



# The SENATE

For the Welfare of Society and the Just government of the People

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## Weekly

## Governor Kawira's second time in the dock amid growing concerns over weak impeachment law

Senator Boni Khalwale-led Committee recommended amendment to the law to provide for the consideration of the report of the Special Committee by the House whether or not allegations are substantiated



Leader of Majority Aaron Cheruiyot address the House on the floor of the County Assembly of Turkana during the Senate Mashinani. Top right, Senator Okiya Omtatah and Senator Boni Khalwale.

Senators will this week conduct one of the most critical oversight roles conferred to the House by the Constitution when it sits to decide on the fate of Governor Kawira Mwangaza who was impeached by Members of County Assembly of Meru on account of gross misconduct.

The Senate has designated Tuesday, November 7 and Wednesday November 8, as the dates it will sit to consider and deliver judgement on MCAs' proposal that the Governor should be removed from office by way of impeachment.

In readiness for the process, the House on Thursday adopted the motion spon-

sored by Majority Leader Aaron Cheruiyot which altered the sitting hours for the two days, paving the way for a task that has already divided the House.

The Ward Representatives have laid out seven charges against the Governor. They include gross misconduct, misappropriation of County funds, usurping the law and the Constitution, nepotism, bullying, contempt of court, and naming a public road after her husband without following the stipulated process.

But as the lawmakers embark on what may be the Senate's 12th impeachment of a County Governor in the last 10 years, an all-pervading sense of de Javu

is hovering all over the process.

There are concerns, both within and without, about the law, the time to carry out the impeachment and whether Parliament should involve itself in the matters touching on impeachment of Governors.

Doubts on the law are twofold. The first sceptics argue that the law, as is, is weak and ambiguous, which has denied the lawmakers to carry out the process of judiciously.

The County Governments Act offers the Senate two options to carry out the impeachment process – the committee route or the Plenary.

The second sceptics of the Senate's

role are defined by Senator Okiya Omtatah.

This group believes that the law that empowers the Senate to participate in the impeachment of a Governor is flawed because the House has no business in the process.

Two weeks ago, Senator Omtatah filed an application in the High Court challenging the law on impeachment arguing that impeached Governors should be tried before an independent body and not by Senators.

Senator Omtatah further argues the laws used to impeach Governors do not provide for a fair trial.



Governor Kawira consults her legal team during her trial in the Senate after her first impeachment in 2022..

In his application, he argues that when a county assembly impeaches a governor, a speaker, or their deputies, the law must allow for the formation of a tribunal appointed by the Chief Justice to conduct the trial, with the outcome lying on appeal to the Supreme Court for final determination.

During the debate for the formation of a special committee to investigate Governor Kawira, the House was divided on which of the two available options is more judicious.

While arguing that none of the two

options is better than the other, Senator Cheruiyot admitted that the legal regime that underpins impeachments must be changed.

“We need a clean-up of our laws governing impeachment,” he said, adding that there is no procedure of the House directly going to Plenary where the Committee route is contentious.

“You must first reject a committee and then you find yourself in the Plenary way,” he pointed out

“It is my proposal that, at the end of

this process, we must move a clean-up of our Standing Orders and that law so that we can provide the plenary in a fair and cleaner way.

Although considered the more reasonable option, because it offers room for cross examination of the governor, witnesses and even scrutiny of documents, the Committee route has raised hue and cry because it is the end in itself, especially where the particulars of the trial are found not to have been substantiated.

The Senator Boni Khalwale-led Spe-

cial Committee which considered Governor Kawira first impeachment recommended that Section 33 of the County Governments Act be amended to ensure that the Committee report is considered by the House whether or not the Committee finds any charge(s) to have been substantiated.

The committee further observed that the ten-day period within which the House is expected to consider the impeachment of a Governor is inadequate.

## This Week in History



“Those who come to our country as tourists because of the attraction of wild animals, pay entry fees and tourists fees whenever they visit various national parks and game reserves. Again, they sleep in hotels which employ many people. Therefore, wildlife is important because of the money it brings to Kenya and the world at large. In fact, existing statistics state that 8 per cent of the global Gross Domestic Product (GDP) comes from wildlife. In Kenya, 10 per cent of our GDP comes from wildlife.”

**Senator Johnes Mwaruma** contributing to the debate on the motion on the Compensation for the Victims of Human-Wildlife Conflict on **November 8, 2018**.



“At Independence, the environment of our country was fairly intact; we had rivers flowing naturally, the vegetation covered large parts of our country and it was home to many of our wildlife that in this case were also feeding on the fruits that were growing here. Our population has been growing at a fast rate which at independence was 8 million and by 2017, it was 49.9 million. I am sure by next year’s census we will likely have hit well over 50 million. Such a scenario shows that with these numbers of people, the environment then got tampered with to pave way for houses, roads, institutions, firms and even other amenities.”

**Senator (Dr.) Alice Milgo** contributing to the debate on the motion on the Compensation for the Victims of Human-Wildlife Conflict on **November 8, 2018**.



“I believe that by the end of the debate, the Government will put some mechanisms in place to ensure that we protect our wildlife because it has some positive benefits. It creates employment, it is a source of tourism and it increases the Gross Domestic Product (GDP). As much as wildlife contributes to all these, the Government has to ensure that people are also protected for the wildlife not to be a mixed blessing. If it is a blessing, let it be a blessing but it should not be a blessing on one hand and a curse on the other hand.”

**Senator (Dr.) Gertrude Musuruve** contributing to the debate on the motion on the Compensation for the Victims of Human-Wildlife Conflict on **November 8, 2018**.



“Tourism is an important economic aspect in this Republic that we should take care of just like sugarcane, livestock or any form of a cash crop. It contributes to the Gross Domestic Product (GDP) and the beauty of this country. Therefore, when Sen. Mwaruma talks about how we can coexist and be innovative in terms of building this sector, he is thinking progressively for this country.”

**Senator Mary Seneta** contributing to the debate on the motion on the Compensation for the Victims of Human-Wildlife Conflict on **November 8, 2018**.

# Better times are ahead, Speaker Kingi tells Kenyans, as Government's economic revival measures continue



1. Speaker Kingi shares a light moment with President Wiliam Ruto in Mombasa during the National Taxpayers' Day. Others in the picture are Deputy President Rigathi Gachagua (second left) and KRA Chairman Anthony Mwaura.
2. Speaker Kingi in consultation with the National Treasury CS Njuguna Ndungu when they met during the National Taxpayers' Day in Mombasa.
3. Speaker Kingi joins President William Ruto and First Lady Rachel Ruto during an interdenominational prayer meeting hosted by Christian and Muslim clergy at Mama Ngina Grounds, Mombasa, on Sunday November 5, 2023.
4. Speaker Kingi addresses worshippers.

Speaker Amason Jeffah Kingi has called on Kenyans to continue supporting President William Ruto as he implements measures to revive the economy and address the challenges his government inherited from the previous regime.

The Speaker said the current regime inherited a litany of problems but was progressively addressing them with the sole objective of making the lives of Kenyans better.

The low point at which the economy had sunk meant the country could not

afford to borrow further but take radical measures, including painful ones to revive the economy, Rt Hon Kingi said.

Likened the situation to a boil that must be squeezed and eradicated, no matter how painful, Speaker Kingi thanked Kenyans for their patience and assured them it was only a matter of time before things take a turn for the better.

The Speaker was addressing worshippers at an interdenominational prayer meeting hosted by Christian and Muslim clergy at Mama Ngina Grounds, Mombasa, on Sunday November 5, 2023

which was attended by President Ruto, First Lady Rachel Ruto, Cabinet Secretaries, Governors, parliamentarians, MCAs and other governments officers.

The worship service came during President Ruto's working tour of the Coast region that saw him traverse Lamu, Tana River, Kilifi, Mombasa and Kwale counties as he launched new development projects and assesses status of ongoing ones.

In his address to worshippers, President Ruto gave an update on his development agenda for the Coast region and

the country as a whole, and urged Kenyans to exercise patient.

He outlined key development priorities for Coast region, saying his government remained on track in fulfilling all electoral pledges he made as he sought office last year.

The meeting was also addressed by Mombasa Governor Abdulswamad Sharrif Nassir, Cabinet Secretary for Mining, Blue Economy and Maritime Affairs Salim Mvurya, while the sermon was delivered by clergymen from the Christian and Muslim faiths.

# Justice Committee halts consideration of Gender Bill pending dialogue outcome



Senator Beth Syengo, the sponsor of the Constitution of Kenya (Amendment) Bill, 2023..

The Committee on Justice, Legal Affairs and Human Rights has proposed that the consideration of the Constitution of Kenya (Amendments) Bill, 2023 be halted for the next 6 months to allow for ongoing national consultations on the two thirds gender.

Sponsored by Senator Beth Syengo, the amendment seeks to give effect to the two-thirds gender principle through the creation of special seats in both the Senate and National Assembly.

The Bill further requires the state to take legislative, policy and other measures, including setting standards, to achieve the dream of both genders having properly represented.

The Bill was published on April 13, 2023 and introduced in the House by way of First Reading on May 4, 2023. It was then referred to the Justice Committee for consideration.

In July, 2023, the Cabinet Secretary for Public Service, Gender and Affirmative Action constituted a Multi Sectoral Working Group on the Realisation of Two-thirds gender principle.

The CS Aisha Jumwa mandated the Working Group to review and analyse previous proposals for the implementation of the two thirds gender, conduct comparative studies, stakeholder engagement and public participation.

The Working Group was given a six months term, in which it was supposed to develop and recommend a framework for the implementation of the two thirds principle.

Even though it was gazetted to carry out its work under the Ministry, the Working Group has since resolved that the process be Parliament-driven to avoid potential legal challenges to the processing of the Bill that would arise from the process.

The Group has representatives from the Executive, Judiciary, the Legislature, Independent Offices, commissions and civil society.

Parliament picked the cue, and through the resolution in both the Senate and National Assembly, established the National Dialogue Committee, which among other issues, is supposed



Justice and legal Affairs Committee Senator Wakili Hillary Sigei and Senator Veronica Maina..

to consider the framework for implementation of the two thirds gender principle.

“The outcomes of both the Working Group and the National Dialogue Committee will need to be tabled in Parliament for deliberations and any Bills emanating therefrom would be subjected to the legislative process in Parliament,” the Committee says in its report on consideration of the Bill which was tabled in the House on Tuesday, October 31.

Senator Syengo seeks to amend Article 97 of the constitution on the composition of the National Assembly to ensure that the National Assembly complies with requirement that not more than two thirds of its membership are of the same gender.

The Bill proposes that members for special seats should be elected through party lists to ensure that no more than two thirds of the membership of both Houses are of the same gender.

Senator Syengo has also proposed that a person who is elected through a party list in the two Houses or County

Assembly shall only be eligible for election only once.

In the report, which was tabled in the House by Senator Wakili Hillary Sigei, the lawmakers argue that it is not ideal for the committee to undertake a process parallel to what is being undertaken by the Working Group and the National Dialogue Committee particularly as the outcome of both processes will be submitted to parliament for consideration.

“In the circumstances, it would be prudent for the Committee and the Senate to allow a reasonable period of completion of the two processes before resuming consideration of the Constitution of Kenya (Amendment) Bill (Senate Bills No. 15 of 2023).

Consequently, the committee resolved to defer the consideration of the Bill until February 2024 when Parliament would resume for the third session to allow for the consultative process to be completed.

## Parliament ready for the State of the National Address

Parliament is gearing up for the State of the Nation (SOTN) address which will be delivered by President William Ruto on Thursday, November 9, 2023.

Article 132 (1) of the Constitution gives the President the mandate to address a special sitting of Parliament once every year.

During the State of the Nation Address, the President is expected give a report his administration has taken on all the measures taken and the progress achieved in the realisation of the nation-

al values, referred in Article 10 of the Constitution.

The Supreme law further mandates the President to publish details of the measures in the Kenya Gazette and submit a report for debate to the National Assembly on the progress made in fulfilling Kenya’s international obligations.

The President is expected to take stock of his administration’s milestones as well as state his plan for the final year in office ahead of the August 2022 General Election.



President William Ruto and Speakers Moses Wetangula (left) and Amason Kingi during the 2022 State of the Nation address at Parliament Buildings.

# Revamped Senate Reception: portrait of House in transition



Officers from the Directorate of Serjeant-At-Arms pose for a picture at the revamped Senate reception.

Next time you visit the Senate, you will be excused if you assume that you have checked into the lobby of a six-star hotel.

From outside, it is as if you are interspersed in time and space given the modern feel you get at the reception vis a vis the general ambiance in the corridors of Parliament Buildings.

A walk from the Senate's main door to the reception desk offers one a feeling of promenade, a sign of the transformation taking place and what the future portends for an institution that oftentimes is referred to as the Upper House.

Where the old reception was characterised by a quaint, rustic box-like structure, a new, modern outlook has emerged, a rising sun.

The old reception was squeezed against the wall. It served as the front office desk. The dim lights made the place gory, offering an image of a dungeon.

Three old fashioned chairs, were thrown against each other. It is here that the receptionists, mostly officers from the Directorate of Serjeant-At-Arms, craned their necks to attend to the visitors coming and leaving.

But change has arrived. The reception is a perfect space, a breath-taking specta-

cle, complete with modern features that provide the much-needed comfort, assurance that in the right place.

Placed some few metres away from the main entrance, the reception area is spacious and can accommodate three swivel chairs neatly spaced closed to each other.

The chairs are lined behind a ceramic-tiled working space that looks polished to high gloss.

Underneath the desk, are drawers for storage of documents and equipment, counter books and other essential items.

Unlike the dimly lit space of the past, there is proper lighting, a sign of the regime of openness that the Senate wants to pursue.

The wall is engraved with beautiful carvings of art that speak about the beauty and splendour of Kenya's rich heritage as a people.

Below the wall is a wide, curved front desk with a ceramic work space that reveals architectural elegance.

The front part of the reception desk is emblazoned with the signage "welcome" which is juxtaposed against blue colours that define the Senate brand

The Senate has become a warm and hospitable institution ever since the

renovation, shedding off the traditional ways of service delivery for an efficient and modern way of dispensing service to the Kenyan people.

However, benches on the adjacent sides of the reception desk are less comfy. In keeping with the changing times, plans to have them replaced with modern couches is in top gear.

This will offer guests a genteel feel while making the experience of visiting memorable.

This has assuaged fear and anxiety that comes with being in the corridors of power.

One may wonder the fuss about aesthetics in a public institution. Why not focus on the bread and butter issues that are more pressing to the population, it may be posed.

But the departure from days gone by is informed by the negative perception the public has always attached to government institutions in regard to service delivery.

Traditionally, Government offices have been considered less friendly and lacking open-door policy. Through the reception facelift, the Senate is sending out a powerful message that, as an in-

stitution, it is in transition and open to serve the public.

Aesthetics are crucial in shaping perceptions and schemes in people's minds. This plays out through simple and subtle things such as colour, lighting and art.

The simple gesture of revamping the reception, the image guests will have in their minds and hearts when they pay Senate a visit is that of a forward-looking institution that is customer-centric.

Such perceptions help in solidifying the image of the Senate through word of mouth without necessarily going back to the coffers to splurge money on free publicity and branding initiatives.

As they say, there are no second chances to second impressions. Senate seems to have hearkened to this maxim to the letter and the reception is a testament to this.

It is how you treat people that leaves a lasting impression on them. Not what you tell them. If you haven't visited the Senate reception area, please do so and let others know whether there was a change in feeling and impression of the place.

By Mike Mwamuye

# Define village in the law, Security Committee asks National Government



Senators Seki Lenku ole Kanar and George Mbugua during one of the Committee on Security sittings.



Senator William Cheptumo, the chairman of the Committee and Senator Beatrice Ogolla..

A House committee has asked the National Government to develop a criterion for defining what constitutes a village in terms of public administration.

Such definition should consider population, geographical and sub-cultural factors, according to the Committee on National Security, Defence and Foreign Relations.

In a report to the House, the Committee, which is chaired by Senator William Cheptumo, has further proposed that the National Government Coordination Act should be amended to provide for the

village as the lowest administrative unit after the sub-location.

The Committee argues that Village Elders play an integral role in the functioning of the National Government at the village level, pointing out that there is need for the reestablishment of the Village Council to improve efficiency.

“The Councils help chiefs and assistant chiefs in the maintenance of law and order. They promote education and facilitate development through the Nyumba Kumi Initiative,” said Senator Cheptumo, when he tabled the report on Tuesday, October 31.

“The officers are not motivated because they discharge these important roles without any remuneration by the Government.”

The report is based on the findings of investigation into the petition filed to the Senate by Mr Benson Nyaga Kagete asking the lawmakers to put in place a legal regime that will recognise and remunerate Village Elders under the Nyumba Kumi Initiative.

The committee acknowledges there is no law regulating and guiding the observation of employment of the village el-

ders into the existing governance structure.

The committee has asked the Ministry of Interior and National Administration to develop a comprehensive policy on recruitment and remuneration of the village elders.

In particular, the committee argues that the Ministry should focus on a policy to cover the terms of engagement, functions of the village elders, criteria for recruitment and termination of engagement.

Section 41 of the National Police Service Act establishes the County Policing Authority but more than 10 years since the law was enacted this is yet to be effected by the counties.

No county has an existing County Policing Authority whose function is to provide a platform through which the public participates in all the aspects relating to policing, ensuring policing accountability to the public, and receiving reports from community policing forums and committees.

The committee calls for the review of the County Governments Act to ensure harmonisation in the establishment, structure and functions of the village elders at both the county and the national levels.

## Senate moves to reign in fake real estate agents

Rogue Real Estate developers have been put on notice with the long overdue introduction to the House of a Bill that proposes to regulate the sector.

The Real Estate Regulation Bill, 2023, which has gone through the First Reading, seeks to put in place mechanisms for the regulation of real estate agents and real estate projects in Kenya.

It establishes the Real Estate Board which shall have the power to register real estate agents, licence real estate agents and maintain a public database with information on real estate agents and real estate projects.

The Bill which is sponsored by Senator Allan Chesang, was committed to lands, Environment and Natural Resources, which will conduct public participation.

“The real estate sector in Kenya has witnessed a lot of fraud in the recent past. There is need for a regulation as the current regulatory regime is ineffective,” says Senator Chesang in the memorandum of objects of the Bill.



Senator Allan Chesang.

The Bill establishes the office of the Registrar of Real Estate Agents and Projects who will keep and maintain a register in which the name of every real estate agent will be entered.

Every person registered as real estate agent shall have their details published in the Gazette, as soon as may be practicable. The details recorded will include their name, address and qualifications.

Although the Kenyan real estate market turnover is over hundred billion

shillings annually the sector has operated outside the law, a loophole exploited by fraudsters who have messed up the dream of many Kenyans wishing to own homes.

Data from the judiciary indicate that more than 60 per cent of all cases filed in courts are either land or property related.

The Kenya National Bureau of Statistics (KNBS) surveys show that construction and real estate industry jointly contribute about 12.4 per cent of Ken-

ya's GDP.

Section 28 of the Bill provides that a person shall practice as a real estate agent only after he has been issued with a practising licence by the Board after complying with the requirements set out in the Bill.

A person who practices without the certificate shall commit an offence and will be liable, on conviction, to a fine not exceeding Sh5 million or to imprisonment for a term not exceeding two years, or to both.

Section 32 provides that no developer shall advertise, market, book, sell, offer for sale or invite persons to purchase any plot, apartment or building in any real estate project that will not registered as set out in the Bill.

“Where a real estate project is to be developed in phases, every such phase shall be considered a separate real estate project and the developer shall obtain registration for each phase separately.”

## Open up more eye clinics, Senator Asige urges the State



Senator Crystal Asige.

Senator Crystal Asige says eye clinics are desperately needed across the country and urged Senators to push the Government to promote eye sight screening through the establishment of more clinics across the land.

The lawmaker argues that the only way to address the challenges brought about by eye problems is for the leaders

to promote open dialogue on eye issues and not make the matter a taboo.

“Where we notice a trend of eye care issues in the family, let us encourage testing and screening to prevent further complications,” said the Senator through a statement on the floor of the House to commemorate the World Sight Day.

Globally, the Day is celebrated annu-

ally every second Thursday of October.

The aim of the World Sight Day is to raise awareness of vision impairment, blindness and the critical need for comprehensive eye care.

This year’s theme is “Love Your Eyes at Work”, with the focus being on sensitising people about the importance of eye care at the workplace.

Kenyans on average spend between 40 to 52 hours per week at work. This makes the workplace the place where people put their eyesight to use the most.

Senator Asige challenged employers and key decision makers to prioritise the health of employees in the workplace

Statistics show that 7.5 million Kenyans live with severe visual impairment or blindness. The data indicates that 90 per cent of these cases could have been prevented.

Out of the 7.5 million Kenyans, only 1.6 million can access eye care services due to minimal resources, including specialised eye care professionals, medical supplies, equipment and access to funds.

Senator Asige regretted that available resources are primarily concentrated in towns despite the fact that 71 per cent of

Kenyans live in rural areas.

The right to be protected while working is constant. Studies estimate that nine out of 10 workplace eye injuries can be averted with the use of safety eyewear. Recognising and addressing this issue is paramount to averting vision loss due to workplace accidents.

While Senator Asige argues that 90 per cent of all sight loss is preventable or treatable, the solution lies in early detection if the statistics have to improve.

“Regular eye check-ups are of utmost importance. Promoting eye health initiatives should be a primary goal for everyone, Parliament included,” she said, urging the lawmakers to reflect on the far-reaching impacts of vision impairment, extending beyond personal well-being to encompass the safety, productivity, and overall, quality of life for millions of people.

The Senator said employers must be encouraged to make eye health initiative a standard practice in their workplace culture, adding that it is a shared responsibility, which needs to be led by Government and the Ministry of Health and reflected in its policy and budgetary plans.

## Senate extends mandate of Bipartisan team

The House has adopted a motion extending the mandate of the National Dialogue Committee to November 26, 2023.

The lawmakers unanimously passed the motion arguing that there is need for the Committee to conclude the consideration of the issues it was mandated to consider.

The committee was formed to conduct negotiations, look into the process of making appropriate constitutional, legal and policy reforms on each of the issues as framed by the Committee and prepare a Report for submission to the Leadership of Kenya Kwanza and Azimio Coalition and thereafter, to Parliament.

Senator Okongo Omogeni told the House while moving the motion that the committee had made some progress ever since it got the approval of the House last August.

“We took submissions from more than 704 stakeholders and we received more than 60 presentations from stakehold-



Senator Okong'o Omogeni

ers who appeared from various groups including constitutional commissions. This process has attracted a lot of interest from Kenyans. Even the judiciary appeared before us and made submission,” said the Senator.

The committee has already tackled and almost agreed on issues of the Independent Electoral and Boundaries

Commission (IEBC), entrenching the office of the Prime Cabinet Secretary, fidelity to political parties and multipartism, having a leader of opposition in the House and the three funds; National Government Constituencies Development Fund (NG-CDF), Affirmative Action Fund and Senate Oversight Fund.

“There are a number of important

issues that are still pending before the committee including issues of cost of living, checks and balances which touch on the relationship between the Senate and the National Assembly,” said Omogeni.

Other general issues are about governance and outstanding constitutional issues.

Senator Enock Wambua supported the motion and urged the team to consider issues touching on the cost of living.

“My appeal to this team is to consider three things in this order. Number one is the cost of living. Number two is the cost of living and number three is the cost of living,” said the senator, who is also the deputy minority leader.

“If item number one fails, they should try item number two. If item number two fails, they should try item number three. If that fails, they revert to item number one.”

# Health Committee tours hospitals in Bomet and Nyamira to assess their readiness levels



Health Committee chairperson Jackson Mandago (second right) and senators Okong'o Omogeni and Esther Okenyuri at Nyamira Level 4 Referral Hospital.

In keeping with its oversight mandate, the Committee on Health conducted an inspection tour of Health facilities in Bomet and Nyamira counties to determine their levels of preparedness.

The Committee visited Bomet County where it conducted a tour of Longisa Level 4 Referral Hospital; the facility that offers round-the-clock emergency healthcare services such as the Intensive care unit, Casualty and Accident and Emergency Services

While the Committee commended the management of the facility for its devotion to its core mandate, it however raised concerns over what it termed as poor record-keeping, procurement procedures, and understaffing which the

committee pointed out are not within the required standards.

The Committee also expressed dismay over the controversy surrounding the management and termination of Management Equipment Services (MES).

The Committee made an unscheduled stop at Ekerenyio Level 4 Sub-County Hospital in Nyamira County but was unimpressed with the state of the facility.

Members of staff were dressed casually. Most hurriedly donned their official uniform when they realised the identity of the guests.

At one point, Senator Joe Nyutu was forced to confront a laboratory staff member, demanding to know why he

was dressed casually.

“Why are you not in your uniform,” asked the visibly angered senator.

In defence, the official cited the area’s cold conditions and the need to keep warm.

The facility was largely empty. There was only one child in the children’s ward and a few other patients in the male and female wards.

It was not clear whether the low numbers of patients at the facility had anything to do with the kind of services offered. Or the fact that people in the area hardly fall sick.

Senator Okongo Mogeni questioned the Nurse in Charge on the reason behind the low number of patients. The an-

swer was not forthcoming.

The hospital’s cleanliness was commendable, but the facility fell short in other areas.

The mothers’ ward has no privacy as there are no partitioning curtains. Windows across all wards are without curtains, some rooms are without light bulbs, and in one instance, used cotton wool littered the floor of the nursing room.

Senator Mandago expressed his disappointment with the state of affairs.

“This facility does not attract patients because of its state. I urge the management to improve service provision,” he said, wondering why a 12-bed facility is staffed with 77 personnel.

## Location is the lowest unit of hardship area

One condition the Government uses to categorise a hardship area is the unavailability or lack of food accessibility.

Unavailability and inaccessibility of water, transport and communication service in terms of adequacy are other factors according to a statement submitted to the House by Public Service CS Moses Kuria.

Accessibility of social services, climate conditions for that particular area and the terrain or harshness of the area; insecurity or high possibility of security threats in a particular area and finally, the severity of poverty.

CS Kuria told the House that the government has classified the hardship areas using the location as the lowest unit.



Public Service CS Moses Kuria.

“I appreciate that we need to go lower to the sub-location. We will revise this. In the first phase, the guidelines we will release will depend on the location,” CS Kuria told the House in response to a question from Kirinyaga senator James Murango.

“I subscribe to the view that we need to make the sub-location to be the lowest unit because of the disparities we have. We have sub-location data within our Huduma system through the census we took. The Kenya National Bureau of Statistics (KNBS) can give us data to the sub-location level.”

Senator Murango wanted the CS to explain the criteria used by the Ministry to categorise and gazette areas as hardship zones and also state

why Mwea Constituency in Kirinyaga County has not been gazetted as a hardship zone, considering the adverse conditions in most parts of the constituency.

CS Kuria told the House that Mwea Constituency has not been gazetted as a hardship area because the Government is addressing the challenges of the existing disparities in designated hardship areas across the public service.

“We have undertaken a study to review and harmonise the designated hardship areas across the public service. Gazettement and implementation of the designated hardship areas shall be undertaken upon the approval of the Cabinet. This matter is currently before the Cabinet.”



# Ministry of Health is streamlining disability inclusive policies, CS Nakhumicha tells Senators



Speaker Kingi listens attentively as Health CS Susan Nakhumicha responds to questions from Senators during Question Time on Wednesday, November 1, 2023.

The Ministry of Health in collaboration with stakeholders are developing and streamlining disability inclusive policies and enhancing the ease of accessibility for People with Disabilities (PwDs) to facilities and services in the health sector.

Health Cabinet Secretary Susan Nakhumicha says the Ministry has developed the Kenya Health Sector Strategic Plan 2018-2023 that prioritises health systems strengthening to realise Uni-

versal Health Coverage and has further developed the rehabilitative services and assistive technology strategy of 2022 and 2026 to guide targeted investments to promote access for PwDs.

“Disability mainstreaming mechanisms within the health systems are ongoing in health facilities to enhance the unhindered safe movements of PwDs and access to reproductive health services,” CS Nakhumicha told the House on Wednesday, November 1.

She added that the Ministry has emphasised all health facilities including Level 4, 5 and 6 hospitals to ensure the integration of disability-friendly mechanisms to enable the inclusivity of all Kenyans.

In the recently concluded facility assessment preliminary report, the Ministry evaluated whether the health facilities had disability-friendly structures that have ramps, lifts, disability friendly washrooms, disability friendly maternity beds and wheelchairs, amongst other items.

Out of the 12,483 facilities included in the analysis, 47 per cent had at least one disability-friendly infrastructure, 82 per cent had a ramp, 54 per cent had wheelchairs, 15 per cent had disability-friendly washrooms and only seven per cent had disability-friendly maternity beds.

The analysis reveals that 80 per cent and 42 per cent of Level 6 and 5 facilities had disability-friendly maternity beds, while only 22 per cent and 8 per cent of Level 4 and 3 facilities had disability-friendly maternity beds.

Reproductive health and maternal health services are offered in both outpatient and inpatient. The high accessibility in the form of ramps, and lifts and the availability of wheelchairs indicate that PwDs can access reproductive services.

“There is significant challenge in the provision of disability maternity-friendly equipment in health facilities,” said the CS when answering Members questions on the floor of the House.

Nominated senator George Mbugua has sought to know from the CS the measures the Government has taken to ensure that reproductive health services are accessible to Persons with Disabilities (PwDs) in compliance with Article 43(a) of the Constitution.

He also wanted the Cabinet Secretary to provide a list of all the medical facilities equipped with disability friendly infrastructure and indicate the training programmes developed and resources deployed by the Government to medical practitioners, to ensure they are adequately prepared to attend to PwDs.

The CS said the Ministry has undertaken training of all county directors of health and the disability assessment teams on disability medical assessment and categorisation and further developed the Disability Medical Assessment and Categorisation Guidelines to make assessment standards across the country.

The training of county teams involved in disability assessment is done for those who request at the national level and it is done on a need basis.

# Japan envoy meets Senate Committee on Roads

Japan ambassador to Kenya Okaniwa Ken last week made a familiarisation tour to Parliament Buildings and later met the Committee on Roads, Transportation and Housing.

The meeting between the two sides explored ways and areas of partnership around infrastructural development.

The envoy highlighted the cordial relations enjoyed between Kenya and Japan noting that his country had initiated many infrastructural development projects in Kenya through Japanese International Care Agency (JICA).

The committee Chairman Karungo Thangwa supported the envoy’s views and expressed the committee’s willingness to support the embassy to unlock challenges around ongoing infrastructural projects.

Senator promised to call to order Nairobi Metropolitan Transport Authority (Namata) regarding the Bus Rapid Transport (BRT) project.

Committee members who attended the meeting were Senator Moses Kajwang and Senator Edwin Sifuna.



Senator Karungo Thangwa, the chairman of the Committee on Roads, Transportation and Housing during the meeting with the delegation from Japan Embassy led by Ambassador Okaniwa Ken at Parliament Buildings on Friday, November 3. Below, Senator Thangwa and Senator Moses Kajwang and Edwin Sifuna join Japan Ambassador Okaniwa Ken for a photo session after the meeting.

# Senators hail Akili Kids Channel for contribution toward digital literacy



Members of ICT Committee, from left Senator Beatrice Ogola, Samson Cherarkey and Karen Nyamu with the management of Akili Network Channel led by the CEO Jeff Sckon after the meeting between the two sides.

The Committee on Information, Communication and Technology has lauded Mr Jeff Sckon and his team for their transformative contribution towards digital literacy.

“I am delighted with the work that your TV station is doing in educating our children in their transformative years. As the ICT Committee we are committed to ensuring our children leverage on technology,” said Senator Samson Cherarkey during the meeting between the Committee and Mr Sckon.

Mr Sckon is the proprietor of Akili Network Limited which runs Akili

Kids, the only Kenyan local free-to-air TV channel that solely broadcasts programmes meant for children.

Senator Cherarkey, who was the stand in Chair, underscored the willingness of the Committee to promote digital transformation and urged the Akili Network delegation to work closely with the Ministry of Education and Kenya Institute of Curriculum Development to develop a suitable online curriculum for children.

The Committee expressed concern on the safety of the online content chil-

dren are exposed to and acknowledged the positive impact that Akili Kids’ programmes have on children.

“Children are influenced a lot by what they see. I have been in a space where children were watching Akili Kids. I must say that you have great content,” said Senator Beatrice Ogola.

Senator Karen Nyamu noted that homosexuality is illegal in Kenya but I have seen programmes aired by Cartoon Network advocating for LGBTQ.

“I hope Akili Kids has a policy against homosexuality because we don’t want our children exposed to such kind

of content,” she said.

Akili Network Limited’s CEO informed Senators that his company upholds high standards of professionalism and has put in place safeguards to mitigate the propagation of not only homosexuality but also cyberbullying among children.

The network works closely with the Communication Authority of Kenya (CA) and Kenya Film and Classification Board (KFCB) and has implemented a Protective Advertisement Policy which discourages the airing of advertisements that may harm the kids’ health and well-being.

“We don’t advertise sugar, high fat or other things that we know will be bad for the children’s health. We have programmes that help children to understand what cyberbullying is and what they can do about it,” Mr Sckon said.

The CEO promised that the Akili Kids TV Channel will work closely with the Ministry of Information and Digital Economy, Communication Authority (CA), Kenya Institute of Curriculum Development (KICD) and teachers to improve their content.

The ICT Committee resolved to use the ideas exchanged with the Akili Network Limited’s management to further enrich the pending Digital Literacy Bill, which is sponsored by Senator Nyamu.

## BILLS

# The County Assembly Services Bill introduced in the House

The County Assembly Services (Amendment) Bill, 2023, has been introduced in the House.

The Bill, which lays out an elaborate procedure for the removal from office of a clerk of the county assembly went through the first reading on Thursday, October 19, 2023.

Sponsored by Senator Mohamed Chute, the Bill is proposing that only the County Assembly Public Service Board will have the power to suspend or remove from office a Clerk of the County Assembly.

The Bill details the procedure for the suspension or removal of a clerk of the



Senator Mohamed Chute, the Sponsor of the Bill

county assembly taking into account principals of fair administrative action.

The Bill also gives the Clerks supervisory control over the staff of the County Assemblies.

Further, the proposed law provides for the procedures for removal from office of a member of the county assembly public service board.

The Bill proposes that the Board shall inform a Clerk of the County Assembly in writing the reasons for suspension and the Clerk shall have seven days to respond to the accusations.

The Board shall then formally invite the Clerk to appear before to defend him/herself against the allegations.

If the Board votes to suspend the Clerk, the suspension shall not be for more than six months.

Where one is seeking the removal

from office of a member of the Board, the Speaker shall submit the petition to the County Assembly where an 11-member committee will be formed to investigate the allegations.

The committee will have 10 days to investigate the matter and report to the assembly whether it finds the allegations against the member of the board to be substantiated.

The assembly shall consider the report of the committee and resolve whether to approve the motion.

If the assembly approves the motion, the member shall be deemed to have been removed from the board.



1. *Public Service CS Moses Kuria is received by an officer from the Directorate of Serjeant-At-Arms when he arrived at Parliament Buildings for the Question Time on Wednesday, November 1, 2023.*
2. *Senator Samson Cherarkey shares a word with Senator Veronica Maina, Senator George Mbugua and Senator Wahome Wamatinga in the Chamber.*
3. *Speaker Kingi joins President William Ruto and other leaders during the National Taxpayers' Day in Mombasa.*
4. *CS Kuria is welcomed by Senators Alex Mundigi, George Mbugua and Wahome Wamatinga after he responded to questions raised by the lawmakers when he appeared in the Senate for the Question Time.*
5. *CS Health Susan Nakhumicha exchanges pleasantries with Senator George Mbugua and Wahome Wamatinga after answering Members' Questions.*
6. *Senator Alex Mundigi with CS Nakhumicha.*
7. *CS Nakhumicha is welcomed to Parliament by Senate staff when she appeared to respond to questions raised by the lawmakers.*

# Facilitate public access to legislatures, Clerk Nyegenye urges County Assemblies Officers

The Clerk of the Senate Jeremiah Nyegenye has informed officers serving in the County Assembly that legislatures are public institutions mandated to serve the interests of the people.

The Clerk challenged the officers to always ensure that the public is involved in legislative processes since they are at the centre of the structure of devolved governance.

“Legislatures are not ivory towers but public institutions funded by the people. It is the right of the public to know exactly what is being transacted in the county assemblies. They must access such places,” said Mr Nyegenye when he opened the 2023 County Legislative

Tracker Training at Parliament Buildings.

The County Legislative Tracker Website will serve and provide a centralised space for members of the public and stakeholders to access legislation that is being processed by specific county assemblies, thus promoting openness, transparency and public involvement.

Clerk Nyegenye, who also serves as the Secretary to the Parliamentary Service Commission (PSC), pledged to continue supporting the county assemblies where they deem fit since the Senate prides itself as the bigger brother and a patron of devolution.

The County Legislative Tracker Website enables the Senate to access

firsthand and synthesised information on county bills and laws passed by county assemblies to help in undertaking its oversight and legislative mandate.

The Society of Clerks at the Table in the Kenya County legislatures (SO-CATT), who were represented by Tharaka Nithi Clerk, Mr Amos Kiangwe, applauded the Senate for continuously building the capacity of county assemblies and their officers.

He pleaded with the Senate leadership to go further and train the officers on how to generate business for the devolved legislatures since most county assemblies often adjourn due to lack of business.

“Most of the time as we caucus

around our areas of professional development, the Senate has always come in handy. This training provides the perfect opportunity to continue with our partnership which we are grateful for,” said Mr Kiangwe.

The Senate conducted a two-tier training programme for select participants from all 47 county assemblies through the Senate Liaison Office.

Through the training the officers were exposed to the county legislative tracker which will, in turn, assist them in harmonising laws and bills passed by county assemblies.

The three-day training took place from Tuesday October 31, 2023 to Thursday November 2, 2023.



*Clerk Nyegenye accompanied by Deputy Clerks Eunice Gichangi and Mohamed Ali address participants of the County Legislative Tracker Training 2023 at the end of the training on Thursday, November 2, 2023.*



*After the training, Clerk Jeremiah Nyegenye hosted the staff members drawn from County Assemblies for a cocktail party where they were presented with certificates of participation.*

*The training was facilitated by the Senate Liaison office.*

## Seneta Hamida ataka majibu kuhusu uuzaji wa Telkom na upatikanaji wa vifaa vya kuwasaidia wenye changamoto za kusikia



Seneta Hamida Kibwana,

**K**amati ya Afya inatakiwa kueleza ni mikakati ipi imewekwa na Wizara ya Afya na Serikali kijiujumuia kuhakikisha kuwa vifaa vya kuwasaidia watu wenye changamoto za kusikia vinapatikana kwa urahisi na kwa bei nafuu kwa Mkenya wa kawaida.

Seneta Maalumu Hamida Kibwana, kwenye ombi la taarifa kwa Kamati hiyo

inayoongozwa na Seneta wa Uasin Gishu Jackson Mandago, anataka Kamati hiyo ibainishe ni hatua gani zinachukuliwa na Wizara ya Afya kupunguza gharama na upatikanaji wa vifaa hivyo.

Seneta huyo vilevile anataka kujua iwapo zipo hatua zinazochukuliwa na Wizara na mashirika mengine husika kujadiliana na mashirika ya bima ili yaju-

muishe vifaa vya kuwasaidia watu wenye changamoto za kusikia kwenye bima yao.

Aidha Seneta Kibwana anataka taarifa ya Kamati hiyo kueleza iwapo kumekuwepo uhamasisho wowote tangu mwaka wa 2020 kueleza umma dalili za mwanzo mwanzo za changamoto za kusikia hasa kutokana na kuwa ugonjwa huu huwa haubainiki kirahisi mapema.

Kando na hayo, Mandago na Kamati yake wanatakiwa kutoa taarifa kuhusu mashirika yoyote au ushirikiano wowote uliopo unaoangazia changamoto zinazohusiana na ugonjwa wa kutosikia, ikiwemo gharama ya matibabu, uwezo wa kubaini ugonjwa huu mapema na utoaji wa mafunzo ya kimatibabu.

Kwenye ombi jingine, Seneta yuyo huyo anataka Kamati ya Seneti ya Habari, Mawasiliano na Teknolojia kutoa taarifa kamili kuhusu uuzaji wa Kampuni ya Telkom Kenya kwa Shirika la Infrastructure Corporation Africa ICA.

Seneta Hamida Kibwana anaitaka Kamati hiyo kujibu swali la iwapo usalama wa taifa hautakuwa mashakani kutokana na kuwa mitambo ya Telkom ndiyo inaweka miundo msingi muhimu ya usalama wa taifa, mifumo ya mawasiliano na deta.

Seneta huyo Maalumu anataka pia

kila taarifa kuhusiana na mkataba wa kuiuza kampuni hiyo ikiwemo ni vipi uamuzi wa kuuza Telkom ulifikiwa, mbinu iliyotumiwa kukadiria thamani ya kampuni hiyo, kwa nini baadhi ya habari hizi zimesalia kuonekana kuwa siri na iwapo umma ulishirikishwa kwenye mchakato mzima.

Kuhusu ushiriki huu wa umma, Kamati hiyo inatakiwa kuweka bayana ni washikadau wepi walitoa maoni yao, na maoni yao yalikuwa yepi kuhusu uuzaji wa kampuni ya Telkom.

Kamati hiyo inayoongozwa na Seneta wa Trans Nzoia Allan Chesang` kwenye ombi hilo la taarifa itatakiwa pia kueleza ikiwa uuzaji wa Telkom kwa ICA uliidhinishwa na Baraza la Usalama wa Kitaifa NSC na ikiwa sheria ya ubinafsishaji ilifuatwa.

Zaidi, kwenye ombi hilo, Seneta Kibwana anataka maelezo kuhusu athari za kifedha za uuzaji wa mali ya Telkom kutokana na amri ya mahakama iliyoitaka serikali kuilipa Telkom shilingi bilioni 11 ambayo ni thamani ya ardhi ya Kampuni hiyo iliyoko kwenye Barabara ya Ngong.

Seneta huyo maalumu anasema kufanya hivyo kutakuwa kutumia visivyo pesa za mlipaushuru.

## Seneta Okenyuri aomba ufafanuzi kuhusu Hustler Fund

**K**amati ya Seneti ya Fedha na Bajeti inatakiwa kutoa maelezo kuhusu hazina ya Hustler Fund, ikiwemo idadi ya watu walionufaika kufikia sasa, na manufaa ya hazina hiyo kwa Wakenya.

Kwenye ombi la taarifa la Seneta Maalumu Esther Okenyuri kwa kamati hiyo, kamati hiyo inatakiwa kutoa taarifa kuhusu idadi jumla ya mikopo ambayo imetolewa kwa Wakenya tangu hazina hiyo izinduliwe. Taarifa hiyo ijumuishe makundi ya kiumri ya watu waliochukua mikopo hiyo, ikieleza kundi lipi la watu limechukua mkopo kiasi gani.

Seneta Okenyuri pia anataka Kamati hiyo ya Seneti ijitokeza bayana na kueleza kiasilimia ni watu kiasi gani wameweza kulipa mikopo iliyochukuliwa, na takwimu hizo zilinganishwe na mikopo mingine inayochukuliwa kwenye benki.

Kamati hiyo inawajibishwa kueleza hatua ambazo zinachukuliwa na serikali kuhakikisha kuwa pesa zilizotolewa kama mikopo zinalipwa na ikiwa kuna

mpango wowote wa msamaha kwa vijana ambao watahinda kabisa kulipia mikopo waliyochukua.

Kamati hiyo inayoongozwa na Seneta wa Mandera Ali Roba inatakiwa kutoa taarifa kuhusu athari za kijamii na kiuchumi za hazina ya Hustler, ikiwemo ushuhuda wowote wa jinsi mikopo hiyo imebadilisha maisha ya Wakenya wa kawaida, hasa kutoka Kaunti anayotoka ya Kisii.

Kwenye ombi jingine, Seneta wa Kisumu Prof. Tom Ojienda anaitaka Kamati ya Seneti ya Usalama wa Taifa, Ulinzi na Masuala ya Nchi za Kigeni kutoa taarifa kuhusu vifo na majeraha kwa raia wakati wa maandamano ya Upinzani dhidi ya Serikali miezi michache iliyopita.

Seneta Ojienda anataka taarifa hiyo ijumuishe uchunguzi wa iwapo haki za binadamu zilikiukwa wakati wa maandamano hayo kote nchini Kenya, na hasa kwenye kaunti yake ya Kisumu.

Ojienda anataka tathmini kamili ya



Seneta Okenyuri.

majeraha na mauti yaliyotokea kwenye maandamano hayo kwenye Kaunti ya Kisumu na maeneo mengine nchini.

Ombi hilo la taarifa linaitaka Kamati hiyo inayoongozwa na Seneta wa Baringo William Cheptumo kubainisha ni mikakati ipi imewekwa ili kuepuka matukio kama yaliyozunguka maandamano hayo yaliyojaa umwagaji damu.

Kamati ya Seneta Cheptumo aidha inatakiwa kueleza bayana mikakati iliyowekwa kuwawajibisha waliohusika kwenye umwagaji damu wakati wa maandamano, wakiwemo maafisa wa usalama, Seneta Ojienda akitaka wachukuliwe hatua za sheria.

Kwenye ombi lililopokelewa na kuidhinishwa na Spika wa Seneta Amazon Kingi, Ojienda anataka fidia kwa familia zilizopoteza wapendwa wao kwenye maandamano hayo na watu waliojeruhiwa kutokana na matendo ya maafisa wa polisi na maafisa wengine wa usalama kwenye maandamano hayo.



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