not want to be relegated to *Kazi kwa Vijana*. We also want to sit in boardrooms and make decisions. We also want to make money as young people. As young people who have the privilege and honour to serve in this House as representatives of many young people, that Petition is timely. We need an overhaul of the procurement system.

As I conclude, I challenge the Committee that will look into this Petition to give us an entire audit of the procurement system so that we can know where we need to amend or provide legislative and policy direction. I appeal to my seniors like Sen. Mutula Kilonzo Jnr., Sen. Wetangula, the party leader and the rest, when those amendments will

come to the Floor of the House, kindly stand with the young people, PWDs and the marginalized in this country.

**The Deputy Speaker** (Sen. (Prof.) Kamar): Hon. Senators, pursuant to Standing Order No.232(1), the Petition stands committed to the relevant Standing Committee for its consideration. In this case, I direct that the Petition be directed to the Standing Committee on Finance and Budget.

In terms of Standing Order No.232(2), the Committee is required, in not more than 60 calendar days from the time of reading the prayer, to respond to the Petitioner by way of a report addressed to the Petitioner and laid on the Table of the Senate.

Thank you.

### MESSAGE FROM THE NATIONAL ASSEMBLY

#### APPOINTMENT OF HON. RACHEL AMESO AMOLO AS A MEMBER OF THE PARLIAMENTARY SERVICE COMMISSION

**The Deputy Speaker** (Sen. (Prof.) Kamar): Hon. Senators, before we go to the last Petition from Sen. Mwaura's team, I have a Communication to make.

Hon. Senators, I wish to report to the Senate that pursuant to Standing Order No. 41 (3) and (4), I have received the following Message from the Speaker of the National Assembly on the appointment of a Member of the Parliamentary Service Commission. I quote:

“Pursuant to the provision of Standing Orders No. 41 (1) of the National Assembly Standing Orders, I hereby transmit a Message to the Senate; that pursuant to the provisions of Article 127 (2)(d) of the Constitution and Paragraph 4 of the First Schedule of the Parliamentary Service Act, 2019, by a resolution passed on Thursday, 23<sup>rd</sup> of June, 2020, the National Assembly appointed Hon. Rachel Ameso Amolo as a Member of the Parliamentary Service Commission.

Now therefore, in accordance with the said provisions of the Standing Orders, I hereby convey the above-mentioned resolution of the National Assembly and invite the Senate to also consider the said person for appointment to the Parliamentary Service Commission.”

I thank you.

We have a point of order from the Senator for Homa Bay County.

**Sen. M. Kajwang'**: On a point of order, Madam Deputy Speaker.

I appreciate the Communication and the Message from the National Assembly. However, if my memory serves me right, the relevant Committee has already laid their Paper, which has been processed by the Senate. Does this mean that we have to start the process afresh? This is because it would appear that the Senate has already made a resolution on the matter.

**Sen. Sakaja**: On a point of order, Madam Deputy Speaker.

**The Deputy Speaker** (Sen. (Prof.) Kamar): Another point of order from Sen. Sakaja, before I come to Sen. Wetangula.

**Sen. Sakaja**: Madam Deputy Speaker, I have a similar concern. This is because this matter came before us. The same Message you have read has been read before. The

Committee on Justice, Legal Affairs and Human Rights went through it and brought a report here rejecting the appointment. However, the House rejected the rejection by not passing the report; in fact, not even seconding it. So, the Senate has already pronounced itself on this matter in support of the decision by the National Assembly on her nomination.

Madam Deputy Speaker, unless this Commination is just to confirm the appointment, which we already have no problem with, then, Senators will be confused to assume that you want us to go through the process again. Maybe, a clarification from you will be quite in order for us to know. This is because the Senate almost unanimously, with the exception of a few Members of the Committee, support the nomination and appointment of Hon. Rachel Ameso Amolo.

*(Laughter)*

**The Deputy Speaker** (Sen. (Prof.) Kamar): Hon. Senator, when you talk of majority of Members and there was no vote, you are also misleading us. Hon. Senator, hold your horses. I will communicate and respond.

Sen. Wetangula, kindly, proceed.

**Sen. Wetangula:** Like Sen. Mutula Kilonzo Jnr. and Sen. Sakaja, I fail to understand the value and the relevance of that Communication---This is because a Motion came to the House, it was moved, it could not get a Secunder, it collapsed and we went to the status quo of approving the appointment of Hon. Rachel Ameso Amolo.

Madam Deputy Speaker, after that, Hon. Ameso was gazetted as a Commissioner. That Communication that you have read is calling upon this House to consider the appointment of Hon. Rachel Ameso Amolo as a Commissioner, when she has been appointed and gazetted.

What is the value of that Communication? Is it misplaced, or is it wrongly placed before you, or what are we going to do as a House in furtherance of the direction that we need to consider?

*(Some Senators consulted the Deputy Speaker)*

I can see you are being interrupted, over and over.

**The Deputy Speaker** (Sen. (Prof.) Kamar): I am hearing you.

**Sen. Wetangula:** Madam Deputy Speaker, for avoidance of doubt, a similar Communication came, the Committee on Justice, Legal Affairs and Human Rights worked on the matter, brought a report. The report was rejected and Hon. Rachel Ameso Amolo has been gazetted as a Commissioner. What are we supposed to consider in accordance and in line with the Communication you have read?

**The Deputy Speaker** (Sen. (Prof.) Kamar): Thank you. Finally, Sen. (Dr.) Musuruve, kindly, proceed.

**Sen. (Dr.) Musuruve:** Thank you very much, Madam Deputy Speaker---

**The Deputy Speaker** (Sen. (Prof.) Kamar): Are you also on a point of order?

**Sen. (Dr.) Musuruve:** I am reacting to your Communication. Madam Deputy Speaker---

**Sen. Mutula Kilonzo Jnr.** On a point of order, Madam Deputy Speaker.

**The Deputy Speaker** (Sen. (Prof.) Kamar): Let me listen to the point of order from the Senator for Makueni County and then I will come back to you.

**Sen. (Dr.) Musuruve:** Okay. Thank you.

**Sen. Mutula Kilonzo Jnr.:** Thank you, Madam Deputy Speaker. Just like everybody else, the Communication has confused us a little. But more importantly, I would like to know whether after the vote by acclamation here, a similar Communication was read in the National Assembly.

Since I was a present when this was being done, the procedure of dealing with these issues needs to be clarified from your desk. This is because by the time this matter was sitting at the Committee on Justice, Legal Affairs and Human Rights, the process of agreeing or disagreeing was not quite clear. Therefore, part of what the Speaker should do for us and for posterity, is to communicate how that process is supposed to be done. This is because assuming one House rejects and another one approves, there is no procedure of what is supposed to happen.

I thank you.

**The Deputy Speaker** (Sen. (Prof.) Kamar): Thank you. I will respond to the points of order first although Sen. Mutula Kilonzo has raised a dangerous point of order, that we are not sure of the procedure of agreeing or not agreeing. We know our procedures.

Hon. Senators, let me make it very clear that this is a Message to communicate a decision that has already taken place. The reason is that, as two Senators have mentioned, a Motion was brought here, it was not seconded and therefore, it collapsed and we lost the opportunity.

Having lost the opportunity, the appointment of Hon. Rachel Ameso Amolo was done according to the Parliamentary Approval Act. Therefore, this is just for your information.

With that, we close that debate. I will only allow one person who has requested to make a comment or congratulate Hon. Rachel Ameso Amolo.

Sen. (Dr.) Musuruve, kindly proceed on behalf of all of us, so that we can move on.

**Sen. (Dr.) Musuruve:** Thank you very much, Madam Deputy Speaker, for this opportunity. I want to congratulate Hon. Rachel Ameso Amolo for the appointment. Indeed, as women of Kenya, this is a plus for us.

She brings double blessings to the PSC. As a former legislator, she will bring a lot of eye-opening ideas to the Commission. There are legislative issues that we have had as legislators, but sometimes we lack Commissioners who would run our agenda.

Madam Deputy Speaker, I want to believe that her appointment is well meaning. Just like any other woman, I support her appointment. Her experience will also be good for mentorship. The fact that she has been a legislator and she has been on the ground, I am sure that she will move our agenda in the PSC to greater heights. She will be a catalyst to the things we want done in it.

Madam Deputy Speaker, I support this appointment.

**The Deputy Speaker** (Sen. (Prof.) Kamar): Thank you very much, Senator. You have done it on behalf of all of us.



The last Petition which is fairly straightforward is from Sen. (Dr.) Mwaura. It should take us not more than 10 minutes because we are not doing well on time.

## PETITION

### GAZETTEMMENT OF ONDIRI WETLAND IN KIAMBU COUNTY

**Sen. (Dr.) Mwaura:** Thank you very much, Madam Speaker.

I rise to present a Petition on behalf of the petitioners. Petition to the Senate concerning the gazettement of the Ondiri wetlands Kenya. Ondiri is a corruption of the word “old lake.”

We, the undersigned friends of Ondiri Wetlands Kenya folk, citizens of the Republic of Kenya and in particular residents of Kiambu County, Kikuyu Constituency draw the attention of the Senate to the following -

(1) That there are a myriad of threats and challenges that the wetland has been facing which has resulted to its continued degradation and over exploitation of its resources. This includes but not limited to pollution, water obstruction, encroachment, overgrazing, plantation of eucalyptus on its riparian reserve, infrastructural development and fodder harvesting.

(2) That the wetland lacks formal protection status which threatens the wetland and attributes to low environmental literacy among the surrounding communities and poor coordination by the stakeholders

(3) That there is continued operation of greenhouses which lack proper waste management practices and this has led to release of chemical effluents into the wetland which is violation of Rule 81 of the Water Resources Management Rules, 2006 which prohibits discharge or application of any poisonous toxic, noxious or obstructing matter, radio activity waste or other pollutants into a water body.

(4) That some of the land owners surrounding the wetland have encroached into the wetland for agricultural expansion and construction of residential homes. Riparian land owners have build permanent structures and cultivated horticultural crops beyond the set back line. The eroded soil causes segmentation of the wetland, thus raising the issue of ground seepage of sewage effluent into the wetland.

(5) That there has been unregulated abstraction of water from the wetland and there are about over 40 permanent water pumps drawing water from the wetland yet this is one of the sources of Nairobi River, out of which 50 per cent lack permits and are unmetered making it difficult to monitor water abstraction from the wetland. This contravenes Section 36b of the Water Act 2016 which requires the issuance of permits for abstraction of water.

(6) That we have made the best efforts to have these matters addressed by the relevant authorities, all of which have failed to give a satisfactory response.

(7) That none of these issues raised in this Petition is pending in any court of law, constitutional or any other legal body. Therefore, the petitioners humbly pray that the Senate investigates this matter and -

(i)Initiate a formal protection status for Ondiri wetlands in the Republic of Kenya

(ii) Intervene in the matter with a view to ensure that the Water Resources Authority (WRA) verifies whether all of the water abstraction permits are registered or not and legalize them and delineate the boundaries of Ondiri wetland

(iii) Initiate the recognition of Ondiri wetland Kenya as a highland bog and a major water tower and an ecosystem site.

(iv) Initiate the process of funds allocation to carry out awareness campaigns that will involve the Government, private sector and fencing off of the wetland so that people can understand the importance of the resource, so that it can be properly managed.

(v) Intervene for the folk group to enable the gazettelement of Ondiri Wetland as a wetland area.

**The Deputy Speaker** (Sen. (Prof.) Kamar): Thank you, Senator. As I had predicted, this was very straightforward Petition. I will go straight to give direction on this Petition.

Hon. Senators, pursuant to Standing Order 232 (1), the Petition should be committed to the relevant Standing Committee for its consideration. In this case, I direct that the Petition be committed to the Standing Committee on Land, Environment and Natural Resources.

In terms of Standing Order 232 (2), the Committee is required in not more than 60 calendar days from the time of reading the prayer to respond to the Petitioner by way of a report addressed to the petitioner and laid on the table of the Senate.

*(The Petition was committed to the Standing Committee on Lands, Environment and Natural Resources)*

Next Order!

### PAPERS LAID

**Sen. Kang'ata:** Madam Speaker, I beg to lay the following Papers on the table of the Senate today, Tuesday, 7<sup>th</sup> July, 2020.

#### THE PUBLIC HEALTH (COVID-19) RESTRICTION OF MOVEMENT OF PERSONS AND RELATED MEASURES

The Public Health (COVID-19) Restriction of Movement of Persons and Related Measures) (Nairobi Metropolitan Area) (Extension) Order, No. 3 of 2020, Legal Notice No. 104 Of 2020.

The Public Health (COVID-19) Restriction of Movement of Persons and Related Measures) (Daadab Refugee Complex and Kakuma Refugee Camp) (Extension) Order, No. 2 Of 2020 – Legal Notice No. 105 of 2020

The Public Health (COVID-19) Restriction of Movement of Persons and Related Measures) (Mombasa County) (Extension) Order, No. 3 of 2020 – Legal Notice No. 106 Of 2020

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The Public Health (COVID-19) Restriction of Movement of Persons and Related Measures) (Mandera County) (Extension) Order, No. 3 of 2020 – Legal Notice No. 107 Of 2020

*(Sen. Kang'ata laid the documents on the Table)*

**The Deputy Speaker** (Sen. (Prof.) Kamar): Thank you, Senator. Next Order!  
What is your point of order, Sen. M. Kajwang'?

**Sen. Kajwang'**: Madam Speaker, Parliament should not be seen to be acting in vain. I do recall a few weeks back the then Chair of the Delegated Legislation Committee reported to the House on his frustration at receiving notices, orders and statutory instruments that had already expired.

It is in the public domain that the movement orders that have just been laid on the table of the House today lapsed at 4.00am this morning. I am not requesting for a direct answer but you need to guide the House and particularly the Committee on Delegated Legislation and the Executive. Even though this order lapsed at 4.00am today, that order was in force for 30 days. There was nothing preventing the Executive from bringing that particular notice to the attention of this House. The Executive seems to be taking the House for granted and you need to guide us on how to deal with expired notices.

**The Deputy Speaker** (Sen. (Prof.) Kamar): Sen. Sakaja, Nairobi City.

**Sen. Sakaja**: Madam Speaker, my issue is different I have an approved Paper to lay, on the progress report of COVID-19 and you are moving to the next order.

**The Deputy Speaker** (Sen. (Prof.) Kamar): That is coming. In response to Sen. M. Kajwang', we are in unprecedented times and do remember that this House does not sit the way we normally sit for three days. Because of that one day we sit here, I do agree with you that we should get things on time. However, because of what is prevailing currently, it is something understandable; for that reason, only that we cannot sit for more than one day.

Next Order!

Sen. Sakaja, Chairperson *Ad hoc* Committee on COVID-19.

THE 8<sup>TH</sup> PROGRESS REPORT OF THE *AD HOC*  
COMMITTEE ON COVID-19 SITUATION

**Sen. Sakaja**: Madam Deputy Speaker, I beg to lay on the Table of the House today, Tuesday, 7<sup>th</sup> July, 2020: -

The 8<sup>th</sup> Progress Report of the *Ad Hoc* Committee on COVID-19 situation.

*(Sen. Sakaja laid the document on the Table)*

**The Deputy Speaker** (Sen. (Prof.) Kamar): Let us go to the next Order.

**NOTICE OF MOTION**ADOPTION OF THE 7<sup>TH</sup> AND 8<sup>TH</sup> PROGRESS REPORTS OF THE  
*AD HOC* COMMITTEE ON COVID-19 SITUATION

**Sen. Sakaja:** Madam Deputy Speaker, I beg to give the following Notice of Motion:

THAT the House do adopt the 7<sup>th</sup> and 8<sup>th</sup> Progress Reports of the *Ad Hoc* Committee on COVID-19 Situation.

**The Deputy Speaker** (Sen. (Prof.) Kamar): Let us go to the next Order.

**STATEMENTS**

**The Deputy Speaker** (Sen. (Prof.) Kamar): There are several Statements and several apologies. The first Statement is from the Senator for Trans Nzoia, Sen. (Dr.) Mbiti. Just in case he is in the other building, he should move here.

I have received apologies from the Senator for Kakamega, Sen. Malalah. That takes care of Statements (b)(i) and (iii).

ROLE OF THE NHIF IN COVID-19 TESTING FOR  
HOTEL AND RESTAURANT STAFF IN THE COUNTRYPROPOSED INCREASE OF EXCISE DUTY ON BEER  
MADE FROM SORGHUM, MILLET AND CASSAVA

*(Statements deferred)*

**The Deputy Speaker** (Sen. (Prof.) Kamar): The next Statement is from Sen. Halake but we have also received apology that she will not make it.

STATUS OF AUTOMATION OF LAND REGISTRIES  
AND GENERAL LAND RECORDS

*(Statement deferred)*

**The Deputy Speaker** (Sen. (Prof.) Kamar): The next one is Statement (b)(iv) from Sen. Kwamboka.

STATUS OF THE NAIROBI METROPOLITAN  
AREA TRANSPORT AUTHORITY

**Sen. Kwamboka:** Madam Deputy Speaker, I rise pursuant to Standing Order No.48(1) to seek a Statement from the Standing Committee on Roads and Transportation regarding the status of the Nairobi Metropolitan Area Transport Authority (NAMATA). In the Statement, the Committee should: -

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- (1) Explain the status of the Authority since its creation in 2017.
- (2) Explain the status of policy on Metropolitan Area Mass Transit System, including Bus Rapid Transit (BRT) and light rail transit systems which were proposed for the City.
- (3) Explain the status of the implementation of the Sustainable Integrated Public Transport Strategy and Sustainable Urban Mobility Plan for the Nairobi City.

I thank you.

**The Deputy Speaker** (Sen. (Prof.) Kamar): Sen. Kwamboka, the next Statement is also yours. Since the one you have sought is straightforward, the Statement stands committed to the Committee on Roads and Transportation. We will give them 14 days to come back to us.

Go to the next Statement.

#### ALLEGED RISE IN CASES OF TEENAGE PREGNANCIES DURING THE COVID-19 PANDEMIC

**Sen. Kwamboka:** Madam Deputy Speaker, I rise pursuant to Standing Order No.48(1) to seek a Statement from the Standing Committee on Education concerning the alleged rise in cases of teenage pregnancies during the COVID-19 pandemic. In the Statement, the Committee should:

- (1) Explain reasons for the alleged rise in adolescent pregnancies during school holidays as well as whenever there is an interruption in the normal school calendar, with reference to the over 28,000 school-going children according to the Kenya Health Information Systems (KHIS) across the nation whose education will be affected due to pregnancy during the COVID-19 pandemic.

- (2) Outline the steps the Ministry of Education, Science and Technology intends to take, if any, to ensure that school-going girls do not become sexual preys due to the interrupted school calendar.

- (3) Elucidate measures, if any, that have been put in place to ensure that the men responsible for the teenage pregnancies are punished for their actions.

I thank you.

**Sen. Farhiya:** Madam Deputy Speaker, I wish to thank Sen. Kwamboka for bringing this Statement. The state of affairs in this country in terms of teenage pregnancies is dire. It demands attention from the authorities, parents and everybody. As a House, this is an issue all of us should speak to. It is sad to an extent that some of the pregnancies are as a result of some parents, relatives or teenage boys.

Some girls who get pregnant are not mature enough even to determine their own destiny in terms of what is good and what is bad. They may have matured physically but mentally they are young children.

Sometimes you wonder where our societal beliefs are. As a country, this is the time we asked ourselves where we went wrong as a society. This is because we cannot have 14 or even 10-year old children getting pregnant sometimes by the people they trust so much. They could be teachers, relatives of even parents.

When I was growing up, when a child was found doing some funny things, whoever found you, whether it was your parents or somebody else, they would cane you thoroughly until you got disciplined. However, all that is water under the bridge.

We have become so westernised that we have lost our values as Africans or people who believe in religion; whether Islamic, Christianity or any other religion. People who are not married should not engage in such behaviour. We need to evaluate our own social fabric to determine where we went wrong.

I also challenge the churches, mosques and people who take care of our religious beliefs. They need to address some of these issues. I am not leaving out the parents because they also need to be responsible for their children.

Sometimes when you send a young girl to go and fetch water they are raped on their way. So, we need to look at these issues wholesomely. We should determine what is right in our society.

I thank you.

**Sen. Cherargei:** Madam Deputy Speaker, I congratulate and support Sen. Kwamboka for this Statement. It has become a national crisis where there are unprecedented cases of teenage pregnancies in the country. The sad part is that sometimes there are people who take advantage of young girls. There is also a case from Murang'a where a 9-year old girl was also found to be pregnant. This has been the biggest problem in this country. It could be done by boys or people who take advantage of these girls.

When we passed the Sexual Offences Act, it was supposed to ensure such perpetrators who take advantage of young girls below 18 years as provided by the law are punished. This is a unique challenge for parents, especially now that we have had cessation of movement and lockdown.

I heard the Cabinet Secretary for Education, Prof. Magoha, and education stakeholders including the inter-religious forum say that schools will resume in January 2021. That is a challenge to parents and guardians.

Parents must come out strongly and monitor where their children are. I heard a case in the news yesterday where a girl left Kericho and went all the way to Bomet, yet the parents were not aware. Therefore, we have a big challenge as parents and guardians to ensure that---

I hope that the Committee that the Statement from Sen. Kwamboka will be committed to will look at it and tell us what the problem is. Is it a societal issue? Are our morals eroded? Is there a problem that we are allowing too much internet and funny ideas? The other day, somebody by the name of Joan was trending on *Twitter*. She was showing her home. Are our teenagers so much exposed? Do we have a problem?

Madam Deputy Speaker, in fact, even when we use all the advances in technology like televisions and other things, there is always need for parental guidance. Should we activate that as parents and guardians in this country? Is there a problem in this country that needs to be fixed? It is so sad. I think it is a serious state of affairs, and we are worried for the future generations. As my colleagues have said, some of these children are still under age. They might not be physically mature, but they are not stable in terms of mental capacity.

When I used to Chair the Committee on Justice, Legal Affairs and Human Rights, where my learned senior, Sen. Mutua Kilonzo Jnr., was my very good committed Member, we visited the Government of Kenya (GK) Prison in Eldoret, which is in your county. We also visited the Industrial Area Remand Prison and other coastal prisons in this country. We noticed that there is a high and unprecedented number of--- Sen. Sakaja was also part of the team and also a Member of the Committee on National Security, Defence and Foreign Relations. He was the Vice Chairperson before he was removed, or resigned. I think there is a report lying somewhere.

Madam Deputy Speaker, we noticed that one of the biggest problems in our prisons, and I want Members to listen to this carefully, is that many young men, some of whom are 16 years old, form a huge chunk of over 80 per cent of the people in remand. Therefore, we also need to agree. I am not saying that there should be an excuse to have teenage pregnancies in this country, but what happens when you have the case of a 15-year old girl and a 15-year old boy? The law says that you take the boy to prison, but the girl is left. As members of 'the boy child society,' we need to look at this issue with a balance. However, we condemn teenage pregnancies because they affect our children.

Finally, I want to advise parents and guardians, whose children have gotten babies or are pregnant that when the time comes to reopen schools, kindly take care of that small child. Allow the girl to go back to school and continue with her education. In my own family, when my elder sister was in high school, fortunately or unfortunately, she got a child. After some time, I was one of the people who took care of the child, so that she could go back to school. This subject is very critical. I am happy that today she is almost becoming a principal of a secondary school, yet the future did not look good at that time.

I challenge parents and all guardians to come out strongly to give second chances to these young girls. Any man who is above 18 years, especially those who have taken advantage of these young girls, should not be forgiven. Let God forgive them when they get to heaven, but we must punish them.

Thank you, Madam Deputy Speaker.

**The Deputy Speaker** (Sen. (Prof.) Kamar): Hon. Senators, we normally allow only 30 minutes for this kind of contribution, but we have many Members who have shown interest. I urge you to take two minutes each, because we are left with 20 minutes and I have almost 10 Members.

Sen. (Rev.) Waqo.

**Sen. (Rev.) Waqo:** Thank you, Madam Deputy Speaker, for allowing me to add my voice to this very important Statement, as I also congratulate Sen. Kwamboka for coming up with it.

As a nation, we should be thinking of how we can solve this problem. That has become a tradition now. I remember that last year we debated about candidates who got pregnant and were almost giving birth during the exam time. Today, we seem to be blaming the Coronavirus Disease (COVID-19). If our young girls got pregnant in March, they should not be giving birth at this time. As a mother, I think that some of them got pregnant in November or around December.

It is unfortunate that in our society, we have no respect for our young girls. That is why we are facing all these problems. Therefore, as I support this Statement, I think that we should be very careful as parents and be close to our young daughters. This is because

you may be looking at your daughter as a baby, but another man somewhere is admiring her. Therefore, we should be very careful. We should also limit their movement in and out of the house and premises.

Madam Deputy Speaker, we have also given our daughters a lot of freedom, like on social media. They watch a lot of things happening on television, and that should also be controlled by the parents. They have their phones for 24 hours, and we do not know what they interact with through their phones. As parents, we should be responsible and take care of what is happening. When I talk of parents, it is unfortunate that some of these girls have blamed their fathers, uncles and close relatives. It is unfortunate that we talk about our girls, but do not talk about the perpetrators.

Madam Deputy Speaker, I support this Statement and also urge our young people, both boys and girls, to abstain totally. In the Bible, the young girls are encouraged to take care of their virginity until they are married. The same thing applies to the boys, but unfortunately, today, the issue of abstinence is not there. I know that even in Islam, that is not allowed. I believe that the religious leaders can also take control. We can advise our young people to abstain, so that they take care of themselves.

We have a responsibility---

**The Deputy Speaker** (Sen. (Prof.) Kamar: Please, wind up.

**Sen. (Rev) Waqo:** Thank you, I will. We have a responsibility in the society, especially as women, to stand up for our young girls, give them relevant advice and see how we can be their role models.

Thank you.

**The Deputy Speaker** (Sen. (Prof.) Kamar: Thank you.

Sen. (Dr.) Mwaura.

**Sen. (Dr.) Mwaura:** Thank you, Madam Deputy Speaker. I support this Statement by Sen. Kwamboka, the indefatigable strategist who is seated there, blazing in red. You know that red is the colour of love, and we are discussing very important matters.

I want to speak to our young people, the teenagers, and tell them that most of them are jogging around. I know of a group of people from Githurai and Wendani who jog around Kenyatta University (KU). I just want to remind them that the only jogging that is required is vertical jogging, and not any other kind of jogging. This is because the consequences are very critical. Parents need to be careful because we have seen an increase in domestic violence. If they are fighting in front of children and the children are finding solace amongst themselves, this is the result because they are very idle and have no one to guide them.

Number two, the other issue concerns the way our community is living, especially those who are in urban areas. We no longer live in communities where older person can advise young people. Parents are busy trying to look for food because they do not have food, and the young people are left on their own. It is actually a breakdown of our social traditional system, but it also brings out the challenge because---

At some point, I was actually a high school teacher doing my teaching practice somewhere. Sometimes, I used to meet my students over the weekend without uniform. When you meet a 17-year old, you may think that she is a fully grown person that you are dealing with, until they remind you that, “teacher, I am actually your student.”



Men, please, be careful. You are taking advantage of these young girls because they do not have uniforms and are easily excitable; they want to pass for over 18 years old. *Ujue huyo ni under 18 bwana*, so that you are safe. This is because you do not want that to be done to your daughter.

Also, women should not take advantage of 'Ben 10s'; young boys because they are excited. Some women have money and are bored because they have quarreled with their families.

As I conclude, there has been a debate about sex education in this country. I remember in Class Five and Class Six, we used to have a topic called "Consequences of irresponsible sexual behaviours." This should be emphasized until we realise that our children are no longer naïve the way people used to be in the past. We now have *WhatsApp* and *Facebook*. I want to urge our parents to avoid giving children phones, so that we protect this generation. What are they doing with phones? No lessons are coming through the phones.

I also support Sen. Cherargei on the fact that we do not need to go the Magufuli way. If they have already gotten children or are pregnant, let them go back to school and rebuild their lives.

**The Deputy Speaker** (Sen. (Prof.) Kamar): Thank you, Sen. (Dr.) Mwaura.

Sen. (Dr.) Musuruve, please, try in two minutes.

**Sen. (Dr.) Musuruve:** Thank you, Madam Deputy Speaker, for this opportunity. I want to support Sen. Kwamboka for coming up with this Statement. During this COVID-19 period, we need to know the role that teachers and schools play in the lives of a person. This is because it is in learning the situation that children learn so much.

Sometimes parents may not be able to tell children, in the home environment, some of the things that they need to be told. We cannot blame the children because they are still very young.

Think of a girl of 11 years getting pregnant. You will find that perishables entice some of these young girls. In some cases, they are given sweets or chips and end up being compromised. They are still young and their minds have not developed. There is need to follow perpetrators of these heinous acts and ensure that they are brought to book.

You will find that some of these perpetrators are caretakers of these children. Some of them are even their fathers, stepfathers, chiefs and men of repute, but they walk scot-free. Unfortunately, the villain is mostly the woman most of the time, whether she is young or old.

However, we have to go back to the society and see where exactly we went wrong. There is something wrong about the social and moral fabric in the society. There is need for us to review and see how parents can be roped in for them to know how they can impart information to their children.

In as much as we are talking about the Ministry, the Ministry is not with the children right now. This is an indicator that schools play a very big role in the lives of people. There is need to see how to help our children, so that their education does not come to a halt.

When a girl becomes pregnant, her education stops, yet the boy will continue with his education. We have to see how to salvage our children and help them. We were there and due to the role that schools played in our lives, we are where we are.

We have to be empathetic to the plight of children and see how to help them. However, the perpetrators of these heinous acts should not go scot-free. The perpetrators out there in *mashinani* should be brought to book. Those brothers, sisters, and stepfathers who are doing this should be brought to book. Also, men in ties and suits who are doing this should be brought to book.

Thank you.

**Sen. (Prof.) Onger:** Thank you, Madam Deputy Speaker, for giving me this opportunity to weigh in on this matter. It is sad. In fact, on average, 18 per cent of the adolescent children are pregnant or get pregnant at that tender age. Therefore, it is not only a problem to parents, but also a health risk in the sense that delivery by these children comes with a lot of complications. Also, to nurture young babies through these young mothers becomes a task in itself.

It is quite a paradox that we are educating young girls and boys for them to elude poverty. Unfortunately, when they get pregnant, they have no source of income other than being dependent on others to be able to take care of them.

It is a pity because some of them come from very vulnerable homes and poor socio-economic strata. This, therefore, creates a problem in our society. With this pandemic, it clearly shows you what the social fabric is all about. The social fabric in Kenya has become very rotten. They are not taking care of the sexuality or teaching children to avoid sexuality at this early age. When sexuality and pregnancy go hand in hand, you create a lot of difficulties and problems for the young ones to survive in the environment, as it is today. Leave alone the onset of COVID-19, with the socioeconomic difficulties having set in, it becomes very difficult to nurture these children. These are children who are sometimes abandoned in the streets or thrown in funny environments.

Therefore, parents have a huge responsibility to ensure that these children are put together. Just as the teachers were able to take care of us, as parents, we are beginning to see the gaps because more than 75 per cent of the time of a child is spent in school. However, with the onset of COVID-19 pandemic children are at home.

The fact that schools will reopen in 2021 will cause more problems. Statistics will change, and from 18 per cent, it could rise to 30 per cent or 40 per cent, and will be worrisome.

I thank Sen. Kwamboka for being alive to this situation and bringing this Statement to us. Whatever Committee will look at it, let them first of all look at the problems of teenagers, issues of pregnancy, complications of pregnancy and the health concerns.

Thank you.

**Sen. M. Kajwang':** Madam Deputy Speaker, I want to thank Sen. Kwamboka for bringing this matter. I contribute to it with a heavy heart because not too long ago, Homa Bay County was among the leading counties in teenage pregnancies even before this COVID-19 pandemic came to the fore.

Sexual intercourse with a minor is defilement, and it is criminal. For 380,000 teenage pregnancies, there are 380,000 criminals involved. Our prisons can only hold 52,000 people. This means that for us to deal with this matter from a criminal justice system perspective, we need to build six times more prisons than we have today.

Madam Deputy Speaker, that means that the penal approach is not the solution. We must find a way of bringing up our children in a manner that will discourage and incentivize them to hold on to their virginity and purity until the right age.

We can ride or mount the high horse and talk about things that children should do that we were not doing before. We have set up institutions, including the National Government Affirmative Action Fund that is run or patronized by our women representatives sitting in the National Assembly. What are they doing to conduct civic education and create awareness on this vice?

We have asked for resources to do monitoring and evaluation. We have a fund that is established with lots of money; millions of Kenya Shillings per constituency. Why do we still see these numbers rising?

Madam Deputy Speaker, I will not put this responsibility on the doorsteps of the women representatives because it is a huge societal issue. While we were growing up, and some of us went to school in Nairobi, pornography was very difficult to come across. If you got a copy of *Playboy*, it would be one copy circulating in the entire school. However, on every phone today, you can get content that corrupts the morals of our children.

I am an information scientist, but I support the blocking of content that is not adding value to our children. If you go to Dubai, you cannot access nude or sexual content. It was not enough for the Cabinet Secretary for Education, Prof. Magoha, to talk about pornography and leave it at that. What he needs to do is to tell the Cabinet Secretary for Information and Communication Technology, Hon. Mucheru, to set firewalls to block certain content.

However, the ultimate solution is with us, as parents. The manner in which we bring up our children will determine whether they want to hold on to their purity or want to bid it to the criminals.

However, we have 380,000 criminals walking around free in this Republic and making our children pregnant. Shame on them!

**The Deputy Speaker** (Sen. (Prof.) Kamar): Thank you, Senator.

Sen. (Dr.) Langat proceed.

**Sen. (Dr.) Langat:** Thank you, Madam Deputy Speaker, for giving me this opportunity to support this very great Statement from Sen. Kwamboka. Human behaviour is normally shaped by two institutions, that is, the biological or genetic part of it and the environment. When it comes to the environment, it is determined by three institutions; the family, schools and religious institutions. However, those three institutions have failed Kenyans.

Today, the parenting system is very challenged; parents no longer care. The only thing they ask is when schools will be re-opened. Nowadays, they no longer sit with their children to advise them. If you go to parents' days in schools, you will see mostly mothers. Where are the fathers? It is sad that the fathers are no longer attending to their children. They only blame their daughters when they become pregnant. How many times do fathers sit with their children to teach them morals? They are always very busy. Whenever they attend parents' days, they are in a hurry. They confuse their children with some gifts and disappear. These are the reasons these children are suffering this great.

I have been a pastor for a long time. More often than not, when you go to church, those particular youth meetings, which usually shape the behaviour of children, are ignored. Pastors preach the gospel of prosperity. They are more concerned with offerings and tithes, and nothing else. Instead of directing their teachings towards shaping the behaviour of youth, they teach other things.

In schools and other learning institutions, we have congested the syllabus so much with academics that our children are not taught morals. When these children get some little freedom outside there, they can do anything.

I also support what Sen. M. Kajwang' said; that pornography is all over our social media. Even in our Senate, social media is not exceptional. A few days ago, I was shocked to see in social media small children asking, "*nikikupatia utaweza?*"

*(Laughter)*

Even the children are modelling those particular songs and very heinous behaviour. We need to control the media.

**Sen. Cherargei:** On a point of order, Madam Deputy Speaker.

**The Deputy Speaker** (Sen. (Prof.) Kamar): There is a point of order from Sen. Cherargei?

**Sen. Cherargei:** Madam Deputy Speaker, for clarification, Sen. (Dr.) Langat, my good friend and Senator for Bomet County, has said that he saw some funny content in the Senate's social page. It is important that he clarifies, so that Kenyans do not think that Senators watch funny things in their social media, on *WhatsApp*. The song *Utawezana* is by Femi One and Mejja.

**The Deputy Speaker** (Sen. (Prof.) Kamar): Proceed, Sen. (Dr.) Langat.

**Sen. (Dr.) Langat:** Madam Deputy Speaker, thank you. Sen. Cherargei, you are the only one in Jerusalem who has not seen these things. I do not want to regret that I taught you four Units in the university.

*(Laughter)*

However, you were a brilliant student.

I saw this in various social media groups; I did not make any comment. Maybe you have not seen it. I realized that pornographic messages and videos are so much in social media sites that even our children can see them and model. Maybe it is not in the social media within the Senate, but you can see it across several other platforms.

Madam Deputy Speaker, it is high time we relooked at our legislation on social media and asked our law enforcers to take their work seriously.

**The Deputy Speaker** (Sen. (Prof.) Kamar): Please, wind up.

**Sen. (Dr.) Langat:** Thank you, Madam Deputy Speaker. The enforcement institutions of the law in this country must do their work. Otherwise, our girls will continue becoming pregnant because there are criminals ready to mess up with them. We shall come here, lament and say one, two or three things, and the society continues getting eroded. Every one of us must stand and be against this particular behaviour.

**The Deputy Speaker** (Sen. (Prof.) Kamar): Sen. Kang'ata, proceed.

**Sen. Kang'ata:** Thank you, Madam Deputy Speaker. I take this opportunity, first, to congratulate the hon. Senator who has brought this very timely Statement. Today, there is an announcement that has been done by the Cabinet Secretary (CS) in charge of the Ministry of Education proposing that schools reopen in January.

Allow me to give my personal views on that issue. I want to juxtapose those views with this Statement. I think it is not a good idea. One thing I have learnt over this pandemic period is that apart from schools being places where our children go to learn, they also somehow restrict our children. Therefore, they do not do the so-called funny business.

Madam Deputy Speaker, the more the children stay at home, the higher the rate of pregnancies, taking into account that this virus appears not to be affecting children. So far, as per the medical evidence, it seems not to target young children. We need to propose that we allow our children to go back to school, at least for Standard Eight pupils and Form Four students. That is my view because the more they stay at home, the more many of them will continue getting pregnant.

I wish to tell CS, Prof. Magoha that we may be saying that we should stay with our children at home, so that the virus does not spread, but the problems that we will get in January will be many. We will realize then that it would have been better if we allowed our children to stay in schools. Remember, we have the HIV/AIDS scourge, and we have come up with methods of living with it. We also have cancer and other forms of contagious diseases in this country.

Madam Deputy Speaker, it is now time for us to come up with measures to live with this virus. We cannot allow this virus to affect everyone, our economy and children. We are now at home doing this monkey business and bringing this problem. Therefore, CS, Prof. Magoha, from where I sit, kindly reconsider your decision to reopen the schools in January.

By the way, look here---

**The Deputy Speaker** (Sen. (Prof.) Kamar): Sen. (Dr.) Langat, proceed.

**Sen. (Dr.) Langat:** Madam Deputy Speaker, I want to say something to my colleague.

**The Deputy Speaker** (Sen. (Prof.) Kamar): Are you giving him information or is there something out of order?

**Sen. (Dr.) Langat:** Madam Deputy Speaker, is it in order for Sen. Kang'ata to urge the Ministry of Education to reopen schools immediately, just to run away from teenage pregnancies? The parents should take responsibility instead of pushing the schools to be the only custodians of morals in our society. He is one of the escapists of this particular incident.

**The Deputy Speaker** (Sen. (Prof.) Kamar): Thank you. Sen. Kang'ata, are you telling people to escape?

**Sen. Kang'ata:** Madam Deputy Speaker, allow me to explain a little bit on that point. There are many people who do not do bad things because of situations, while others do not do them because of their moral compass. For those who do not do bad things because of situations, it makes sense. We should fight those situations. By the way, let me go on record and say that I delayed doing these things because of my parents and the school settings. I stayed for many years.

(Laughter)

I am very happy, by the way. I am very proud of my record. Therefore, I want to tell young people that they can wait. You can ‘chill.’ Schools play a major role to this ‘chilling’ business. By the way, I am serious. I will rest my comments on this point.

**Sen. Shiyonga:** On a point of order, Madam Deputy Speaker.

**The Deputy Speaker** (Sen. (Prof.) Kamar): Is there a point of order from Sen. Shiyonga?

**Sen. Shiyonga:** Madam Deputy Speaker, I wanted a clarification from my fellow Senator here on what “these things” are. We are talking about a lot of things here, but what are those things that you delayed?

**The Deputy Speaker** (Sen.(Prof.) Kamar): Sen. Kang’ata, wind up. I know there are many things, but please wind up because it was not out of order.

**Sen. Kang’ata:** Madam Deputy Speaker has told me to wind up, so let me not answer that. Thank you for this Petition. I urge the Cabinet Secretary and other stakeholders to reconsider their decision to continue closing schools.

Finally, on that point, which is very important, I realize that the children of the rich are still going on with their schooling. It is the children of the poor who will be affected by this decision. Most of the children in the middle and upper class are accessing the internet and undergoing tutoring. So, it is the poor who cannot afford those facilities who will be affected by this closure. For me, this decision is oppressing the poor people, and it is very unfair.

**Sen. Mutula Kilonzo Jnr.:** Thank you, Madam Deputy Speaker. Sometime back, I mentioned about cases in Makueni and said that this is moral decadence; that we have allowed 10 and 15 year olds to become fair game. To echo the sentiments of Sen. (Dr.) Langat, most girls look up to their fathers. It is the absentee fathers who have failed their daughters.

The men in this room must take responsibility; do not blame the boys. You have failed your daughters. You should see the way I look when I am hanging around my daughter. I look rough as if I am carrying a weapon. It is your duty to protect your daughters because they are prey for men like you. The genetic disposition of boys, like you, is a danger to girls. As you protect your daughters, tell your sons that those young girls are not fair game. Simple! Be rough.

Sen. Kang’ata suggests, which is wrong, that simply because children are going to boarding schools, we prevent them from being pregnant. I have got news for you. When these children are in boarding schools, they are getting as pregnant as when they are out of school. I have cases. I have a case of a head teacher who was suspended for impregnating 21 girls in the same school. There is also a girl who was defiled and the medical officer who was supposed to check defiled her. There is another girl who was defiled by the uncle.

This is a matter that you cannot attempt to throw blame all over the place because we take responsibility. Take responsibility and ensure that this is not happening in your community.

What upsets me the most is that the parents of this country are entertaining the idea of settling these matters out of court. I do not know where this came from. Your

daughter is defiled and the defiler sells a piece of land and pays you. This is what I call blood money. The greed of politicians has gone to our parents. It is happening in the village. Why is it that people are not being told this? It is because the chief, the teacher, head teacher and the village elder is there. There is something for everybody; *kitu kidogo*.

There is a gentleman called Jimmy Gathu, with whom Sen. Sakaja and I, used to do a show. When we were young, there was something called “Kuchill”. Maybe these are the lessons all of you have spoken about. Sen. Kwamboka, when the women of this country are attacked by the men, you come out guns blazing and spare no moment. I have not seen a huge press conference of *Inua Mama* and *Embrace* on protecting our girls. Can you embrace our daughters? Fight for them because this is part and parcel of what you are doing in *Embrace*, *Inua Mama* or whatever else you have been doing in black or white.

(Applause)

**The Deputy Speaker** (Sen.(Prof.) Kamar): Let us have Sen. Sakaja.

*[The Deputy Speaker (Sen. (Prof.) Kamar left the Chair]*

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

**Sen. Sakaja:** Mr. Temporary Speaker, Sir, I thank Sen. Kwamboka of the biggest delegation in the Senate, the Delegation of Nairobi City County, for bringing this issue. Sen. Kwamboka knows the extent to which we are grappling with these issues in Nairobi. Other Senators are aware how their counties look like.

The first thing I must do is completely disagree with Sen. Kang’ata.

**Sen. Mutula Kilonzo Jnr.:** Absolutely!

**Sen. Sakaja:** Purity, abstinence or our children misbehaving is not because of a lack of opportunity. It cannot be that the only way to protect our children is just to keep them busy.

Mr. Temporary Speaker, Sir, congratulations for sitting on that Chair. I have never seen you there. I am glad that on your inaugural or maiden seat, as you are being taught the computer, I am on the Floor. I know you follow the Bible. The book of Deuteronomy 6:7 says -

“And thou shall teach diligently unto thy children. Thou shall talk of thi when thou sittest in thine house and when though walkest by the way and when thou liest down and when thou risest up.”

That is what Sen. Mutula Kilonzo Jnr. is talking about.

Proverbs 22:6 in the English Standard Version says-

“Start children off in the way they should go and even when they grow they shall not depart from it.”

New International Version (NIV) on the same says-

“Train up a child on the way they should go. Even when he is old he shall not depart from it.”

This problem is in the society, and I like what Sen. Mutula Kilonzo Jnr has said, that it is really on us, as parents. It is just moral decay and now we are seeing what

teachers have been able to do. They have been filling a gap that parents have not been filling.

The answer is not to throw them back to the teachers. It is for parents to wake up and realize the role they play in the lives of their children. I personally commit for my sons and daughter to play my part. I think every parent should be able to do that.

Additionally, the decision not to open schools is well considered. As the Chairperson of the Senate *Ad hoc* Committee on the COVID-19 Situation in Kenya, this is what we recommended to the CS. We said there is no education going on. The quality of a child in Class Eight today is different from the quality of a child in Class Eight last year. We are putting an unfair burden, especially for those who cannot afford internet or gadgets.

Mr. Temporary Speaker, Sir, before you sat on the Speaker's seat, you talked about the issue of children having phones. We banned phones in schools and, today, we are giving education through them, yet many are not accessing it. Even those who are in private schools, as Sen. Kang'ata was saying--- I have seen the classes my children have been going through; they are just keeping them busy. When you open up schools, you have opened up the whole of the society and the economy and transport. You will not test the teachers every day. The children may not get sick. They will be asymptomatic and bring it back to you, and we will perish. This House passed the Report of our Committee proposal that education starts afresh in 2021, and that is what we officially support as a House.

Finally, the issue of access to all the bad content online on phones, such as pornographic websites need to be curtailed in this country. Some people might say it is archaic, but let them say that but, we, as parents, who cringe at the thought--

There was a school, which I will not mention, where they were having a *Zoom* class online, and in the middle of it, some pornography popped up. You can imagine children in Grades 2 and 3 screaming and not knowing what was going on. You would not want your child to be among those who get such content.

We need to curtail that content, as Sen. M. Kajwang', who is an information scientist, has said. In many countries, you will not access it at all. Those who may want to because of their own moral tendencies, pay a huge premium in order to access it. Let us protect our children and the society.

We have already raised this issue with the Cabinet Secretary (CS), Prof. Magoha, as the *Ad hoc* Committee. Of course, just like many of us, we doubt those numbers that were released, because there is a huge push to introduce certain elements of sex education in schools and many Non-Governmental Organizations (NGOs) are pushing such narratives. It would be profoundly tragic if anything close to that number is true. However, even one number is too much and the CS is coming back to our Committee on this and other issues. I will invite the Committee on Education, even as they go into the depth of this issue--- The CS had already made a statement on it, and we doubt those numbers.

Mr. Temporary Speaker, as I finish, my constituents have come to me and told me that there is a Bill in this House that is similar to the kind of stories being brought up; the nuances about the urgency and crisis that needs immediate sex education. I just want to



say on record, without preempting debate, that I will not support any such provisions that are going to introduce---

*(Applause)*

The Bible says that you do not introduce something before its time. There is a way that our parents spoke to us, even if it was vague, in parables, poetry and threats. They prevented and made us, as Sen. Kang'ata said, delay some of these things. The role remains with parents and not teachers, to teach our children these things.

Thank you, Mr. Temporary Speaker, Sir.

**The Temporary Speaker** (Sen. (Dr.) Mwaura): Thank you very much, Sen. Sakaja. You are quite biblical and it is very interesting because you are the one who called me, 'Mr. Speaker on the Chair' for the first time. You know what I mean by that. So, I am very happy at my maiden time.

**Sen. Shiyonga:** Thank you, Mr. Temporary Speaker, Sir, and congratulations for sitting in that Chair. I want to congratulate Sen. Kwamboka for coming up with this Statement, especially during this time of the COVID-19 pandemic.

It is quite interesting that more is coming with the COVID-19 pandemic, putting into consideration the fact that parents have been put to task to take care of their own children. However, I want to state that it is the responsibility of parents to take care of their own children. When you take your child to school, it does not mean that your responsibility has ended. Responsibility starts and ends with you. It is not the responsibility of a teacher to take care of your child.

Much has been said about the churches, which were suspended until yesterday. They have also been taking care of our children and bringing them up in a biblical way. The church also comes in with moral support.

I said it here sometime back that people need to be 'scooped,' and will still repeat it while still in this House, that the punishment of the perpetrators of these acts is very minimal. I do not see the punishment supporting the community today. These people need to be given heavy punishment.

Mr. Temporary Speaker, Sir, becoming a parent to these children, who have sleepless nights and have to visit doctors for appointments, is a heavy task.

**The Temporary Speaker** (Sen. (Dr.) Mwaura): Senator, kindly wind up.

**Sen. Shiyonga:** Let me wind up. As Sen. Kang'ata said, we should not run away from our responsibility as parents and put the whole load on teachers; we need to take care of our own God-given children.

Thank you, Mr. Temporary Speaker, Sir. I support the Statement and urge that it should go to the right Committee, so that we help our children and do away with what the Ministry is encouraging our children to do.

**The Temporary Speaker** (Sen. (Dr.) Mwaura): Thank you very much, as long as people are not 'scooped.'

ALLEGED STALLED PAYMENT OF SITTING ALLOWANCE TO  
MEMBERS OF THE WAJIR COUNTY LAND TRIBUNAL BOARD

**Sen. Farhiya:** Thank you, Mr. Temporary Speaker, Sir. I wish to join the ‘super’ Senator in congratulating you on that seat, because I think you deserve that and much more. I also wish to thank you for the opportunity to read my Statement.

I rise pursuant to Standing Order 48 (1) to seek a Statement from the Standing Committee on Labour and Social Welfare, concerning the alleged stalled payment of sitting allowance to members of Wajir County Land Tribunal Board.

In the Statement, the Committee should -

(1) Explain why Wajir County Land Tribunal Board has not been paid its sitting allowance for the last 23 months despite having been budgeted for by the county.

(2) Outline the measure that will be put in place to ensure that the Board is fully paid its dues, noting that their term came to an end at the end of June.

(3) Explain measures that will be put in place to ensure that the County Government of Wajir halts the end of the contract until the Board is paid its sitting allowances.

This is a hard time when people are facing financial crisis as a result of the COVID-19 pandemic. To have allowances of Board members not being paid for 23 months, which is almost two years, is a tragedy.

The Committee that you will commit this Statement to should deal with it expeditiously because the contract of the Board has come to an end. They are inconvenienced and put in a financial strain.

Thank you, Mr. Temporary Speaker, Sir.

**Sen. Sakaja:** Mr. Temporary Speaker, Sir, I just want to commit because the Deputy Majority Whip had brought this to my attention, and I see she is requesting that it comes to my Committee. If you direct so, I will do my level best, as is the normal practice, to give a response. There are many counties that think that such payments that are due are mere suggestions. We will be able to give a response, Sen. Farhiya.

Thank you, Mr. Temporary Speaker, Sir.

**Sen. (Dr.) Musuruve:** Thank you, Mr. Temporary Speaker, Sir, for giving me this opportunity, and allow me also to congratulate you for this position, as someone with a disability sitting on that Chair. It means a lot for Persons with Disabilities in this country.

I want to congratulate Sen. Farhiya for coming up with this Statement. This issue does not only concern Wajir County, but there are many other boards where members are not paid.

People are appointed to a board because of the trust that is vested in them, and when appointed, they are allotted work and duties. They spend a lot of time and energy doing their work diligently. It is only fair that they should be paid for work done.

Even when people attend such committees, you will find that someone has used his own money, resources and travel expenses, which are meant for their families. There is need for board members to be paid not only their sitting allowances, but there are those who travel from far and sleep in hotels as they wait for the time to attend the board meetings. There is need for a fair hearing for all committee members.

In fact, there is need to carry out an analysis of all boards in this country, to see whether the board members are treated fairly or they are just treated as if they are not doing any good work.

When Kenyans commit their energy to working for this country, let it be treated positively and have them compensated for the same energy they invest.

I support this Statement, and it should go to the right Committee. The Committee should also look at other counties, to see whether board members are treated as they should.

**The Temporary Speaker** (Sen. (Dr.) Mwaura): Thank you, Sen. (Dr.) Musuruve. I must commend you because you contribute to almost every matter of debate on the Floor of the House. That is good representation of PWDs.

Now, I wish to move to the next Statement. Before that, that Statement stands committed to the Committee on Labour and Social Welfare that is led by Sen. Sakaja.

One of the young Senators, Sen. Cherargei, you have the Floor.

*(An hon. Senator spoke off record)*

I am told you are currently a disabled person.

*(Laughter)*

**Sen. Cherargei:** No, Mr. Temporary Speaker, Sir. I have almost recovered; I am finishing the procedure. I thank all of you for the support.

From the outset, I congratulate you and wish you well. As young people of this country, we are proud of you and look forward to brighter things for you. I see Kiambu County is beckoning come 2022.

#### POLICE KILLINGS IN LESSOS, NANDI COUNTY

Mr. Temporary Speaker, Sir, I rise, pursuant to Standing Order No.48(1), to seek a Statement from the Standing Committee on National Security, Defence and Foreign Relations regarding the killing of Messrs. Lazarus Tirop, Cornelius Kipkogei and Timothy Kipyego, residents of Lessos in Nandi Hills Constituency, Nandi County, by police officers. Dozens were also injured in the incident that took place last week.

In the Statement, the Committee should -

(1) State the reasons that led to the shooting and killing of the three residents of Lessos, Nandi Hills Constituency, by police officers, who were supposed to maintain law and order in the area.

(2) Indicate whether it is aware that the incident has sparked off protests in Lessos Centre and ignited acrimony, fear and mistrust between the residents of Nandi County and the officers of the National Police Service (NPS).

Mr. Temporary Speaker, Sir, it is important for the House to note that the house of the Officer Commanding Station (OCS) in charge of that police station was burnt down by the angry mob.

(3) Clarify whether the policy on Community Policing is still in operation. If so, explain why the police officers have failed to embrace it, thus causing serious disharmony between police officers and the community in Lessos.

(4) State what action the Ministry of Interior and Coordination of National Government and the NPS have taken against the officers responsible for the killings and avail the full list of officers who were transferred from the area, as pronounced by the Deputy Inspector-General of Police who visited the site last week.

(5) Outline any measures that the Ministry of Interior and Coordination of National Government has put in place to ensure that justice is served to the three families and all other persons who were injured by police officers in Lessos, with the aim of ensuring that they are fully compensated by the Government.

Mr. Temporary Speaker, Sir, just a quick comment. Allegedly, Mr. Tirop who was first to be killed by the rogue police officer was just shot because he did not wear a mask. The question is: How many Kenyans can afford Kshs50 or Kshs100 to buy a mask to wear in public?

The other day in Rioma, Kisii County, you saw a police station was burnt down just because of a business person who was killed for not wearing a mask. It is so sad.

As we appeal to residents of Nandi County, specifically Lessos, to maintain law and order, we must address this issue of extrajudicial killings by rogue police officers within the Service.

Sen. Sakaja has been on this issue for very long. I am happy that there is a police officer who is in custody for shooting a young boy, who was playing on a balcony here in Nairobi City County. We want to see the same police officers being charged. I am made aware that one police officer is now before the court of law, but there are others who shot to death the other two. There are other people who were injured and are in hospital.

Madam Temporary Speaker, the families who lost their loved ones should be compensated. There are others who are in hospital and medical bills are being incurred. We must come up with a law that will ensure compensation to families of victims of police killings. Why would a bullet bought by *mwananchi* through tax payment kill the same *wananchi*? Where will police get the same tax if they kill people who pay the tax that is used to buy the same bullet?

In as much as there is a lot of animosity, the Ministry of Interior and Coordination of National Government, the Inspector-General of Police and the Independent Policing Oversight Authority (IPOA) should take action. In this curfew and lockdown, there are many Kenyans who are being killed by rogue police officers. We are not saying all police are bad.

We saw the march in the United States of America (USA) the other day where protesters were saying; "black lives matter". In this case, we are saying; "Kenyans lives matter." What we saw today during *Saba Saba* commemoration is one way---

I do not know whether police pride themselves in how many people they arrest and file returns, saying they have arrested this many. I do not know if there is a reward for killing or arresting innocent protesters like Mr. Frank Chacha and many others across the City. Mr. Francis Mwangi has also been arrested for calling for the release of many people who have been arrested.

Madam Temporary Speaker, I concur with Sen. Sakaja that the extrajudicial killings are not only found in North Eastern and Nairobi City County. It has come even to our villages, and we are no longer safe. That is why I am now speaking for all of us who are in the villages that are facing the imminent threats of extrajudicial killings by rogue police officers.

As I conclude, I heard Sen. Sakaja expressing reservations on a Bill that is supposed to come to the Floor. We said that all lives in Kenya matter and life begins at conception. Why should we protect that baby from abortion and being taken care of until they are old enough, only for rogue police to kill them? What are we doing?

Thank you and I beg for a quick and expeditious response to this Statement.

**The Temporary Speaker** (Sen. (Dr.) Mwaura): Thank you, Sen. Cherargei. You called me “Madam” twice but I ignored.

*(Laughter)*

I actually take note that today is *Saba Saba*. This is the day that we commemorate the struggles that have made by some of us, young people, PWDs and women, to be in this august House. This is great and it is also the first time a PWD is sitting in the Speaker’s Chair. This is also very commendable because it means that we are making progress. We now have women as Chairpersons of Committees. I believe in future; we will keep on pushing until we make it.

In that same regard, I call upon Sen. (Dr.) Langat, the distinguished Senator for Bomet County to make his submission.

**Sen. (Dr.) Langat:** Thank you, Mr. Temporary Speaker, Sir, for sitting there today. It is an achievement. I think it is a reward for your great effort that you have been engaging yourself in this House. It is normally said that positions make people disciplined. You can see Sen. Kang’ata is around here. Who on earth could imagine that?

*(Laughter)*

**The Temporary Speaker** (Sen. (Dr.) Mwaura): Order, Sen. (Dr.) Langat! Are you trying to allude to the chemistry of Sen. Kang’ata and Sen. Omanga that I am seeing despite the social distancing rule?

*(Laughter)*

**Sen. (Dr.) Langat:** Mr. Temporary Speaker, Sir, not really. Allow me to continue. I did not even know that he could hear, but I realise that he is concentrating.

I support this Statement about police brutality by Sen. Cherargei. Since Independence, police brutality in this country has reached the highest point. It is a great shame. The CS for Interior and Coordination of National Government should take strict measures to restrain police from brutalizing citizens of this nation.

Mr. Temporary Speaker, Sir, this reminds me of a story that was written by Mrs. Grace Okoth in 1968. In that play, there was a major character by the name Tekayo. He was supposed to be the agent of security of the society, but he ended up becoming a

cannibal. It was an irony because he was supposed to be the security agent, but he became an insecurity agent.

We are ashamed of the National Police Service in this country because they have become insecurity forces instead of safeguarding our society. They are the most feared people in this country.

Mr. Temporary Speaker, Sir, the other day, we heard the President apologizing when the police killed a young boy by the name Yassin Moyo. It was a great shame. How long will he keep on apologizing over brutality perpetuated by the police? It is a shame to the Cabinet Secretary (CS) of the Ministry of Interior and National Coordination and also to the Inspector- General of Police.

We condemn the police brutality in our country in the strongest terms possible. We want to see these cases being given priority when they get to court. We would like to hear the judges pronouncing stiff sentences to those officers who are using their guns to kill innocent Kenyans.

The law enforcement is also lenient on them. We want to see them jailed for a longer period of time, so that their colleagues can learn a lesson. I watched with a lot sympathy when the President was apologizing. How long will he keep on apologizing for crimes committed by his officers?

I want to conclude by saying that the police have turned to become home guards. Soon we will demand to know the new colonial master who they are serving in this country.

I thank you.

**The Temporary Speaker** (Sen. (Dr.) Mwaura): Thank you, Sen. (Dr.) Langat.

Sen. (Rev.) Waqo, kindly proceed.

**Sen. (Rev.) Waqo:** Thank you, Mr. Temporary Speaker, Sir. May I also take this opportunity to congratulate you.

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

**The Temporary Speaker** (Sen. (Dr.) Mwaura): What is out of order, Sen. Sakaja?

**Sen. Sakaja:** Mr. Temporary Speaker, Sir, I would like to seek your indulgence. If you look at the time, it is now past 5.30 p.m. and we are still on Statements. We have substantive business to transact. I am not saying Statements are not substantive, but we have Reports and Bills to transact. I just want to urge you to either limit the number of Members to contribute or the length of comments to this Statement and the next Statements.

**The Temporary Speaker** (Sen. (Dr.) Mwaura): I will give Sen. (Dr.) Musuruve and Sen. Shiyonga one minute each, so that we move to the next Statement.

Sen. Rev. Waqo, kindly be on the microphone.

**Sen. (Rev.) Waqo:** Mr. Temporary Speaker, Sir, I also take this opportunity to congratulate you. It is good seeing you there because you are a hardworking young and talented Senator. We thank God for giving you that opportunity.

Mr. Temporary Speaker, Sir, the issue of police brutality in our country has been discussed and debated in this august House severally. It is unfortunate that we keep on talking about it and there is no action that is taken.

I sympathize with the people who lost their lives in Nandi and many others who keep on losing their lives every day. In our counties, many of our people have lost their lives. I do not know when Kenyans will find safety in the hands of police.

When you go to the cells, women and young girls are raped there. When you drive on our roads, they are the people who promote corruption. I do not know what we can do in order to stem these people. Maybe, they are going through depression that needs our attention. I think it is better---

**The Temporary Speaker** (Sen. (Dr.) Mwaura): Thank you very much. Your time is up. Sen. Shiyonga, kindly proceed.

**Sen. Shiyonga:** Thank you, Mr. Temporary Speaker, Sir, for giving me this opportunity to contribute on the Statement.

It is very unfortunate that every week we talk about extra judicial killings by the police officers. I urge the Committee which will probe this matter to also find out how training of police officers is conducted. Are our police officers trained to protect life or destroy it?

Mr. Temporary Speaker, Sir, many police officers who are culpable of this brutality when arrested, they are set free after interrogation. Severe punishment should be meted on them so that it deters others from this brutality.

It is high time that the Committee summoned---

*(Sen. Shiyonga's microphone went off)*

**The Temporary Speaker** (Sen. (Dr.) Mwaura): One more second, please.

**Sen. Shiyonga:** Thank you. I urge the Committee to invite the Inspector-General to explain to them why police brutality is on the rise in this country.

I thank you. I congratulate you.

**The Temporary Speaker** (Sen. (Dr.) Mwaura): Thank you very much. Congratulations for being the second woman Chairperson of the Committee on National Cohesion, Equal Opportunity and Regional Integration.

Sen. (Dr.) Musuruve, one minute please.

**Sen. (Dr.) Musuruve:** Thank you, Mr. Temporary Speaker, Sir, for giving me this opportunity. I want to support Sen. Cherargei for coming up with this important Statement.

When police officers are given guns, they are not given the power to kill. They are given those guns to protect Kenyans. It is unfortunate that sometimes they misuse them and think that they can shoot any time they are angry. Sometimes they are irresponsible in the way they use guns because of frustration.

Sen. Cherargei narrated a case of unwarranted shooting in Lessos in Nandi County. Police officers were not supposed to shoot simply because somebody did not wear a mask. I want to condole with the families of three people who lost their lives.

There is need for compensation of these three families because they have lost guardians, parents and caretakers. Children might fail to go to school because they do not have parents to pay school fees for them. The Government needs to pay school fees for the children who have become orphans because of these incidents.

The Committee on Justice, Legal Affairs and Human Rights should ensure that the police who did this are brought to book. They should not go scot-free. Many at times, cases of police officers harassing Kenyans come to the Floor of this House, but perpetrators are not punished. They should be thoroughly punished to deter others from committing such crimes in our society.

We want to have confidence in our police, but they should know that they have a duty to protect Kenyans and not to kill---

**The Temporary Speaker** (Sen. Mwaura): Thank you very much, Senator. Your time is up.

The next Statements are from Sen. Sakaja and Sen. (Dr.) Langat. However, we will not have a debate.

Sen. Cherargei's Statement stands committed to the relevant Committee on National Security, Defense and Foreign Relations.

Sen. Sakaja, kindly, proceed.

#### PROGRESS MADE ON CONSTRUCTION OF VARIOUS MARKETS IN NAIROBI CITY COUNTY

**Sen. Sakaja:** Thank you, Mr. Temporary Speaker, Sir. I want to quickly request for a Statement. It is urgent.

Pursuant to Standing Order No.48(1), I rise to seek a Statement from the Chairperson, Standing Committee on Roads and Transportation on the progress made on construction of various markets across Nairobi City County and the criteria to be used in the allocation of the markets once completed.

The national Government together with the World Bank and African Development Bank (AFDB) have funded the ongoing construction of seven key modern markets that will accommodate a total of 9,000 traders. These markets include the New Wakulima market on Kangundo Road, Westlands Market, Kware Road Market in Gikomba, Mwariro Market, Karandini Market, City Park Market and Karen Market.

Mr. Temporary Speaker, Sir, the record will show that in the course of the last two years, we have really been following up on this on the Floor of this House. These markets intend to offer traders ample space away from the streets and give them a dignified environment to carry out their businesses.

However, there have been numerous cases of fraud whereby unscrupulous individuals and brokers have been fleecing innocent Kenyans alleging that they could allocate them stalls and space in the new markets.

Sen. Kwamboka and Sen. Omanga will tell you some are even paying up to Kshs300,000 fraudulently to get space.

I would like to request that the Chairperson in his response address the following-

(a) Give a comprehensive status report of the progress made on the construction of each of the above markets and the stipulated timelines for completion.

(b) To give in detail the criteria that will be used in the allocation of the markets to traders. The terms of the allocation and the authenticated list of all traders that were previously displaced and were to be given priority during the allocation. Many of these were displaced during construction of various roads, outer Ring Road, Westlands, *et cetera*.



(c)The expected timeliness for occupation of each of the markets as well as safeguards put in place to prevent unfair or skewed allocations to this market.

Thank you very much.

**The Temporary Speaker** (Sen. (Dr.) Mwaura): Thank you very much. The Statement stands committed to the relevant Committee on Roads and Transportation. Sen. (Dr.) Langat, proceed. Sorry Sen. Cherargei, because of time it is just to read the Statement.

#### CRUEL TREATMENT OF KENYANS WORKING IN QATAR

**Sen. (Dr.) Langat:** Thank you, Mr. Temporary Speaker, Sir. I rise pursuant to Standing Order No.48 (1) to seek a Statement from the Standing Committee on National Security, Defense and Foreign Relations regarding the cruel treatment of Kenyans working in the State of Qatar.

In the Statement the Committee should-

(1) Explain the circumstances that led to the torture of Ms. Chepkemoi Kirinyet from Bomet County working in Qatar to the extend of losing two feet last week and confiscation of her passport.

(2) State the measures that the Ministry of Foreign Affairs is putting in place, if any, to ensure that Ms. Kirinyet and all other Kenyan victims of such cruel acts get justice in that country.

(3) State the measures the Government has put in place to regulate the agencies offering job opportunities abroad and to ensure the general welfare of Kenyans working in those countries.

Thank you.

**The Temporary Speaker** (Sen. (Dr.) Mwaura): Senator, the Statement stands committed to the relevant Committee of National Security, Defense and Foreign Relations. Before I call upon the Senate Majority Leader to make his Statement, what is it Sen. (Dr.) Langat?

**Sen. (Dr.) Langat:** Mr. Temporary Speaker, Sir, since this particular girl is suffering so much, the family took her to hospital in Qatar and immediately she came out of the hospital, she was told that the family has stood with her at a cost of Kshs758, 000 and her earnings is only Kshs15,000 per month. This means she will stay there for a long time while sick. I have requested you to state a time limit to enable Kenyans suffering in those countries to be assisted.

**The Temporary Speaker** (Sen. (Dr.) Mwaura): Thank you, Sen. (Dr.) Langat. We give it two weeks so that we do not give it one week which is impracticable. However, it is our major concern, we are receiving a lot of distress calls and some of them are bordering on racism. Two weeks, the relevant Committee, Sen. Haji or the Vice Chairperson to take up the matter.

As Senators, we need to find ways which we actually get our Statements implemented so that we are not just a House of suggestion. We had a problem in the 11<sup>th</sup> Parliament - Sen. Sakaja and Sen. Kang'ata, you can remember - about implementation.

We should be able to sanction State officers and public officers who do not adhere to the resolutions of Parliament. This is also another way of ensuring Parliament is seen

to be responsive to the critical views of Wanjiku. Otherwise, the parliamentary design can as well be insular to people's needs. You come here and make all the Statements because you love your people and that is the end of it. We do not just do it for the public gallery.

The Majority Party Chief Whip, Sen. Kang'ata, you have the Floor.

BUSINESS FOR THE WEEK COMMENCING  
TUESDAY, 14<sup>TH</sup> JULY, 2020

**Sen. Kang'ata:** Mr. Temporary Speaker, Sir, pursuant to Standing Order No.52 (1), I hereby present to the Senate the business of the House for Tuesday, 14<sup>th</sup> July, 2020.

On Tuesday 14<sup>th</sup> July, 2020 the Senate Business Committee will meet to schedule the business of the Senate. On that day 14<sup>th</sup> July 2020, the Senate will consider Bills scheduled for Second Reading and those at the Committee of the Whole stage. The Senate will also continue with consideration of business that will not be concluded in today's Order Paper; including Motions, Petitions and Statements.

Mr. Temporary Speaker, Sir, a total of 18 Bills are due for Second Reading and another 20 Bills are at the Committee of the Whole Stage. The Senate Business Committee will prioritize these Bills accordingly. I urge respective Standing Committees to expeditiously conclude consideration of these Bills and table reports, pursuant to Standing Orders.

I also urge respective movers of the Bills and movers of amendments to be in the House whenever the Bills are scheduled, to facilitate speedy consideration and smooth transition to the next stage.

Critical business still remains, relating to financial matters, namely; the Third Basis for Revenue Allocation among county governments and the County Allocation of Revenue Bill. I urge the Standing Committee on Finance and Budget to expediate consideration of the business and table reports to the Senate pursuant to relevant Standing Orders.

Mr. Temporary Speaker, Sir, in conclusion, despite the efforts made by the Government to curb the spread of COVID-19 pandemic, the situation in the country continues to persist with increasing numbers of infections being reported. For this reason, I wish to urge all Hon. Senators to continue adhering to the guidelines issued by the Hon. Speaker in the conduct of business both in the Plenary and in Committees. Also, the protocols issued by the Ministry of Health to curb the spread of the pandemic.

I thank you and hereby lay the Statement on the table of the House.

*(Sen. Kang'ata laid the document on the table)*

**The Temporary Speaker** (Sen. (Dr.) Mwaura): Thank you very much, Senate Majority Chief Whip.

Next Order!

**BILL***First Reading*

THE INVESTMENT PROMOTION (AMENDMENT) BILL  
(SENATE BILLS NO. 8 OF 2020)

*(Order for First Reading read –  
Read the First Time and ordered to be referred to  
the relevant Standing Committee)*

**The Temporary Speaker** (Sen. (Dr.) Mwaura): Next Order! Because of the prevailing situation in the House, Order No. 9 is deferred.

**MOTION**

PROVISION OF CEMETERY, FUNERAL PARLOURS  
AND CREMATORIA IN ALL COUNTIES

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.

*(Motion Deferred)*

## MOTION

ADOPTION OF THE SEVENTH AND EIGHTH PROGRESS REPORTS  
OF THE *AD HOC* COMMITTEE ON COVID – 19 SITUATION IN KENYA

**The Temporary Speaker** (Sen. (Dr.) Mwaura): Mover!

**Sen. Sakaja:** Thank you, Mr. Temporary Speaker, Sir. I beg to move the Motion in an amended form.

**The Temporary Speaker** (Sen. (Dr.) Mwaura): Kindly proceed.

**Sen. Sakaja:** Mr. Speaker, Sir, I beg to move –

THAT the Senate adopts the Seventh and the Eighth progress reports of the *Ad hoc* Committee on COVID-19 Situation in Kenya, laid on the table of the Senate on Tuesday, 16<sup>th</sup> June, 2020 and on Tuesday, 7<sup>th</sup> July, 2020, respectively.

This *Ad hoc* Committee on COVID-19 situation was established on the 31<sup>st</sup> of March, 2020 with the mandate to oversight actions and measures taken by the National and county governments in addressing the spread and effects of COVID-19 in this country.

Mr. Temporary Speaker, Sir, you gave us a wide mandate as a Committee in the areas of health, testing medical equipment, isolation centres, Intensive Care Unit (ICU) facilities, measures to ensure supply of food and other essential commodities like water, measures to enable learners in educational institutions to continue with their studies, measures to ensure protection, safety and well-being of healthcare and other frontline workers, enhancement of capacity and flexible deployment of healthcare staff, financial assistance to vulnerable groups and persons, protection of residential and commercial tenants, stimulus package for micro, small and medium-sized enterprises, measures to protect employees from retrenchment and job losses and uniform policies and procedures aimed at slowing and eventually stopping the spread of COVID-19.

It is important for the House to note that the 8<sup>th</sup> Progress Report of the *Ad Hoc* Committee on the COVID-19 Situation comes at the halfway point of the Committee's six month mandate. Having been set up by the Senate on 31<sup>st</sup> March, 2020, we have been in existence for now three months. We are expected to submit our final report to the Senate by 30<sup>th</sup> September, 2020.

I believe we shall not have to seek for any extension because we will have done our work and Departmental Committees should pick up from there.

I, together with my Members do not believe that *ad hoc* committees should exist in perpetuity but should take up their work at a time like this and hand over to substantive committees that are mandated in these areas.

This is a milestone because in the past three months, we have held a total of 71 sittings, of which 66 have been virtually held and five have been physical sittings.

Mr. Temporary Speaker, Sir, like you said, today is your historic day, I also want to give you some little history. This is the first Committee in the history of the Parliament of the Republic of Kenya to hold virtual sittings following the directive of the Speaker on 30<sup>th</sup> March, 2020. Now, many Committees of both Houses and county assemblies are holding virtual sittings. So, we set the pace.

During this time, we have met all the key stakeholders that we identified at the initial stage. Now we are on the second phase of engagement with stakeholders. These are Cabinet Secretaries, the Council of Governors (CoG), the County Assemblies Forum (CAF), constitutional commissions and independent offices, various departments and agencies of the national Government, frontline healthcare workers and their union representatives, the private sector, employers' associations, trade unions, civil societies, and business owners representing manufacturers as well as micro and small-medium enterprises.

We have also met experts in various thematic areas, Kenyans from across the world, those in public finance and budgeting, women and youth groups among others.

We have also invited written submissions from members of the public on the five thematic areas. We put our work into thematic areas and we look at each of them. We have healthcare, finance and economic issues, access to food and water, issues of social order, public justice and cross-cutting issues.

We have met and received more than 165 submissions so far. Again, I thank Kenyans for coming to the Senate to raise their issues and concerns, and also for the feedback because we have made a lot of milestones and progress. In many areas that we have interacted with the Government, they have made changes. They have taken our ideas in many of these cases.

During the second phase of this engagement, the Committee continues to track measures proposed and under implementation by national and county governments in response to the COVID-19 pandemic. Notably, during this phase, we plan to shift from purely virtual engagements with stakeholders to actual site visits and verification of information submitted to the Committee, to ensure that the national and county governments are held accountable in implementation of the respective COVID-19 interventions.

It is very easy to get reports that paint a colourful picture but when you go to the ground, as they say in Kiswahili, *vitu ni* different. That is why this Committee has done county visits. We are also visiting our law courts in different areas to see whether what we are getting as written submissions reflect what is being implemented on the ground.

Another milestone is that we published the Pandemic Response and Management Bill (Senate Bills No.6 of 2020), which completed its legislative process in the Senate on Tuesday, 30<sup>th</sup> June, 2020, and was referred to the National Assembly for its concurrence.

During consideration of this Bill, on top of the 164 submissions, we received an additional 63 submissions from other stakeholders and held virtual engagements with key actors, including the Federation of Kenya Employers (FKE) and the Law Society of Kenya (LSK).

The comments received from all Kenyans and institutions, public and private, greatly enriched the content of the Bill with the Committee proposing various amendments that were incorporated at the Committee stage. I thank Senators and colleagues who gave submissions and all who voted because this Bill was unanimously passed on 30<sup>th</sup> June, 2020. The Bill is now in the National Assembly.

I would like to urge our colleagues in the National Assembly to expedite this important Bill, not just for COVID-19 but for posterity because it deals with any

pandemic that might happen in this country, so that they do not pass it when the pandemic is over.

This is the time we need it to cushion the vulnerable by creating a framework through which the national and county governments can work together at the time of a pandemic, to create the avenues necessary for resourcing and coordination, even just at the national level with different Ministries, and to strengthen and embed the role of oversight by the national and county governments and assemblies by legislative bodies during the time of a pandemic.

Mr. Temporary Speaker, Sir, we have considered a total of eight Senators' requests for Statements under Standing Order Nos.47(1) and 48(1) of the Senate Standing Orders and we have reported back to the Senate on each of the Statements. We still have other Statements that we are working on, including some that have been raised today.

We have undertaken fact-finding visits to two counties; Meru and Isiolo, where we have evaluated the level of preparedness and response. These visits enabled us to interact firsthand with the respective COVID-19 emergency response committees in the two counties. We have engaged with the Members of the County Assemblies (MCAs) of Isiolo and Meru, particularly the Health Committees of both counties and we thank them.

We met frontline health workers and we listened to their grievances and feedback and we proposed certain things that could be dealt with there in the counties. I am glad to note that the counties are looking at those issues. We engaged community leaders, civil society representatives and whistleblowers, particularly on ensuring transparency and accountability in implementation of COVID-19 interventions at the county level. We visited COVID-19 treatment and isolation facilities in both counties.

As mentioned earlier, we undertake as a Committee to take further visits in the coming weeks to selected counties, especially in the month of August. In July, we will visit counties that are around Nairobi City County. That is Kajjado, Machakos, Kiambu, and Murang'a – of course we know the challenges in the new financial year – then we will venture out to other counties. This is not just to get firsthand and practical accounts of what is happening on the ground but also to document the interventions undertaken and their impact, which will help the country in dealing with future pandemics, epidemics or disasters.

Again, we insist that these visits are important. Even if it means giving this role to the Senators of those counties and give them a reporting framework, it is important for oversight and transparency because it will save us more money than what people are saying; that we want to use money to go there. That is our role and mandate. If we save counties hundreds of millions of Kenya Shillings by visiting---

People are saying that we just want allowances. We are not interested in sitting allowances of Kshs5,000. We can save our counties billions of money by making sure that governors do not just send us false reports and we put them on the website. We want to see the real state of affairs on the ground. So, we will continue unapologetically but, of course, following the Government directive.

We have considered and tabled a total of eight progress reports, in addition to two Statements by the Chairperson under Standing Order No.51(1). We have covered in detail the engagement with stakeholders' observations and recommendations. These reports have been debated and adopted by the Senate. The Committee is following up with the

national and county governments to ensure implementation of the Senate resolutions thereon.

The reports tabled so far have covered the first three thematic areas extensively. We have covered health, economic and finance issues, social public order and human rights respectively. This 8<sup>th</sup> Report covers the two remaining thematic areas which are; access to food water and other basic commodities and support services and cross-cutting issues.

Mr. Temporary Speaker, Sir, even though we have covered those areas previously, it does not mean that we have now closed them. We are still redoing what we had agreed on and what is on the implementation matrix. In the next few days, we will be meeting with the National Emergency Response Team again, led by the Cabinet Secretary, Hon. Mutahi Kagwe, Cabinet Secretary, Dr. Fred Matiang'i and Cabinet Secretary, Prof. George Magoha, because the Coronavirus Disease (COVID-19) is a rapidly evolving pandemic. Many things that we had agreed upon a month or two months ago have changed. Therefore, we need to keep playing that continuous oversight role, even as the situation keeps changing and evolving not just in Kenya, but globally as well.

In relation to the Thematic Area Four on access to food, water and other essential commodities, we deliberated extensively on issues relating to continuous supply of food and other essential commodities and to control plant and livestock diseases. This is because ensuring continuity in food production and access to water and other social commodities is an issue that many people have ignored so far.

We have met the Cabinet Secretary for Agriculture, Livestock, Fisheries and Cooperatives. We have also met water service providers, the Wireless Application Services Providers Association (WASPA) and the Nairobi Metropolitan Services (NMS).

The Committee further considered written submissions from the CS for Water, Sanitation and Irrigation. I would like to report that tomorrow, at 2.30 p.m., we will be meeting the Cabinet Secretary again, despite her having sent her submission. I would like to invite any Senator interested, as well as other diverse stakeholders who presented written submissions to the Committee.

Mr. Temporary Speaker, Sir, based on our analysis of the written memoranda received from the public and submissions made by key stakeholders, we have made the following preliminary observations and recommendations, which are detailed at Chapter Four of the Report. I hope that the Senators can access Chapter Four of the Report, because I do not want to exhaust my time. I think I have 45 minutes left, and would also like the Senators who are here to contribute. Therefore, I will not go into the specifics. Let me highlight the following.

One, as a Committee, we commend early measures taken by national Government and county governments to ensure the continued production and distribution of food commodities across the country. Amongst these - maybe many Senators are not aware - was the creation of a food security wall room.

The Ministry of Agriculture, Livestock, Fisheries and Cooperatives is continuously monitoring farming food supply and consolidating emerging issues for appropriate action by concerned institutions and agencies.

These measures have ensured that food prices have remained relatively stable. Of course, there have been some shifts, but if you compare us with many of our neighbours,

our food prices have remained considerably stable despite the interruption of inter-county supply chains for some essential commodities.

Mr. Temporary Speaker, Sir, among the risks that have been identified to sustain food production and distribution, were hazards such as flooding - which we have seen happening - the desert locusts invasion, restriction in movement and impassable roads due to heavy rains and low purchasing power as a result of loss of livelihoods for many households in our country.

The impact of these factors has not been as extensive as has been projected and some of the cushioning mechanisms have helped. However, we are aware and are worried that this situation might not prevail for long. We will not be able to hold the reduction of purchasing power with many of our households for many more months to come, and something needs to be done.

Additionally, the food distribution measures targeting vulnerable communities and families, as put in place by the national Government and county governments, as well as the private sector, community groups and individuals, have greatly worked to ensure that we have not experienced loss of lives due to hunger during the pandemic.

There is no official record or report of that. The Committee greatly commends the organizations, including the private sector, well-wishers, religious institutions and our bilateral and multilateral international partners, who have been involved in these efforts. I want to thank them. We have seen many Kenyans of goodwill coming together to put together food packages and huge support from our partners across the world.

Mr. Temporary Speaker, Sir, one of the early interventions by the Committee was on the question of transportation, distribution and sale of *miraa* produce across the country, which was hampered by actions taken by some county governments to impound and destroy *miraa*. Following our engagements with officials of the national Government and county governments, that at least cropped, because it has a huge economic impact.

It was included in the schedule of essential commodities. We are not encouraging people to think of it as essential, but at least the transport has come back.

Protocols have been developed by the Ministry of Agriculture, Livestock, Fisheries and Cooperatives that have been followed in ensuring that the producers, traders, and consumers of the crop continue in business, while taking precautions against the spread of COVID-19.

Mr. Temporary Speaker, Sir, on the issue of access to water, we noted that water service providers across the country have been greatly impacted. They are really suffering as a result of reduced billing collections that are coupled with measures not to disconnect consumers in default. They have reduced collections and cannot disconnect customers who are in default.

That has really affected them. We urge the national Government and county governments to put in place targeted interventions to support the continued operations of these water service providers, to ensure the continued operations during and beyond the pandemic.

Notably, we recommend the following: If this report is passed by the House today, then it will be a resolution of the Senate.

One, the national Government introduces a preferential electricity tariff for water service providers. The current tariff is between Kshs15 to Kshs22 per kilowatt-hour and



we are recommending a tariff similar to that of street lighting, which is charged at Kshs7 per kilowatt-hour.

We also urge the national Government to zero rate the purchase of chemicals and other essential supplies for water treatment, supply and distribution, and that the national Government and county governments waive various fees and levies charged on provision of water and sanitation services during the COVID-19 pandemic. On this one, I will go to some detail later.

The Committee noted and commends the measures taken by the Nairobi Metropolitan Services (NMS) to drill 93 boreholes and install elevated still water tanks in Nairobi City County, as well as the purchase of 22 water bowsers that have greatly improved on the availability of clean water for drinking and sanitation, particularly in the low income settlements across Nairobi.

As I have said, I will go into more detail in that because I have seen the impact. We have done a tour in my capacity as the Senator for Nairobi, both with the National Government and on my own. Nairobians are accessing water for free in 93 water points. We want it done in many other parts of the county, but we must commend them. Previously, it would take more than 12 months from the commissioning to the construction of a borehole and a high water mast. In three months, NMS has done 93. If that is not commendable, I do not know what is.

Mr. Temporary Speaker, Sir, if you allow me to get to some details on that, this is because we met with the NMS and they showed us how they are collaborating with different agencies and stakeholders and they have taken the following measures.

First, in collaboration with the Nairobi City Water and Sewage Company, no consumer or household has suffered disconnection on account of their inability to pay utility bills. Of course, this has reduced revenue collection by about 50 per cent in that area, but no one has been disconnected.

Secondly, a water rationing master plan for Nairobi for equitable and better water distribution was developed and is being implemented. It is being closely monitored and adjustments made to ensure its effectiveness. Then, there are the 93 boreholes that I have mentioned that are all operational and we expect minimal--

I have highlighted some areas where we spoke to them in places like Kasarani Constituency where they have only done three. Kasarani is one of the biggest constituencies in Nairobi City. However, if you look at the size and the population, it is one of the biggest in the country.

There are areas in Dagoretti South and Lang'ata that need more attention. There is also Dandora in Embakasi North. We are working very close with the Permanent Secretary (PS), Hon. Irungu as well as the NMS on this one and I want to thank them.

On the measures they put in place to ensure access for the underserved communities and informal settlements, there is free water distribution to an average of 200,000 litres per day using the water bowsers. These are in Huruma, Kabiru ward, Kaloleni, Kangemi, Kawangware, Kibera, Mathare, Makadara, Mbotela, Mountain View and Viwandani. Another 20 bowsers will have been purchased. Therefore, the total fleet we have now is 32 in Nairobi. This gives us a distribution capacity of 600,000 litres.

Mr. Temporary Speaker, Sir, there is rehabilitation and repair of sewers to improve capacity and control pollution to the environment and the rehabilitation and repair of water reticulation to increase the quantity of water accessed.

Mr. Temporary Speaker, Sir, in addition, there is what we are calling the Mukuru regeneration. If you go to Mukuru and I know you have been there before, you will not believe what is happening and much more of the City needs that. We will continue overlooking these measures to make sure that the pace is not slowed down.

They say in Swahili; *Mgema akisifiwa, tembo hulitia maji*. So, I want to tell Maj-Gen. Badi *asitie tembo maji*. I urge him to continue with his speed. They have shown us that it is possible to give the citizens of this country and residents of Nairobi well-deserved services. I hope other governors are taking note.

The recommendations that we are making and they have been detailed in Chapter Four are: At the initial stage of the pandemic, the response and messaging which is very important was disjointed. This affected how the pandemic was perceived by ordinary citizens.

Mr. Temporary Speaker, Sir, one of the first interventions we took was to deal with the issue of detaining in officially designated quarantine facilities, the people who were found breaking curfew directives. The impact of this was two-fold. First, initially they had criminalized persons who were placed in quarantine facilities arising from contact tracing. These facilities then became associated with law-breakers.

Secondly, it unnecessarily exposed those found to have broken the curfew to COVID-19 infections by putting them in the same facilities as those who were placed there having been in contact with COVID-19 positive cases. We are glad to report that following our intervention, this practice was stopped. The Inspector-General (IG) was directed to identify alternative facilities where those breaking the law could be detained which was separate from those who had come into contact with COVID-19 were accommodated.

Mr. Temporary Speaker, Sir, there was also a gap in terms of messaging in messaging tools targeted at specific audiences, particularly our youth and children. The Committee notes that this has since been rectified with the use of age-appropriate media such as posters, animation, cartoons and use of vernacular language as well as incorporation of religious leaders and community elders in COVID-19 messaging.

We note and laud the measures taken by the Ministry of Information Communication and Technology (ICT), Innovation and Youth Affairs. They have launched a design challenge aimed at promoting uptake of ICT-based innovative responses to COVID-19.

Mr. Temporary Speaker, Sir, on the issue of telemedicine which has grown rapidly during the pandemic, we note the need to ensure data protection, collection use and storage of health record, tracking and geolocation of suspected COVID-19 cases. There are a few other technology-related recommendations, which we will be forwarding to the Standing Committee on ICT of the Senate led by Sen. Moi and Sen. Halake for follow-up on implementation.

Allow me just to take five more minutes to touch on the issue of crop production. I have mentioned it in passing. It is a very important area and I will just mention a few things. When we met with the Cabinet Secretary for the Ministry of Agriculture,

Livestock and Fisheries, he submitted that our food security is still stable. That was a very important point for him to make.

The 2019 long and short rains resulted in the production of 43.3 million 90 kg bags of maize, which was a slight decline from 2018 which was 44.5 million. However, production of other food staples remained normal.

Mr. Temporary Speaker, Sir, I urge Sen. (Dr.) Zani not to leave because she is the one who will second. Even if she seconds for a few minutes as we wait for 6.30 p.m., when we come back she will have an hour on this. She will have internalized. She is one of those who are so thorough maybe owing to her academic background. She is very thorough and I am glad she is listening.

We also received the food balance sheet which we have tabled in this House. It is very important for Kenyans to know. It gives us estimates of our stocks, harvests and projections, the post-harvest loss is now at 12 per cent. The forecast balances as at 30<sup>th</sup> June, 2020 we will confirm if that is what it is.

On commodity prices, the Cabinet Secretary as well has submitted what the commodity prices were. The maize was ranging from Kshs2,750 to 3,200 per 90-kilogram bag. Maize flour had come down to another Kshs126. There are many factors including the cost of fuel that has gone down since the pandemic started, transportation *et cetera*.

The fear we had of such a crazy shock in terms of food prices and food security had not been the case. Of course, some counties such as Kisumu, Busia, Nakuru and Kericho, West Pokot and Elgeyo-Marakwet suffered food losses due to landslides and flooding. There has been a risk of locust damage in Embu, especially Mbeere area, Tharaka Nithi, Meru especially Meru North and Kitui counties because that is where the crops and vegetative stages---

There is still a lot of work to be done. We are glad the Cabinet Secretary has put in place the measures that he spoke about. We still have some work to do with the strategic food reserves, which we shall be forwarding to relevant Committees because there is need for some more attention to the strategic food reserves.

The Government has disposed of old stock to avoid deterioration. There is a trust fund that has a total cash of about KShs10 billion readily available. We want to make sure this is done properly. This is very important and as you know, highly charged, emotive and political issue when we talk about the strategic food reserves.

There is also the matter of support to small-holder farmers. The Government by that time had distributed 10,000 metric tons of cotton seed to small holder farmers. It is in the process of procuring 72 metric tons of rice seed to be distributed. County governments said that they were in the process of supporting farmers by distributing 10,598 metric tons of fertilizer, 1, 376 metric tons of assorted seeds and 93,450 assorted fruit seedlings. These are the things we want to go and verify whether those county governments are doing.

There is also 190, 000 metric tons of planting fertilizer DAP, NPK for food crops production had been distributed. As you go through the Report, you will see the breakdown of all these things that have been distributed.

Mr. Temporary Speaker, Sir, on the issue of the impact of the directives, I think now with the opening up of Nairobi and Mombasa and Kilifi and the rest, then this

impact will cease to be quite an issue. Legal Notice No.50 restricted that but we hope to see that now we can have a better flow.

There was suffering especially for Nairobi City. We are majorly a consuming county and the restriction to a great extent hampered the availability of food. We are happy that now food can come in and there is monitoring of food markets as well as supply and making sure the quality is good in terms of the health aspect of the food.

Food prices stabilized over the past two weeks and increments have been observed on maize and fish by 10 to 20 per cent. We now know they will come down especially since the fish can come from where it comes from and so can the maize.

As I move to conclude, so that Sen. (Dr.) Zani can have ten minutes, I hope she does not exhaust them. It is just important to note that we have been categorized as a water scarce country. Our water per capita of 152 cubic against the United Nations (UN) threshold of 1000 shows that we are a water-scarce country. Even as we roll out the boreholes and tanks, there is need to deal with the quantity of water coming into our cities. The Northern Collector Tunnel will generate 140, 000 cubic meters that should be able come in but still Nairobi will have a deficit.

There is need to overhaul the water infrastructure. In many parts of the City, it is cartels. You will find that somebody has built a house around the physical valve and is the only person who knows where to open. There are trucks and water bowsers out there selling clean water.

I am glad that we are in agreement with the national Government, together with the Nairobi Metropolitan Services (NMS) that this should be part of history, and we look forward to that.

Mr. Temporary Speaker, because this is a halfway point of this Committee, I want to thank my Vice Chairperson, Sen. Kasanga, Sen. Abshiro Halake, Sen. Mithika Linturi and Sen. (Dr.) Michael Mbiti, who is the Chair of the Committee on Health.

I also want to thank Sen. Okong'o Omogeni and Sen. Mwinyihaji Faki, who have been committed Members. The average turn out of our Committee meetings has been six out of seven, and that is commendable. I do not think that any Committee has achieved that in 71 sittings following each other.

I also want to thank our Secretariat, led by Mr. Charles Munyua and the entire team; Ms. Claire, Dr. Sagini; the Legal team led by Dr. Okello, Jeremy and all those who have given us invaluable support, including our Serjeant-At-Arms who were there online. Of course, it is very hard for them to step in online, but I did not have a problem requiring them to step in. However, I want to thank them for what they have done.

I want to assure the members of the public that we will continue to engage as they support us in doing this work. It is for the sake of our country and oversight, and I am sure that God will protect this country. There are fears that opening up will lead to loss of lives in the rural areas. We want to come against that thinking and pray that this country will emerge stronger.

Yesterday, the President said that every crisis has an element of danger and opportunity. We hope that Kenyans will be able to avoid the danger and take advantage of the opportunity as we strengthen our medical sector by adding facilities, as we are able to look at the areas of the economy, such that even after the COVID-19 pandemic, our country can emerge stronger.

With those many remarks, and with a few minutes left to go, I beg to move that the Senate adopts the 7<sup>th</sup> and 8<sup>th</sup> Reports of the *Ad hoc* Committee on the COVID-19 Situation in Kenya.

I would like to ask Sen. (Dr.) Zani to begin seconding.

**The Temporary Speaker** (Sen. (Dr.) Mwaura): Thank you very much. You have only one minute and five seconds left.

Sen. (Dr.) Zani.

**Sen. (Dr.) Zani:** Thank you, Mr. Temporary Speaker, Sir. I wish to second the adoption of the 7<sup>th</sup> Progress Report, in the amended form, and the 8<sup>th</sup> Progress Report of the *Ad hoc* Committee on the COVID-19 Situation in Kenya.

Sen. Sakaja has said it on the Floor of this House that this particular Committee has been our shining star in the Senate. It has allowed us to engage at a very high level. I am happy that this Committee has not just come up with a Bill, which is very important, but we have been able to continue with continuous oversight over time. I think that this is very critical and important.

I want to commend you for sitting on that Chair. You are doing very well during the time you have been sitting there. The seat suits you very well. Congratulations!

Even as we move forward now, the challenge for this Committee, especially after the easing up continues even more, because certain new aspects that are coming have to be handled over time. These aspects cut across the mandate of this Committee right through the various issues that they have been brought up, starting with health issues. We know how challenging those issues are, such as community health and testing issues.

I wish Sen. Sakaja was here to hear, and he has also seen in the HANSARD, particularly now when we talk about testing. There were reports in one or two newspapers yesterday about the differences in results from the test kits. That is an issue that this Committee needs to be able to pick up and call the relevant people.

I am happy that they are able to do this in a very public way. As we all know, the COVID-19 keeps mutating. At one time, you hear that it is airborne and another time, it is not. So many things are happening and it is very important to keep communicating with the public.

That Report has also dealt with the issue of quarantine and isolation centres, and probably the progress that has happened in those centres *vis-à-vis* what was there before.

Intensive Care Units (ICUs) and facilities are key. I think herein also lies an opportunity for us, as the Senate, to do direct oversight. I have heard interesting conversations taking place within various groups even about the numbers. For example, certain counties say that they have a specific number of beds but then, there is still an argument and discussion about the possibility and preciseness of those numbers.

Human resources for health, drugs and supplies in counties are issues that have continually come up. I hope the Community Health Services Bill will be coming up because it also deals specifically with community health at the level of the basic community and that specific engagement. All these, time and again, especially with the specific new changes that have come up, point to the specific questions that we need to look at. We can then give specific oversight about those.

I would also like to enhance and may be comment or give ideas about the role of social audits. For example, one of these that has been mentioned before is the issue of

cash transfers and figures have been given. We would also want to delve more into that and have social audits for each of these specific processes.

I am sure you have also engaged on the issue of, for example, pricing and how it can be handled well. When the prices have fallen, is this social audit across all counties? What exactly is coming out from the guts is key.

I remember when we were thinking about doing oversight within counties, most of these issues came up. I wish the Committee could consider roping in Senators to directly have some responsibility across oversight within counties. I know and I heard Sen. Sakaja talk about these issues. As I look through this Seventh Report, specific counties have been visited within the context of them having asked specific questions and statements to this particular Committee. Those have been very comprehensively answered.

However, I think we could develop an indicator of social audit across the various levels where we can actually---

**The Temporary Speaker** (Sen. (Dr.) Mwaura): Sorry, Sen. (Dr.) Zani! Do you wish to conclude or you still need to have---

**Sen. (Dr.) Zani:** Mr. Temporary Speaker, Sir, I would like to continue.

**The Temporary Speaker** (Sen. (Dr.) Mwaura): Okay. You may continue.

**Sen. (Dr.) Zani:** Thank you, Mr. Temporary Speaker, Sir.

I think if we find ourselves in a situation where we are able to get some sort of specific variables or indicators that will allow us to go to those counties, Sen. Sakaja, through the Chair, we might be able to do this level of oversight. Of course, the economic and financial issues are key.

We have seen the macro-economic effects and the impact on business across the board. The issues of trade facilitation for the people on the ground and also measuring and cushioning borrowers and financial institutions are also key mandates for this Committee that the progress report has given. I think some of the questions have also been answered.

We also have the issue of social public order and human rights, including the protection of vulnerable persons. We have spent a good part of the afternoon discussing women, the right to protection for girls, domestic abuses and pregnancies that might have been happening because of the sort of conditions that this pandemic has created.

I urge that even as the Committee continues with its work, a particular key dimension be given to this specific aspect. This is because the data is beginning to come and show so that we enable learners to continue with their studies and the enforcement of specific justice and ways that they might be able to continue with the work they are doing.

For example, ensuring access to food, water and other basic commodities, ensuring measures to ensure continuous production and supply of food especially, agricultural--

**The Temporary Speaker** (Sen. (Dr.) Mwaura): Order!

Sen. (Dr.) Zani, you will have 13 more minutes for your next submission.

**ADJOURNMENT**

**The Temporary Speaker** (Sen. (Dr.) Mwaura): Hon. Senators, it is now 6.30 p.m., time to interrupt the business of the Senate. The House, therefore, stands adjourned until Tuesday, 14<sup>th</sup> July, 2020 at 2.30 p.m.

The Senate rose at 6.30 p.m.