



**REPUBLIC OF KENYA**

**THIRTEENTH PARLIAMENT**

**NATIONAL ASSEMBLY**

**THE HANSARD**

**VOL. III NO. 109**

## THE HANSARD

Wednesday, 27<sup>th</sup> November 2024

The House met at 9.30 a.m.

*[The Deputy Speaker (Hon. Gladys Boss) in the Chair]*

PRAYERS

QUORUM

**Hon. Deputy Speaker:** Hon. Members, there is no quorum. Serjeants-at-Arms, I direct that the Quorum Bell be rung for ten minutes.

*(The Quorum Bell was rung)*

**Hon. Deputy Speaker:** Order, Hon. Members. We now have quorum. We may proceed to the first Order.

*(Several Members walked into the Chamber)*

Hon. Kosgei, we have started. Clerks-at-the-Table, call the next Order. Proceed Deputy Whip of the Majority Party.

PAPERS

**Hon. Naomi Waqo** (Marsabit County, UDA): I beg to lay the following Papers on the Table:

1. Bi-annual Report of the Commission on Administrative Justice for the period between January to June 2024
2. Reports of the Auditor-General and financial statements for the years ended 30<sup>th</sup> June 2021, 30<sup>th</sup> June 2022 and 30<sup>th</sup> June 2023, and the certificates therein in respect of:
  - (a) Mahiga Girls' Secondary School.
  - (b) Bute Girls' Secondary School.
  - (c) County High School – Garissa.
  - (d) Wayam Secondary School.
  - (e) Mandera Secondary School.
  - (f) Hobunaka Boys' Secondary School.
  - (g) Wajir High School.

Thank you, Hon. Deputy Speaker. I beg to lay.

**Hon. Deputy Speaker:** The Chairperson of the Departmental Committee on Finance and National Planning, or his representative.

**Hon. Julius Rutto** (Kesses, UDA): I beg to lay the following Paper on the Table:

The Joint Report of the National Assembly Departmental Committee on Finance and National Planning, and the Senate Standing Committee on Finance and Budget, on the vetting of a nominee for appointment as the Second Deputy Governor of the Central Bank of Kenya (CBK).

Thank you.

**Hon. Deputy Speaker:** The Chairperson of the Departmental Committee on Finance and National Planning, or his representative. You may give your notice of Motion.

### NOTICE OF MOTION

#### APPROVAL OF THE APPOINTMENT OF MR GERALD ARITA AS THE SECOND DEPUTY GOVERNOR OF THE CENTRAL BANK OF KENYA

**Hon. Julius Rutto** (Kesses, UDA): I beg to give notice of the following Motion:

THAT, taking into consideration the findings of the Joint Committee of the National Assembly Departmental Committee on Finance and National Planning and the Senate Standing Committee on Finance and Budget, in its Report on the vetting of a nominee for appointment as the Deputy Governor of the Central Bank of Kenya, laid on the Table of the House on Wednesday, 27<sup>th</sup> November 2024, and pursuant to Section 13(b)(1) of the Central Bank Act CAP 491 and Section 3 and Section 8 of the Public Appointments (Parliamentary Approval) Act of 2011, this House approves the appointment of Mr Gerald Nyaoma Arita as the Second Deputy Governor of the Central Bank of Kenya.

Thank you.

**Hon. Deputy Speaker:** Thank you. Next Order.

### PROCEDURAL MOTION

#### EXEMPTION OF BUSINESS FROM THE PROVISIONS OF STANDING ORDER 40(3)

**Hon. Silvanus Osoro** (South Mugirango, UDA): Thank you very much, Hon. Deputy Speaker. I beg to move the following Procedural Motion:

THAT, this House resolves to exempt the business appearing as Order Nos. 11, 12, 13, 14, 15, 16(i) and 17 in today's Order Paper from the provisions of Standing Order 40(3), being a Wednesday Morning, a day allocated for business not sponsored by the Majority or Minority Party, or business sponsored by a Committee.

Hon. Members are aware that Wednesday morning Sittings are meant for Private Members' Bills and Motions. Considering that this Sessions' Calendar lapses next week, we seek to be exempted from the provisions of Standing Order 40(3) so that we can dispense of those businesses today and progress to other businesses in the afternoon.

I beg to move. I ask Hon. Millie to second.

**Hon. Millie Odhiambo-Mabona** (Suba North, UDA): I second.

*(Question proposed)*

**Hon. Members:** Put the Question.

**Hon. Deputy Speaker:** The mood of the House is that I put the Question.

*(Question put and agreed to)*

Next Order.

### BILL

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**Disclaimer:** *The electronic version of the Official Hansard Report is for information purposes only. A certified version of this Report can be obtained from the Hansard Editor.*

*Second Reading*THE ENVIRONMENTAL MANAGEMENT AND  
COORDINATION (AMENDMENT) BILL  
(National Assembly Bill No. 66 of 2023)*(Moved by Hon. Irene Mayaka on 13.11.2024 – Morning Sitting)**(Debate concluded on 20.11.2024 – Morning Sitting)**(Question put and agreed to)**(The Bill was read a Second Time and committed  
to a Committee of the whole House)***Hon. Deputy Speaker:** Next Order.**MOTIONS**COMPREHENSIVE REFORM OF EDUCATION BURSARY SCHEMES  
TO ENSURE FREE BASIC EDUCATION IN KENYA

THAT, aware that Article 43(1) as read together with the Article 53(1)(b) of the Constitution provides that every person has the right to education and enshrines the right of every child to free and compulsory basic education; further aware that Kenya's Vision 2030 identifies education as a crucial component for transforming the country into a globally competitive nation; appreciating that bursaries play a vital role in supplementing funding for enhancing access to education, particularly for students from disadvantaged backgrounds and contributes to the realization of universal basic education; noting that various education bursaries exist in the country including ward-based level bursary, county government's bursary, National Government Constituencies Development Fund (NG-CDF), the National Government Affirmative Action Fund (NGAAF) and the Presidential Secondary School bursary (PSSB); further noting that the evolution of bursary schemes from centralized to community-based administration aimed to enhance educational access, equity and responsiveness to local needs; concerned that despite those efforts, the current bursary system faces numerous challenges including lack of standardized and transparent selection criteria, delay in disbursement of funds and insufficient coverage of education costs leading to gaps in support; further concerned that those challenges have resulted in persistent disparities in education access, increased dropout rates particularly in secondary schools due to financial constraints and strain on household incomes as families struggle to meet educational expenses that are not covered by bursaries; acknowledging that the implementation of community-based bursary scheme has not fully achieved its intended objective hence the need to re-evaluate the current bursary systems with a view to ensure equitable and free access to quality education for all students; cognizant that the duty of the Government to provide free basic education can best be achieved by consolidating education funds and directly remitting to public schools; now therefore, this

House urges that the Government, through the Ministry of Education, in collaboration with the relevant stakeholders, undertakes a comprehensive overhaul of the education bursary system with a view to collapsing all bursary schemes and allocating the funds to the State Department for Basic Education for provision of free basic education through capitation to be directly remitted to schools.

*(Moved by Hon. Esther Passaris on 25.9.2024 – Morning Sitting)*

*(Debate concluded on 20.11.2024 – Morning Sitting)*

*(Question put and negatived)*

APPROVAL OF THE MEDIATED VERSION OF THE  
DIVISION OF REVENUE (AMENDMENT) BILL  
(National Assembly Bill No.38 of 2024)

THAT, pursuant to the provisions of Article 113(2) of the Constitution and Standing Order 150(3), this House adopts the Report of the Mediation Committee on the Division of Revenue (Amendment) Bill, (National Assembly Bill No.38 of 2024), laid on the Table of the House on Monday, 25<sup>th</sup> November 2024, and approves the Mediated version of the Division of Revenue (Amendment) Bill, (National Assembly Bill No. 38 of 2024).

*(Moved by Hon. Ndindi Nyoro on 26.11.2024 – Afternoon Sitting)*

*(Debate concluded on 26.11.2024 – Afternoon Sitting)*

*(Question put and agreed to)*

CONSIDERATION OF REPORT OF THE COMMITTEE  
OF THE WHOLE HOUSE ON THE COFFEE BILL  
(Senate Bill No.10 of 2023)

THAT, this House do agree with the Report of the Committee of the whole House on its consideration of the Coffee Bill, (Senate Bill No.10 of 2023), subject to recommittal of Clauses 8 and 79.

*(Moved by Hon. Kimani Ichung'wah on 26.11.2024 – Afternoon Sitting)*

*(Resumption of consideration interrupted on 26.11.2024 – Afternoon Sitting)*

*(Question put and agreed to)*

**Hon. Deputy Speaker:** Hon. Members, I will re-order the Order Paper for efficiency. We will go to Order No.14 and then we will come back to Order No.13. The Chairperson of the Departmental Committee on Justice and Legal Affairs.

**SPECIAL MOTIONS**

APPROVAL OF THE APPOINTMENT OF PERSONS  
AS CHAIRPERSON AND MEMBERS OF THE  
COMMISSION ON ADMINISTRATIVE JUSTICE

**Hon. George Murugara** (Tharaka, UDA): Hon. Speaker, I beg to move the following Motion:

THAT, taking into consideration the findings of the Departmental Committee on Justice and Legal Affairs in its Report on the vetting of nominees for appointment as Chairperson and Members of the Commission on Administrative Justice, laid on the Table of the House on Tuesday, 26<sup>th</sup> November 2024, and pursuant to Article 250(2)(b) of the Constitution as read together with Section 11(7) of the Commission on Administrative Justice Act, CAP. 7J and Sections 3 and 8 of the Public Appointments (Parliamentary Approval) Act, CAP 7F, this House approves the appointment of the following to the Commission on Administrative Justice –

1. Mr Charles Orinda Dulo - Chairperson;
2. Hon. Charles Njagua Kanyi - Member; and,
3. Ms Dorothy Jemator Kimengech - Member.

Hon. Deputy Speaker, the Report of the Departmental Committee on Justice and Legal Affairs was laid in this House on 26<sup>th</sup> November 2024 during the afternoon Sitting. It is an elaborate Report on the vetting of the three nominees for the positions given. I take the earliest opportunity to thank the members of the Committee for the work they diligently did on Monday, 25<sup>th</sup> November 2024. This is the day that the nominees appeared before the Committee for the vetting.

At the outset, I wish to point out that Members are advised to have a look at the Report, which I believe they have read. There were no objections and that the vetting process went on smoothly as scheduled. I wish to confirm that from the Report, the nominees presented their testimonials and documentary evidence of the same, and that they were all qualified. The Committee did not have any hesitation in making recommendations that they be approved.

We begin with the nominee for the chairperson, Mr Charles Orinda Dulo, who is a lawyer by profession, an Advocate of the High Court of Kenya, and a lecturer at Daystar University. He demonstrated that he has knowledge of what it takes to head the Commission on Administrative Justice. That is a Commission popularly known as the Ombudsman. Not many people know about it, but it is important to know that, as we continue budgeting for that constitutional office, we are making a provision for monies so that it is decentralised and it goes to the counties, and it can take care of Government mal-administration.

The second person was Hon. Charles Njagua Kanyi, who is known to most of us here. He is a former Member of Parliament and he is an expert in matters of peace. He holds a degree in that particular area and he answered our questions satisfactorily.

The third nominee is Ms Dorothy Jemator Kimengech, who is also an advocate of the High Court of Kenya. She demonstrated great knowledge of matters administrative. She convinced us that her expertise, having sat in various tribunals, actually qualifies her to become a member.

Having evaluated each and every member, it is my plea to the House this morning that you approve all of them, so that the Commission is properly constituted to perform its duties. I, therefore, urge you, Hon. Members, to approve the three nominees.

With those remarks, I beg to move and request Hon. Kandie, Member for Baringo Central, to second the Motion.

**Hon. Joshua Kandie** (Baringo Central, UDA): Thank you, Hon. Deputy Speaker. After looking at the Report of the Departmental Committee on Justice and Legal Committee, I have concluded that the nominees are suitable.

I second the Motion, Hon. Deputy Speaker.

*(Question proposed)*

*(Question put and agreed to)*

**Hon. (Dr) Makali Mulu** (Kitui Central, WDM): On a point of order, Hon. Deputy Speaker.

**Hon. Deputy Speaker:** What is your point of order?

**Hon. (Dr) Makali Mulu** (Kitui Central, WDM): Thank you, Hon. Deputy Speaker. I know we want to pass this Motion, which is important. However, the procedure is important. This is a very important Motion on an independent Commission. I get very surprised when such an important Commission comes to this House and the only thing we can do is to put the Question without any comment from any side of the House.

How I wish you gave an opportunity to two or three Members to comment so that we, as a House, can look good! The Chairman of the Committee cannot tell us that he wants to bring a Motion to this Plenary, prosecute his Report and get it approved without any debate. That is an important Commission which has so many justice issues. This is really unfair. It will make this House look very bad.

*(Loud consultations)*

**Hon. Deputy Speaker:** Hon. Makali, you are making allegations against the House. We are using the same procedures that we normally use. Let us move to the next Order.

APPROVAL OF APPOINTMENT OF PERSONS AS CHAIRPERSON  
AND MEMBERS OF THE INDEPENDENT POLICING OVERSIGHT  
AUTHORITY

**Hon. Gabriel Tongoyo** (Narok West, UDA): Hon. Deputy Speaker, I beg to move the following Motion:

THAT, taking into consideration the findings of the Departmental Committee on Administration and Internal Security in its Report on the Vetting of Nominees for Appointment as Chairperson and as Members of the Board of the Independent Policing Oversight Authority, laid on the Table of the House on Tuesday, 26<sup>th</sup> November 2024, and pursuant to Article 250(2)(b) of the Constitution as read together with Section 11(6) of the Independent Policing Oversight Authority Act, Cap.86, and Sections 3 and 8 of the Public Appointments (Parliamentary Approval) Act, Cap.7F, this House approves the appointment of the following persons to the Board of the Independent Policing Oversight Authority—

- |                                |   |              |
|--------------------------------|---|--------------|
| 1. Mr Ahmed Issack Hassan      | - | Chairperson; |
| 2. Ms Ann Wanjiku Mwangi       | - | Member;      |
| 3. Dr Micah Onyiego Nyakego,   | - | Member;      |
| 4. Mr Boniface Kipkemoi Samati | - | Member;      |
| 5. Dr Annette Mudola Mbogoh    | - | Member;      |
| 6. Hon John Muchiri Nyaga      | - | Member;      |

7. Mr Kenwilliams Nyakomitah - Member; and,
8. Ms Jackline Lukalo Mwenesi - Member.

Hon. Deputy Speaker, the Communication from the Chair on Wednesday, 13<sup>th</sup> November 2024, conveyed a Message to the House from His Excellency the President nominating the said persons for the said positions. Subsequently, the Message from the President containing the names of the nominees together with their curriculum vitae was referred to the Departmental Committee to undertake approval hearings, in accordance with Section 6 of the Public Appointments (Parliamentary Approval) Act, No. 33 of 2021 and Standing Orders 216(5)(f).

I tabled the Report in the House, pursuant to Section 8 of the Public Appointments (Parliamentary Approval) Act No. 33 of 2021. I also tabled the constitutional and statutory requirements relating to the offices in question on the suitability of the nominees for proposed appointments relating to the offices in question, their abilities, experience and qualities needed.

Further, the Committee examined the nominees' academic credentials, relevant professional training, work experience, knowledge of the sector issues and personal integrity, in accordance to Sections 6, 7 and 8 of the Public Appointments (Parliamentary Approval) Act No. 33 of 2021. This notification was followed up with letters to the nominees inviting them to attend the approval hearing. We requested them to submit their complete questionnaires as set out in the schedule, together with the clearance certificates from the Ethics and Anti-Corruption Commission (EACC), Kenya Revenue Authority (KRA), Higher Education Loans Board (HELB), Directorate of Criminal Investigations (DCI) and Office of the Registrar of Political Parties.

The advertisement indicated that their submissions were also to be on that date. Pursuant to the provisions of Article 118 of the Constitution and the National Assembly Standing Orders, the Clerk of the National Assembly - by way of an advertisement - notified the general public through the print media of the intention of the Committee to conduct the approval hearing and asked them to submit memoranda. I can report that we did not receive any memorandum against the eight members.

The Committee burnt the midnight oil on Friday to do the approval hearing of all the eight members. Having carefully undertaken the vetting, the Committee was overwhelmingly impressed by the level of experience and intellect of all the eight nominees. I will be very specific here. Mr Issack Hassan, who was appointed to the position of the Chairperson, is a master's degree holder in policy and administration, a lawyer by training and well known as the father of the Independent Electoral and Boundaries Commission (IEBC). We all remember that great Kenyan very well. He has served in several managerial positions, done a lot of consultancies, including in the UN, and several international organisations.

**Hon. Deputy Speaker:** Hon. Chairperson, you know the Members have actually read the Report. I would rather you speak less and give a chance to Members to contribute so that they do not feel that you are the only one who is speaking on this Motion. So, cede some time for other Members to contribute.

**Hon. Gabriel Tongoyo** (Narok West, UDA): Hon. Deputy Speaker, I stand guided. The Committee was satisfied with the suitability of all the nominees, their experience, skills and, more importantly, their integrity after looking at the testimonials that were presented by Government agencies. I have no doubt that the eight nominees are best fit to serve in the Independent Policing Oversight Authority (IPOA) and transform it as the civilian's oversight tool that looks into the accountability of our police officers. Many times, police officers have been accused by members of the public. So, they were eight nominees and the Committee, in its wisdom, decided that they are the best suited for the job.

I beg to move and request Hon. Francis Sigei to second the Motion. Thank you.

**Hon. Deputy Speaker:** Hon. Francis Sigei.



**Hon. Francis Sigei** (Sotik, UDA): Thank you, Hon. Speaker. I rise to support the Report of the Committee and second it. All the nominees, without exception, did very well. We were assured as a country that, under the stewardship of Mr. Issack Hassan, a renowned lawyer of international repute, the IPOA – which plays a very critical role in overseeing the police – will play a very important role. We will rely on that Authority. I second.

Thank you.

*(Question proposed)*

**Hon. Deputy Speaker:** I will give three Members a chance to speak. They will take two minutes each.

As I said, it will be nice if the Chairpersons want to be considerate to allow Members to speak on this Motion, so that it does not look like they are the only ones debating it. That way, Members will feel more included.

Yes, Hon. Makali Mulu.

**Hon. (Dr) Makali Mulu** (Kitui Central, WDM): Thank you very much, Hon. Deputy Speaker. I really appreciate your ruling to allow a few Members to contribute to this important Motion. You know what we are discussing are independent commissions. They are constitutional commissions and they play a very key role in this country. It is important for the House to pronounce itself on who are going to manage those commissions.

The Independent Policing Oversight Authority has been in existence for some time since we got our new Constitution of Kenya, 2010. I want to raise three issues relating to IPOA. First, is on performance. Many Kenyans have complained to IPOA about what the general police do to them. There have been issues in terms of how they have delivered in finalising cases. I want to encourage the new Board of the IPOA that will be coming in to make sure that, as it works – they will have a lot of work – it does so in a timely manner. That is very important for Kenyans.

My second point is on the issue of regional representation. The Constitution demands that we consider regional balance as a necessary consideration when we are constituting those commissions. There has been this matter where ... Nominees to those commissions are coming here one by one. We approved the nominees to the National Gender and Equality Commission (NGEC) and now we are dealing with the IPOA nominees. As a House, it is time we start looking at those commissions in totality. We need to look at how Kenya is represented in those commissions. We have seen a trend where a number of regions are left out in those commissions. We will not be promoting Kenya as a country if there is exclusion of some regions.

The third point is gender representation. We need to find out how gender is represented in those commissions. Unless we address it in totality, one gender will be disadvantaged. I wish that could be done. Six years have lapsed for most of the commissions. The people who oversee and then vet them can start looking at this issue in totality. With those many remarks, I support.

Thank you.

**Hon. Deputy Speaker:** Hon. Dorothy Ikiara.

**Hon. Dorothy Muthoni** (Nominated, UDA): Thank you, Hon. Deputy Speaker. I commend the Departmental Committee on Administration and Internal Security. Having listened to the Chair, I am convinced and satisfied that the Committee did due diligence. I am satisfied that the eight nominees met the requirements of being appointed as members of the IPOA Board. I want to urge the eight nominees to work diligently for Kenyans and serve impartially so that, at the end of the day, we have a country that is governed by the rule of law.

Thank you.

**Hon. Deputy Speaker:** The Member for South Mugirango.

**Hon. Sylvanus Osoro** (South Mugirango, UDA): Thank you very much, Hon. Deputy Speaker. I also want to support this Report of the Departmental Committee on Administration and Internal Affairs and put the facts straight. I have heard my colleague, Hon. Makali Mulu, saying that appointments must have the face of Kenya. What I am seeing here is the true face of Kenya. When positions are eight, it is practically impossible to have 45 members of different communities featuring on them. What then happens is that regions are considered. The North Eastern, Central Kenya, Eastern, Nyanza and Rift Valley are here. This is the true reflection of what the face of Kenya looks like.

He has also talked about gender. I think he must have been reading the wrong list because, with the list that has been presented here, we have three awesome ladies from the eight. That clearly shows that the appointment considered gender balance. More importantly, the challenge to that oversight authority is the workload that is ahead of them. The President pronounced himself on illegal police abductions. We need to see IPOA clearly showing us on how we are going to curb the abductions that are done by the police. It is very important. IPOA should not only look at the mistakes or challenges that faced by the police, but also to check their welfare. Some of the police officers are suffering from mental health. Some have remained in one rank for over 20 years. IPOA should not only be looking at the messes that are done by the police, but also defend them against some bosses who look down upon them, seek favours, maybe in-kind or in bribe, to have them promoted.

With those remarks, I beg to support. Thank you very much.

**Hon. Deputy Speaker:** Okay. Next is Hon. Kassim Tandaza, Member for Matuga.

**Hon. Kassim Tandaza** (Matuga, ANC): Ahsante Naibu Spika, Naunga mkono uteuzi wa maafisa wa IPOA, ijapokuwa bado nina shauku katika utekelezaji wa Katiba ambayo inatambua maeneo yaliyo Kenya. Wakati Mhe. Osoro alikuwa anachangia, alitaja maeneo ya Bonde la Ufa na Mlima Kenya lakini, kwa ufasaha wake, hakuzungumzia eneo la Pwani kwa sababu anajua kwamba ni eneo moja ambalo uteuzi kama huu unapotokea, kawaida huwa halitajwi na kutambulika. Kwa hivyo, nikiunga mkono, nataka tuzingatie Katiba inavyotaka, kwamba maeneo ni nane. Iwapo nafasi ni nane, tuwe na uteuzi kutoka kila eneo.

Ahsante Mhe. Naibu wa Spika kwa kunipa fursa hii.

**Hon. Deputy Speaker:** Member for Trans Nzoia, Hon. Lilian Siyoi.

*(Hon. Sylvanus Osoro spoke off the record)*

You already spoke to this, Hon. Osoro. Will you allow the Member to make her contribution because she is the last one.

**Hon. Sylvanus Osoro** (South Mugirango, UDA): On a point of order, Hon. Deputy Speaker.

**Hon. Deputy Speaker:** Okay. What is your point of order? Or is it a point of information?

**Hon. Sylvanus Osoro** (South Mugirango, UDA): No, it is a point of order because Hon. Tandaza has misled this House that whenever appointments are brought before this House, people from the Coast are never considered. He has pronounced himself so loud on that. I want to inform him that appointments are never looked at in isolation. They are looked wholesomely. It is this very House that approved the appointment of two Cabinet Secretaries from the Coast — Hon. Hassan Joho and the Hon. Mvurya. Looking at this list, one member, Ms Annette Mudola Mbogoh, is actually from the Coast. Hon. Tandaza needs to check his facts very well. He cannot mislead this House.

**Hon. Deputy Speaker:** He is informed and I think he will withdraw his remark. Hon. Tandaza, you know the public is listening at you.

**Hon. Kassim Tandaza** (Matuga, ANC): Sioni haja ya kutoa matamshi yangu kwa sababu Mheshimiwa Osoro amezungumza vizuri kwamba iangaliwe kwa pamoja. Na ukiangalia kwa pamoja, ikiwa tutaendelea kukagua wale ambao wameteuliwa katika nyadhifa mbalimbali, ni ukweli kwamba eneo la Pwani mara nyingi, na kwa kawaida, huwa halipo. Huo ndiyo ukweli.

Ahsante.

**Hon. Deputy Speaker:** Hon. Tandaza, we are talking about the current set of nominees, and you are now bringing in a different Motion. Hon. Siyoi, please proceed.

**Hon. Lillian Siyoi** (Trans Nzoia, UDA): Thank you, Hon. Deputy Speaker, for giving me this chance. I support the nomination and approval of the nominees, specifically one Ann Wanjiku Mwangi who comes from my county and has previously served as a nominated Member of County Assembly (MCA). I assure this House that Anne Wanjiku Mwangi is a dedicated lady who is up to the task and given an opportunity, I know she can perform so well because she did her best in Trans Nzoia. So, I applaud, appreciate and thank the President and the Committee for approving her. I know she will do her best.

Thank you.

**Hon. Deputy Speaker:** Mover to reply.

**Hon. Gabriel Tongoyo** (Narok West, UDA): Hon. Speaker, I appreciate Members for debating objectively the nomination and approval of the eight of them. It is true, as has been put by majority of Members, IPOA is a very crucial institution. It is a civilian oversight that holds our uniformed officers to account when they go wrong. On the same breath, I correct what the Whip had just said about our police officers abducting. According to our Constitution and relevant Act, our police officers are professional. They do not abduct.

**Hon. Deputy Speaker:** Hon. Tongoyo, I think you have misunderstood what the Member of Parliament for South Mugirango has said. He has said that, at the moment, when there is a lot of discussions about abductions, he hopes that the incoming IPOA leadership will step up because it is their job to deal with the issue of abductions, and that complaints of abductions should actually be directed at them. If it is presumed that it is the police officers are doing it, it will also be presumed that the police are involved in illegal killings. So, he just said it in jest; he did not accuse.

**Hon. Gabriel Tongoyo** (Narok West, UDA): I just want to be on record that our police officers are professional. They do not abduct. Abductions are done by the criminals and it is the duty of our police officers to pursue them. If there are few rogue officers who are unprofessional and unethical, it is the role of IPOA to step in and do what is expected of them. I have no doubt that the eight are competent Kenyans who are suitable and are armed with skills and experience to do the job that is assigned to them.

With this, I beg to reply.

*(Question put and agreed to)*

APPROVAL OF NOMINEES FOR APPOINTMENT AS CHAIRPERSON AND  
MEMBER OF NATIONAL GENDER AND EQUALITY COMMISSION

**Hon. Deputy Speaker:** Chairperson of the Departmental Committee on Social Protection. Hon. Hilary Kosgei, are you the one standing in?

**Hon. Hilary Kosgei** (Kipkelion West, UDA) Hon. Deputy Speaker, I beg to move:

THAT, taking into consideration the findings of the Departmental Committee on Social Protection in its Report on the vetting of nominees for appointment as Chairperson and as a Member of the National Gender and Equality Commission, laid on the Table of the House on Tuesday, 26<sup>th</sup> November 2024,

and pursuant to Article 250 of the Constitution, section 11(7) of the National Gender and Equality Act, CAP 7K, and sections 3 and 8 of the Public Appointments (Parliamentary Approval) Act, CAP, 7F, this House approves the appointment of the following persons to the National Gender and Equality Commission –

- |                                 |   |                   |
|---------------------------------|---|-------------------|
| (i) Hon. Rehema Dida Jaldesa    | - | Chairperson; and, |
| (ii) Mr. Michael Nzomo Mbithuka | - | Member.           |

*[The Deputy Speaker (Hon. Gladys Boss) left the Chair]*

*[Hon. Temporary Speaker (Hon. Martha Wangari) took the Chair]*

Pursuant to Article 250 of the Constitution, as read together with Section 11 of the National Gender and Equality Commission Act, His Excellency the President notified the National Assembly of the nomination of Hon. Rehema Dida Jaldesa and Mr. Michael Nzomo Mbithuka for appointment as Chairperson and Member of the National Gender and Equality Commission (NGEC), respectively.

In compliance with Article 118 (b) of the Constitution and Section 4 of the Public Appointments (Parliamentary Approval) Act, the Committee placed an advertisement in the media on Thursday, 14<sup>th</sup> November 2024, informing members of the public on the nomination date, time and place of the approval hearing. The Committee invited the public to submit memoranda by way of written submissions. The Committee did not receive any memoranda from the public contesting the appointment of the two nominees.

Having considered all factors, gone through the approval hearing and received clearance records from the independent bodies like the Ethics and Anti-Corruption Commission (EACC), Kenya Revenue Authority (KRA) and all the other bodies, the Committee found the two nominees, Hon. Rehema Dida Jaldesa and Mr Nzomo Mbithuka, suitable for the appointment.

I beg to move and request Hon. Wainaina Wambugu to second.

**Hon. Michael Wainaina** (Othaya, UDA): Thank you, Hon. Temporary Speaker. I rise to second. I was in the meeting where we vetted the two nominees. They are very qualified to be Chairperson and Member of NGEC.

**The Temporary Speaker** (Hon. Martha Wangari): Member for Othaya, have you seconded?

**Hon. Michael Wainaina** (Othaya, UDA): I second.

**The Temporary Speaker** (Hon. Martha Wangari): Okay. Order, Hon. Osoro.

*(Question proposed)*

**The Temporary Speaker** (Hon. Martha Wangari): This is a very important Commission. I will give a few Members starting with the Leader of the Majority Party.

**Hon. Kimani Ichung'wah** (Kikuyu, UDA): Thank you, Hon Temporary Chairlady. I am sorry, I am used to you chairing the Committee of the whole House.

Thank you, Hon. Temporary Speaker, for giving me this opportunity. I rise to support the nomination of Hon. Rehema Jaldesa as the Chairperson of NGEC. I served with her in the 12<sup>th</sup> Parliament. She was representing the people of Isiolo. I also support Mr Michael Nzomo Mbithuka as a Member of NGEC. In this day and age, what has been christened as femicide is just plain and simple murder of young girls and women in this country. So, that Commission has its work cut out.

In the past, NGEAC, together with the National Cohesion and Integration Commission (NCIC), have done absolutely nothing in advancing the work they were charged to do. I am saying this because, of all the commissions that are instituted by the Constitution, NGEAC and NCIC have been the most useless and lacklustre constitutional commissions. That Commission is now getting new leadership. I hope with Hon. Jaldesa as the Chairperson, since she is a former Member of Parliament, she will give it life. If she does not, then we will know that NGEAC has no work.

Indeed, when we embarked on the National Dialogue Committee (NADCO) work last year, many people appeared before the Committee proposing the dissolution of NGEAC and NCIC. Then, we combine all their work under the Kenya National Commission on Human Rights (KNCHR). I am saying that, that is a challenge to the new leadership of NGEAC so that they can up their game. Should they not, we will ask Kenyans to consider dissolving NGEAC and NCIC, and then consolidating all their functions under KNCHR. This is because there is some level of duplicity in their functions, especially NCIC and KNCHR.

I rise to support and challenge those two new commissioners to up their game. NGEAC should serve the purpose that is intended under the Constitution; failure to which, I will serve them notice. Kenyans served them notice under NADCO. If you go through the Report, you will see many people are concerned about the duplicity of the work that is done by NCIC, NGEAC and KNCHR.

Thank you, Hon. Temporary Speaker. I support with the reservations that I have recorded.

**The Temporary Speaker** (Hon. Martha Wangari): Hon. Members, I can see there is a lot of interest in this Motion and so, I will give a maximum of three minutes to each Member so that many can speak. Whip of the Minority Party?

**Hon. Millie Odhiambo-Mabona** (Suba North, ODM): Thank you, Hon. Temporary Speaker. First of all, let me indicate that we are in the 16 Days of Activism against Gender-Based Violence, whose theme is 'Horror in the World'. We are very happy in discussing this because both presiding officers have been women. I compliment both of you for being exceptionally smart today.

**The Temporary Speaker** (Hon. Martha Wangari): Thank you.

**Hon. Millie Odhiambo-Mabona** (Suba North, ODM): Hon. Temporary Speaker, because my time is short, I agree with the Leader of the Minority Party.

**The Temporary Speaker** (Hon. Martha Wangari): It is the Leader of the Majority Party.

**Hon. Millie Odhiambo-Mabona** (Suba North, ODM): Yes, Leader of the Majority Party. It means I have already taken your job. NGEAC is not doing its work efficiently. Hon. Ichung'wah and I served on the Budget and Appropriations Committee at some point. The Commission is severely under-funded. We cannot severely under-fund them and expect them to do a good work. Please fund them and they will do excellent work.

I hope the Commission will prioritise the issue of femicide. Too many girls are being killed, and we need to stop it. I hope the Commission will prioritise the issue of discrimination. I am told that in the Kiambu County Assembly, 25 women have been stopped from voting because they are nominated. It is unconstitutional and discriminatory. What one of the MCAs said is unfortunate. That the only thing nominated women bring, which includes me because I was also nominated at some point, is between our legs. We bring that of course, but we also bring our heads.

*(Applause)*

We cannot pretend that we do not have things between our legs. Even you have things between your legs.

**Hon. Kimani Ichung'wah** (Kikuyu, UDA): On a point of order.

*(Loud consultations)*

**Hon. Millie Odhiambo-Mabona** (Suba North, ODM): No! You will not intimidate us with such issues.

**The Temporary Speaker** (Hon. Martha Wangari): Hon. Millie, it is a point of order from the Leader of the Majority Party. I will allow it.

**Hon. Kimani Ichung'wah** (Kikuyu, UDA): Hon. Temporary Speaker, I rise on a point of order because of this issue. I am from Kiambu County, and I am a very good supporter of women leaders. I would not condone the kind of talk that I heard from that particular MCA, who represents a ward in Kiambu Constituency. However, we must also be careful not to admonish people based on social media propaganda, because we are all subjected to the same social media propaganda. The things that you see being said about things between legs, I have confirmed with a nominated MCAs in Kiambu that that particular MCA never uttered those words. He spoke to what Hon. Millie is alluding to - that nominated Senators and MCAs do not vote on county matters. Just like Senators do not vote on county Bills, nominated MCAs should not vote on ward-related Bills and Motions in the Assembly, which is unconstitutional. It is the ignorance of an MCA. I would ask Hon. Machua to take him through some tutelage. I want to correct the information that the derogatory things that are being reported on social media is propaganda. I have confirmed that from women MCAs in Kiambu. I took particular interest in protecting women in Kiambu County Assembly. Most of them are nominated by the United Democratic Alliance (UDA).

**The Temporary Speaker** (Hon. Martha Wangari): That sounded more like a point of information. I do not want us to make contributions through points of order. I will give Hon. Kaluma an opportunity, if it is a point of order. But if it is a point of information, you should wait for your chance to contribute.

**Hon. Peter Kaluma** (Homa Bay Town, ODM): Yes, I want to contribute, my Lady. Not my Lady. It is how we call lady judges. Hon. Temporary Speaker, Hon. Millie is on record saying women, especially women in leadership, do not just bring things between their legs, but on their heads also. We hear what Hon. Millie is saying, and every Kenyan watching hears about this thing between the legs that Hon. Millie is talking about. I do not think that is parliamentary language. It is sexualising women, in my view, and diminishes women when, in fact, her intent is to uphold the integrity of women and competence beyond matters of sex and gender. I request that we do not allow that on record. We should request Hon. Millie that beyond the comic relief, that statement be withdrawn. I have my wife, daughter and mother. They are all alive. I do not want them to be judged that way.

**The Temporary Speaker** (Hon. Martha Wangari): You have made your point. We shall not allow more Members. Hon. Millie, you have heard the points of order by Members. Kindly.

**Hon. Millie Odhiambo-Mabona** (Suba North, ODM): I hope to have my time. There are many serious issues that are raised in jest. It is a matter of fact that I come here with things between my legs. Let us not pretend. But you shall not use it against me. I did not bring it here for any purpose other than the God-given fact that it is annexed to me. Otherwise, I would have left it in the house.

*(Laughter)*

You shall not use it against me, because I do not use it for purposes other than because it is annexed to me.

Hon. Temporary Speaker, Members have also raised the issue of ethnic representation in the Commission. I agree with what Hon. Makali has said, and we have said it before in the House. If we look at the commissions in totality, we might discover that some areas are marginalised. I am concerned about equality and equity. And I am speaking with the knowledge that there are people from my region on the list. It does not exclude the fact that we must include the whole country.

I am very proud today as a woman leader. This week, two of my mentees have got appointments without my intervention, because I did excellent mentorship. One of them to the Independent Policing Oversight Authority (IPOA), Annette Mbogoh, and the other one is Watila. That happening in one week speaks to my good leadership. I hear the Leader of the Majority Party saying it is a broad-based government. Please, let us make sure we listen to Kenyans and deal with what they are saying. Otherwise, men are jumping all over declaring presidency. If you joke, Millie will declare presidency. But for now, I am not declaring.

I wish you all an excellent 16 days of activism against GBV. Please, protect, respect and uphold the rights of women. Women are your mothers and sisters. I do not want to mention wives, because you have peculiar relations with your wives. Women are also your side-chicks and girlfriends. Be nice to them.

Thank you.

**The Temporary Speaker** (Hon. Martha Wangari): Member for Marsabit.

**Hon. Naomi Waqo** (Marsabit, UDA): Thank you, Hon. Temporary Speaker, for giving me this opportunity to support this Motion. I congratulate Hon. Jaldesa and Mr Michael Nzomo Mbithuka – but especially Hon. Jaldesa who will be the Chairperson. This is a very sensitive time in Kenya, especially the season we are in where GBV has become the order of the day. Many young women are being harassed and killed. I have a lot of faith in Hon. Rehema Jaldesa, who is a well-known leader, a woman and a mother who is passionate about anything to do with female leaders and women in the country. I know very well that with her zeal, she will transform that Commission. For them to be relevant, effective and bring down the injustices that women go through, we must allocate enough funds so that they can do what they are supposed to do. It would be unfair for me to sit down without mentioning the issue of people who are speaking negatively about women leaders. Everywhere you go, there are men leaders who criticise women just because they are women. They keep on saying that so-and-so is a woman. We are proud women leaders of Kenya. We thank God for people like our Leader of the Majority Party who always supports women. For those cowardly men who can only talk about our gender, let us face each other in the campaigns and elections. But do not use our gender against us. We were created as women, and we are very proud women leaders.

I support the Motion.

**The Temporary Speaker** (Hon. Martha Wangari): Member for Laikipia North.

**Hon. Sarah Korere** (Laikipia North, JP): Thank you, Hon. Temporary Speaker. First, I rise to congratulate our former colleague, Hon. Rehema Jaldesa. She happens to be my neighbour because my constituency neighbours Isiolo County. I met Hon. Jaldesa way back before we came to this House. She has been a true reflection of a human rights and gender defender. I have no doubt that she will bring in new energy, having worked with other partners and non-governmental organisations. She can even fundraise to support the work of the Commission.

However, as a Government, we cannot always be looking for funds from donors. It is incumbent upon us to support that Commission, so that we can depart from the sentiments by the Leader of the Majority Party that, that Commission is useless. I am sure that Commission

is not useless. They have made some strides, albeit small, but we are sure that Hon. Jaldesa and her colleagues will bring changes to that Commission.

I also want to speak about gender-based violence. We have witnessed many femicide cases. Last week, a young girl was slashed like cabbage in Nanyuki by her boyfriend. It is high time that we spoke to our children. Religious organisations should come out clearly and speak about that matter. It must end. Our girls must be protected. We are all leaders.

Hon. Temporary Speaker, I am proud because you are seated in that Chair and you are overseeing the debate in this House. You were once a nominated Member of Parliament, and so was I. I want to remind everybody who cares to listen that the former President was once a nominated Member of Parliament. Insulting and bad-mouthing women when they are nominated to Parliament must stop. I want to urge our President to continue nominating more women. One day, those nominated women, including Hon. Millie Odhiambo, will ascend to the presidency, God willing.

Thank you, Hon. Temporary Speaker.

**The Temporary Speaker** (Hon. Martha Wangari): Member for Buuri.

**Hon. Mugambi Rindikiri** (Buuri, UDA): Thank you, Hon. Temporary Speaker. I rise to support the nominees. Hon. Jaldesa was my colleague and neighbour. My constituency borders Isiolo County. I know her very well. We both served on the Departmental Committee on Transport and Infrastructure. We have been together on occasion during social functions for our two counties. I trust she has all the leadership qualities.

There is a misconception that gender is only about women. I have been to the Ministry of Public Service, Gender and Affirmative Action and had discussions with the Principal Secretary of the State Department for Gender and Affirmative Action. She agreed with me that the boy-child has been neglected. Equality also encompasses the rights of the boy-child and men. I want to urge Madam Jaldesa and her team to particularly focus on uplifting the standards of the boy-child in this country.

I believe in equal opportunities for everybody. There are many available opportunities if we all work towards equality. The issue of equality has been misused. It is now time for Hon. Jaldesa and her team to focus on the same.

There is a lot of violence against women, which I am against. There is a lot of unspoken violence against the boy-child. Every day in the newspapers, you always read stories about people molesting young boys. That is a matter that needs to be given a lot of attention. There is an increase in cases of female genital mutilation, which has made a comeback. I want to urge this House and the Commission to start dealing with that.

In my Buuri Constituency, we are having serious discussions with churches, elders and men of good faith. I am a father of two beautiful girls. I also have a wife. I would like my girls, my neighbours' girls, and the girls in my community to be safe.

Hon. Jaldesa, you have your work cut out for you. We want to see you moving and championing the rights of every citizen in terms of equality and, more so, the rights of the boy-child.

Thank you, Hon. Temporary Speaker.

**The Temporary Speaker** (Hon. Martha Wangari): Hon. Ruweida Obo.

**Hon. Ruweida Mohamed** (Lamu East, JP): Ahsante, Mhe. Spika wa Muda. Nataka niafikiane na wenzangu katika Hoja hii. Nawaunga mkono wale waliochaguliwa. Kusema kweli, Mhe. Jaldesa atakuwa katika mstari wa mbele kwa sababu tunamjua. Alipokuwa *Woman Representative*, alifanya bidii sana katika kuzingatia mambo ya wanawake. Kwa hivyo, anajua kile kinachotakikana. Nataka kuwaomba wale waliochaguliwa wasikae tu kwa ma-boardroom. Watembe. Watuonyeshe kuwa watahakikisha wanawake wamechaguliwa zaidi kama *governors, Members of Parliament* na *Members of County Assemblies (MCAs)*.



Nimemsikia mmoja wa Wabunge wanaume wenzangu akisema kuwa wanaume pia wapewe kipaumbele, hususan *boy-child*. Sikatai lakini kwa sasa, kulingana na mambo ya *gender*, yule ambaye ni mnyonge kidogo ni mwanamke.

Kuna maneno tuliyoyasikia kwenye mtandao, na nimemsikia *Leader of the Majority Party* akiwatetea wanawake. Imesemekana kuwa ni uongo na mtu huyo hakusema matusi hayo. Basi mtu huyo angejitokeza na kusema kuwa maneno hayo hayakuwa yake na ni *propaganda* tu. Lakini *propaganda* hiyo inayowalenga wanawake ikiendelea, mtatufanya tuzungumze ilhali hatutaki kuzungumza. Kila mtu ana maumbile yake. Ikiwa mwanamke anaweza kuyatumia, hata mwanaume anaweza kuyatumia. Nikisema kile ninachotaka kusema, mtasema ninaongea vibaya. Lakini ni kwa nini mwanamke haambiwi maneno hayo mpaka aamue kusimama kuwa kiongozi? Akiwa daktari, hamna shida.

**Hon. Mugambi Rindikiri** (Buuri, UDA): On a point of order, Hon. Temporary Speaker.

**The Temporary Speaker** (Hon. Martha Wangari): Member for Buuri, what is out of order?

**Hon. Mugambi Rindikiri** (Buuri, UDA): Hon. Temporary Speaker, we need to be very careful about the terminologies that we use to refer to one another in the House. I am not a man. I am a Member of Parliament. I am speaking as a Member of Parliament. I am not just another man. Please, can we have courtesy and respect?

**The Temporary Speaker** (Hon. Martha Wangari): Member for Buuri, what is out of order? Are you not a man?

**Hon. Mugambi Rindikiri** (Buuri, UDA): No. She has said: "I have heard a man in this House".

**The Temporary Speaker** (Hon. Martha Wangari): Hon. Ruweida, the Standing Orders are clear. You will address the Members as "Hon. Members". That does not take away his gender though.

**Hon. Ruweida Mohamed** (Lamu East, JP): Sijataja jina la mtu hapa. Kama mtu anaona kofia inamtosha na akaivaa, hiyo ni stori yake. Sijataja jina la mtu.

(Kicheko)

Ikiwa mwanamke ni daktari, *pilot* ama *any other professional*, hatusiwi vile ambavyo viongozi wanawake wanatusiwa. Lakini ukiwa kiongozi mwanamke, ni lazima utusiwe. Tunahisi uchungu. Sisi pia ni wazazi na wake wa watu. Sio haki ikiwa mtu kila anaposimama anatutusi tu. Itabidi tushirikiane tuunde sheria ili mtu akifanya hivyo, awekwe ndani.

Ahsante, Mhe. Spika wa Muda.

**The Temporary Speaker** (Hon. Martha Wangari): Hon. Kaluma.

**Hon. Peter Kaluma** (Homa Bay Town, ODM): Thank you, Hon. Temporary Speaker. Let me join Members in signifying my approval for Hon. Rehema Dida Jaldesa to be the Chairperson of the National Gender and Equality Commission, and Mr Michael Nzomo Mbithuka, as a member.

Let me also join the Members who have stated that for quite some time, we have been turning those commissions into institutions where people go to earn a salary. The previous National Gender and Equality Commission was so lacklustre at a time that it needed to be the loudest institution or office on matters gender. This Commission and the previous one, have been operating as if gender refer to a woman. We are bringing up our daughters, but we risk a situation where they will lack someone to marry at equal terms and measure. I request the new members that, as they join the Commission, let them think of gender to mean both male and female; both boys and girls, so that we do not forget any of them. We have seen many poems in which boys are asking what they did because they seem to be forgotten, and it is a very

serious thing. I am not saying that we reduce our focus on the girl child, but let us also think of the boychild because we need both of them.

There have been instances of femicide, but we have not heard the National Gender and Equality Commission loudly speak to rebuke or even contact the National Police Service Commission, which is the oversight commission for the police to firmly intervene on such matters. It is a total lacklustre. This Commission has been there at a time when the world was struggling to define who a woman is. In an interview, Ketanji Brown, the first black woman member of the Supreme Court of the United States of America (USA) was asked what a woman is, and she said that she did not know, and that it is biology. The Commission has also been there when the Supreme Court decided one's gender is what one decides each time. One assigns their sexual orientation however they deem fit. When we were fighting in the Supreme Court, we expected the National Gender and Equality Commission to be at the forefront. But they sat and did nothing when the people who call themselves transgender men and women, and the ones who claim to have transitioned and yet they are men, took over the spaces and opportunities that have been fought over for eternity for our women.

Let our former colleague, Hon. Rehema Jaldesa, take charge of that body and ensure that it performs its constitutional mandate in terms of mainstreaming gender.

**The Temporary Speaker** (Hon. Martha Wangari): Your time is up. We are almost getting to the close of this Motion. Nominated Member, Hon. Irene Mayaka.

**Hon. Irene Mayaka** (Nominated, ODM): Thank you, Hon. Temporary Speaker.

I give my support to the nominees to the National Gender and Equality Commission. When we say that gender does not speak to only women but also men, we can agree that it is the women who suffer the most. Even as we observe the 16 days against gender-based violence, technology gender-based violence has also been recognised. Many women are facing cyber bullying based on their gender, besides femicide. That is a Commission that is extremely and grossly under-funded. We need to anchor all the Votes in terms of budgeting under gender to ensure that the Commission does its work.

Many people speak about Nominated Members and, as a Nominated Member, we get bashed by many people who assume that we got our jobs because of what my senior refers to as something between our legs. Some of us have done pretty well in our spaces. We have people like you, Hon. Temporary Speaker, Hon. Millie, Hon. Sarah, Hon. Naomi and the rest who have gone before us, and have done an extremely good job because the opportunities that we get, allow us to get a platform to grow our political career. It becomes very disgusting when some people assume that we get those roles because of what they assume we get them from.

I also condemn what is happening in Kiambu County. We cannot have 24 members of the county assembly (MCAs) not being allowed to speak or vote in their county assembly. That has to be condemned and especially from this level.

Even as we support the Commission, I urge the Members in their different spaces, constituencies and counties that, as we observe the 16 days against gender-based violence which began on 25<sup>th</sup> November 2024 and ends on 10<sup>th</sup> December 2024, to please, do activities and sensitise both men and women to ensure that we respect both genders and ensure that we take care of our women and girls.

**The Temporary Speaker** (Hon. Martha Wangari): Member for Lafey, Hon. Mohamed Abdirahman.

**Hon. Abdirahman Mohamed** (Lafey, JP): Thank you, Hon. Temporary Speaker for giving me this opportunity.

I support this Motion, and also take this opportunity to thank His Excellency the President for nominating Hon. Rehema Dida Jaldesa as the Chairperson and Mr Michael Nzomo Mbithuka as a member. I agree with the Members who have contributed before me. We know Hon. Rehema and the passion she has for gender issues.

It is on record that when Hon. Jaldesa was a Member of Parliament representing Isiolo County, she raised the issues of gender in this House. She further raised more awareness and advocated for gender equality. I have no doubt in my mind that she will change the Commission. Together with other Members, we will support her. I agree with the Leader of the Majority Party that it is time they up their game, and if Hon. Rehema and her members will not perform, then I do not know who will change the Commission.

With those few remarks, I support.

**The Temporary Speaker** (Hon. Martha Wangari): Hon. (Prof.) Guyo Jaldesa.

**Hon. (Prof.) Guyo Jaldesa** (Moyale, UPIA): Thank you, Hon. Temporary Speaker.

I support my namesake, alumni and a friend, for having been nominated to the position of Chairperson of the National Gender and Equality Commission. She is an alumna of the famous Garbatula High School. I support her 100 per cent because I know her. She is competent and up to the task, and she will succeed as long as Parliament supports the Commission.

People talk about gender when they do not know the difference between gender and sex. The National Gender and Equality Commission is not a women's commission. If we want a women's commission, we should think of setting up one. The National Gender and Equality Commission was derived from the 1995 Beijing Conference. During the 1995 Beijing Conference, the world decided that we needed to have equal opportunity for both men and women. Fortunately, next year, the world will mark the 30<sup>th</sup> anniversary of the Beijing Platform for Action (BPfA) and one of the actions is to ensure equality for both men and women in this country. Kenya has done a lot. Kenya has made progress in terms of the two-thirds gender in many places, including Parliament and our universities. Today, majority of students in public universities are women, and courses like medicine, engineering and law are dominated by women. That is the affirmative action that was championed by the late, former President, Hon. Daniel Arap Moi. Given the right stewardship, the National Gender and Equality Commission will deliver. I am confident that we have done the right thing in supporting it.

**The Temporary Speaker** (Hon. Martha Wangari): Member for Njoro, Hon. Kathambi.

**Hon. Charity Chepkwony** (Njoro, UDA): Thank you very much, Hon. Temporary Speaker, for giving me the opportunity to contribute to the Motion regarding the consideration of nominees for appointment to the National Gender and Equality Commission. The first person I want to congratulate is Madam Rehema Dida Jaldesa. She is a lady of integrity. She has worked in various sectors in this country. We have previously worked with her in different areas. She is a performer and a go-getter. Therefore, along with her colleague, Michael Nzomo, I wish to congratulate them. I wish them the best. As a Chairperson, and being a lady, I know she is going to achieve a lot, especially in addressing issues that are affecting women in this country.

It is on that note that I would also like to appreciate His Excellency the President, who recently stood in support of the issues affecting women. Therefore, I stand to congratulate that team. I have a lot of faith in the Chairperson, Hon. Jaldesa, and the team. I believe they will perform and bring changes in this country.

Thank you, Hon. Temporary Speaker, for the time you have given me to congratulate those hardworking individuals.

**The Temporary Speaker** (Hon. Martha Wangari): Hon. Nyenze.

*(Several Members spoke off the record)*

**Hon. Edith Nyenze** (Kitui West, WDM): Thank you, Hon. Temporary Speaker, for giving me this opportunity to contribute to the Motion on consideration of nominees to that commission. I will talk about the National Gender and Equality Commission and congratulate the two nominees; namely, the Chairperson Jaldesa and the member, Michael Nzomo

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Mbithuka. I happen to have met them during the interview, and I can confirm that they are highly qualified nominees. I wish them all the best.

As it has been said, the National Gender and Equality Commission, which was established to promote gender equality, faces several challenges. One of the challenges is limited resources. In fact, NGECE often operates with inadequate financial and human resources. They usually have very few staff and are allocated meagre resources. Due to the limited resources, they are unable to deliver. It is my hope that this time round, they will be given enough resources to enable them to deliver.

There are many issues that they are supposed to address. There is the two-thirds gender rule, which has never been achieved. There is also the issue of the boy-child, which is a problem. In my opinion, femicide could be attributed to the fact that we are not empowering the boy-child, and they feel left behind. Because of the feeling that the girl-child has been empowered, the boy-child experiences a sense of inadequacy when they interact with the girl-child. This, in turn, has led to increase in femicide cases. However, I believe that if we allocate NGECE enough resources, they will deliver.

I would like to single out Michael Nzomo Mbithuka, who is an albino and very qualified. He has worked in various organisations and has delivered very well. He is also good in resource mobilisation, which is essential for such a commission, and I am sure he will deliver. So, I support the two nominees and congratulate them.

**The Temporary Speaker** (Hon. Martha Wangari): Member for Kisii County, Hon. Doris.

**Hon. Doris Donya** (Kisii County, WDM): Thank you, Hon. Temporary Speaker. I also rise to support the nomination, especially on the gender parts. When we talk about gender, I do not know why...

**The Temporary Speaker** (Hon. Martha Wangari): Did you say gender parts?

**Hon. Doris Donya** (Kisii County, WDM): The National Gender and Equality Commission. Sorry.

*(Laughter)*

**The Temporary Speaker** (Hon. Martha Wangari): Yes. It is the National Gender and Equality Commission.

**Hon. Doris Donya** (Kisii County, WDM): We have been talking about body parts and everything. It is high time we learned about our body parts, all of them, so that when we speak of one, we do not say that someone is losing integrity. We have the eye, the head, the mouth and the chest. There is nothing wrong in talking about any part of the body. There is nothing inappropriate about it. Someone will tell you that you do not have integrity.

If you go to a Kenyan hospital, we have a problem explaining our problems because we want to remain subservient to tradition. If you have diarrhoea, you want to say: "I feel like my stomach is running." You do not want to speak about what is hurting you or where the problem is. As a male, when you go to the hospital, you want to hide by saying: "I feel a scratch", and you do not want to say why you are scratching because of culture. Come on. Every body part is essential. It is not bad to mention its name. When we, as women, talk about our body parts, you definitely think we are disabled. We are not. So, let us treat each and every department equally. We should not even glorify the fact that women have been given that role. Provided you are a leader, you deserve a position.

**Hon. Peter Kaluma** (Homa Bay Town, ODM): On a point of order.

**Hon. Doris Donya** (Kisii County, WDM): Hon. Kaluma, which point of order are you talking about?

*(Laughter)*

**The Temporary Speaker** (Hon. Martha Wangari): Hon. Doris, you are totally out of order. It is for the Speaker to determine what the point of order is.

*(Laughter)*

Hon. Kaluma, what is out of order?

**Hon. Peter Kaluma** (Homa Bay Town, ODM): Hon. Temporary Speaker, we just dealt with a Motion in which we passed the nomination of members of the Commission on Administrative Justice, and one of the people we passed is Madam Dorothy Jemator Kimengech. She is calling me, asking why women leaders are talking too much about body parts. It is making her feel that we never spoke about her competence. This is a lady who was my mentee, a lady I worked with. She is asking if it could be that we are allowing people to think that we never debated them because of their body parts. I would like to confirm on record that Dorothy Jemator Kimengech and Charles Orinda Dulo, who was my partner, were approved, not because of their body parts. I request that we stop the reference to body parts, as it is not parliamentary.

**The Temporary Speaker** (Hon. Martha Wangari): Hon. Kaluma, do not take us to the previous Motion, but you have made your point. Proceed, Hon. Doris.

**Hon. Doris Donya** (Kisii County, WDM): I have not finished my three minutes.

**The Temporary Speaker** (Hon. Martha Wangari): You still have some time.

**Hon. Doris Donya** (Kisii County, WDM): Thank you, Hon. Temporary Speaker. You know, sometimes, there is confusion. You have something that you want to pass across, and someone interrupts with something that does not connect with what you are discussing. The agenda is key, and nothing is out of order when we speak about things that are pragmatic. So, I want to say that her nomination is timely, especially when we do not even have a Cabinet Secretary for Gender, Culture, the Arts, and Heritage. I support the appointment and wish them the best as they do their work.

**The Temporary Speaker** (Hon. Martha Wangari): Member for Endebess.

**Hon. (Dr) Robert Pukose** (Endebess, UDA): Thank you, Hon. Temporary Speaker, for allowing me to contribute to this approval Motion. Hon. Rehema Jaldesa served with us in the 12<sup>th</sup> Parliament, and she was a very committed Member. She was a Member who knew what she was here to do. I hope she will steer that organisation forward, which has not been doing well since it was formed. I believe she will give it a new dimension that can have an impact on society, because it has not had any serious impact. That is why many Kenyans have been pushing for NGEC to be dissolved, along with the National Cohesion and Integration Commission (NCIC), and to be placed under the Kenya National Commission on Human Rights. This week, on gender matters, we have seen Hon. Millie Odhiambo, yourself, among other leaders, condemning femicide and women being brutally injured or killed in this country. That wave should not be allowed. Our security agents and community policing must be alert. What is not happening? Community policing should be strengthened and Kenyans put on the watch out.

We are not created equally. Compared to men, physically, women are created as the weaker sex. That is why men commit most femicide and injury cases to women. We condemn that behaviour. It should not happen in this country. We should respect our women and girls. Let us give them the dignity they deserve. We must, at the same time, give the boy child an opportunity, so that he is not left behind.

**The Temporary Speaker** (Hon. Martha Wangari): Hon. (Dr) Mutunga has left. Hon. Passaris.

**Hon. Esther Passaris** (Nairobi City County, ODM): Thank you for giving me this opportunity.

The National Gender and Equality Commission was founded in 2011 – that is 13 years ago - just after the promulgation of the Constitution of Kenya 2010, with the idea of driving the two-thirds gender rule agenda. To date, we have failed to achieve that. It was established to promote equality and freedom from all forms of discrimination, especially for special interest groups like women, youth, persons with disability, children, the elderly, minorities and the marginalised.

I had the pleasure of serving with Hon. Rehema Jaldesa in the 12<sup>th</sup> Parliament and travelling with her to Isiolo. I have known her beyond the term we served together as parliamentarians. Hon. Jaldesa was known as the lioness in her county. She was the epitome of strength. She had the ability to understand what it takes to be a leader and a woman in a society where women are not empowered, especially having lost her husband through a plane crash and becoming a widow with five children at a very young age. Her ability to make decisions for her people as a woman of strength and her leadership skills got recognised by the male gender. I believe the Commission will have a very good chairperson in her to do its work. However, the Commission will not do its work as long as we do not fund it.

As we mark the 16 days of activism against gender-based violence, we need the Commission to come out to help us achieve what we need to achieve in ending gender-based violence across all genders. The Commission is not just about women. It is supposed to deal with issues of all genders, in terms of ending discrimination. We are going to mark 20 years of the National Council for Persons with Disabilities (NCPWD) in Kenya this week. We also have to recognise that persons living with disability are in that bracket. The Commission needs to be empowered.

I wish Jaldesa and all the commissioners well in their term. We hope to see more in attaining the not more than two-thirds of one gender in institutions across the board.

**The Temporary Speaker** (Hon. Martha Wangari): Hon. Ikiara.

**Hon. Dorothy Muthoni** (Nominated, UDA): Thank you, Hon. Temporary Speaker. I also wish to support the nomination of Hon. Rehema Dida Jaldesa as the Chairperson of the National Gender and Equality Commission. At the same time, I support the member called Michael Nzomo Mbithuka. I thank the Committee that vetted the two nominees and commend His Excellency the President for picking the best brains to handle that Commission.

Briefly, as we talk about femicide, I challenge ourselves. This crisis has arisen and happened. We really do not know why. We may never strike a balance or get an answer if we do not unearth the real reason why the young men are so bitter with women. As we talk about gender equity, let us critically scrutinise to know what has gone wrong in our society. We, as women, are the mothers of boys and girls. We bring those children up together. However, we, at some point, realise that this is out of reach. Let us unearth the reasons and strike a balance by knowing why our boys are so bitter to the extent of turning into beasts.

I join my sister, Hon. Millie Odhiambo, in condemning the wordings of whoever. As much as the Leader of the Majority Party exonerated the member of county assembly (MCA) who wrote those words, that is the deep thinking of a majority of men and even women. When I came to Parliament, it is not men who were talking evil of nominated women. It is the women. Let us not condemn men. Let us scrutinise ourselves, go beyond our boundaries and check what happened in America where the gender issue never arose anywhere when Kamala Harris was campaigning. They were campaigning with Trump at par.

Let us respect our boundaries. Let us respect ourselves and be truthful to ourselves so that we can move this society to better life for ourselves, for both men and women. I wish Rehema Jaldesa and her team happy tidings as they run that Commission. As Parliament, let

us be very factual and fund them as much as possible, so that the Commission does not remain redundant.

**The Temporary Speaker** (Hon. Martha Wangari): Speak to the microphone, Hon. Agnes Pareyio.

**Hon. Agnes Mantaine** (Narok North, JP): Thank you for giving me this opportunity to support the nomination of Rehema as the Chairperson of the National Gender and Equality Commission.

Commissions perform a lot of good work. The problem is funding. I was the Chairperson of the Anti-Female Genital Mutilation Board (Anti-FGM). We know the commissioners are not supposed to be in their offices, but in the field. The money they are given is not enough to facilitate them to meet the people they are supposed to talk to. It is time we looked at the commissions that are supposed to promote equal opportunities for women. They are not funded well, starting from the Ministry of Gender, Culture, the Arts and Heritage.

I met the former Cabinet Secretary for the Ministry of Gender, Culture, the Arts and Heritage, and what she talked about was horrible. She was getting insufficient funding. The same thing will happen to the National Gender and Equality Commission. It is not about the nominated person, because I know she is a performer and she will perform. We do not expect any results if she will not have enough money or resources to enable her to go out.

Gender is not about women alone. It is about boys and girls. We are supposed to look at both genders. I remember going to a meeting last week and a young man raised an issue in that meeting and said: "Mama, you have done much for girls. Why do you leave us alone?" I felt it because we are supposed to address the issues affecting both boys and girls. For that reason, I support the Commission and look forward to seeing a day when we will find resources for commissions that are supposed to promote issues of women and men.

**The Temporary Speaker** (Hon. Martha Wangari): Thank you. Let us have Hon. Kalasinga.

**Hon. Majimbo Kalasinga** (Kabuchai, FORD-K): Thank you very much, Hon. Temporary Speaker. From the onset, I oppose this appointment. I oppose this appointment with serious facts that should be listened to.

Even if we are talking about gender, I am not opposing because we have women. I am opposing because in all parts of this country, we have women. We have women in Kitale; we have women in Bungoma; and we have women in Busia. Every time we approve names on the Floor of this House, and I hope this House is listening to us, cumulatively, it seems that some names belong to some sections of this country alone. It is very embarrassing that when we discuss names, we find that some names come from three major tribes. We must name them. It hurts us. We have names even from Bungoma like that of one Madam Connie Wakwabubi, who appeared on the nomination list of UDA as a Senator, but was dropped. Up to now, she is languishing at home. If we have to give names on gender grounds, let us balance them from all over the country as we pass them here.

We saw the Ethics and Anti-Corruption Commission (EACC) went in one direction. This one is going in one direction. Look at even Mt. Kenya. We see names going in one direction all the time and yet, we also have our 30 per cent agreement for the western part. We have not seen women from the western region.

I did not come here to represent Kenya. I came here in Parliament to represent a constituency and a region. That is why I oppose this list. If I have to oppose, I oppose with facts. From tomorrow onwards, as we approve names here, let us see Kenya as a country. Let us draw the map of this country and balance by thinking about every part. I am one disappointed Member of Parliament from Bungoma because I have not seen a name of a woman from our place. We have very bright women who have gone to school properly from our side. I want this one to be a lesson to this House. As much as we engage...

**Hon. Peter Kaluma** (Homa Bay Town, ODM): On a point of order, Hon. Temporary Speaker.

**The Temporary Speaker** (Hon. Martha Wangari): There is a point of order.

**Hon. Majimbo Kalasinga** (Kabuchai, FORD-K): Accepted, but mark my time.

**The Temporary Speaker** (Hon. Martha Wangari): It is not for you to accept, Hon. Kalasinga. There is a point of order from Hon. Kaluma.

**Hon. Peter Kaluma** (Homa Bay Town, ODM): Hon. Temporary Speaker, under the Constitution, regional and ethnic balance of commissions is determined when we look at all the commissions cumulatively. Is Hon. Majimbo Kalasinga in order to determine regional balance as particularly being representation of people of his ethnic community based on a single commission in which only two members are being approved? If we look at the appointments that we passed before, who is Jacqueline Mwenesi? Unless this is justified and substantiated, it should be withdrawn. It should be looked at cumulatively.

**The Temporary Speaker** (Hon. Martha Wangari): It is not you to reply, Hon. Kalasinga. You had very few seconds remaining. You have made very serious accusations. Hon. Kalasinga, take your seat. I will give you your time. Just hold it.

There is already a point of order that has already been raised by Hon. Kaluma. What I will ask Hon. Kalasinga to do is a statement of facts. You said you are going to table facts. As has been said by Hon. Kaluma, two names cannot represent 47 counties. It will have to be factual and you owe that responsibility to the House.

*(Hon. Rahim Dawood spoke off the record)*

Nobody is out of order, Hon. Rahim. Nobody. The Temporary Speaker is talking. So, you cannot possibly be challenging myself. So, I will give a chance to Hon. Kalasinga who has a few seconds remaining to set the record straight. It is your right to oppose. But make a statement of fact.

**Hon. Majimbo Kalasinga** (Kabuchai, FORD-K): Hon. Temporary Speaker, as a statement of fact, I am a Member of Parliament for Kabuchai Constituency. From that constituency, there is no single appointment of a woman that has taken place. If I am wrong, name one. We want Hon. Kaluma to name one woman from Kabuchai. That is why I am here. I do not apologise. I am not apologising...

**Hon. Rahim Dawood** (North Imenti, Independent): On a point of order, Hon. Temporary Speaker.

**The Temporary Speaker** (Hon. Martha Wangari): Hon. Rahim, what is out of order?

**Hon. Rahim Dawood** (North Imenti, Independent): Hon. Temporary Speaker, Hon. Kalasinga should withdraw Mt. Kenya from his statement because there is no Mt. Kenya here. Hon. Jaldesa is from Isiolo. She is not from Mt. Kenya. So, he should withdraw that all the appointments are going to Mt. Kenya. He has to withdraw.

**The Temporary Speaker** (Hon. Martha Wangari): Hon. Kalasinga, you only have a few seconds. Statement of fact.

**Hon. Majimbo Kalasinga** (Kabuchai, FORD-K): Hon. Temporary Speaker, as a statement of fact, I want Hon. Kaluma to name one woman from Kabuchai who has been appointed. I am here on a matter of fact. I apologise for using the word Mt. Kenya, but I am not apologising on a matter of fact. No single appointment has been made from Kabuchai Constituency, which I represent. I am here on a matter of fact. Name one for me. Name one right now.

**Hon. Peter Kaluma** (Homa Bay Town, ODM): On a point of order, Hon. Temporary Speaker.



**The Temporary Speaker** (Hon. Martha Wangari): What is out of order, Hon. Kaluma?

**Hon. Peter Kaluma** (Homa Bay Town, ODM): Hon. Temporary Speaker, I stood in my place here and I raised the issue of a misleading statement. While saying nobody from his ethnic community is being appointed in those commissions, that should be looked at cumulatively. But even in terms of the National Gender and Equality Commission, this is not the full list of the commissioners of that Commission. Those are just two who are being appointed. The commission has nine members. The former Chairperson was from Bungoma and there are members from the Luhya ethnic group in the current Commission. If the Member did not know that, let him apologise. But I was also emphasising, so that we do not mislead the public that some regions are being excluded. Just this morning, we passed the nomination of Mwenesi. So, he cannot run from that fact by claiming that he was talking about his constituency. Even in my constituency, we have never had anybody called a commissioner, leave alone a commissioner of the National Gender and Equality Commission. So, he has to withdraw or speak in alignment with the Constitution.

**The Temporary Speaker** (Hon. Martha Wangari): Hon. Member for Kabuchai, if you were here earlier, the previous speakers had already spoken to this already. If you were listening to Motion No.13, we had eight appointees. They cannot all come from every one of the 290 constituencies. It is not possible. I know what you are trying to do, but kindly do not mislead the House in terms of saying that those two should come from Kabuchai. It is not possible.

I would want us to make progress. I will give you 30 seconds, Hon. Kalasinga, because your time is up, to guide the House properly, and not to mislead the House.

**Hon. Majimbo Kalasinga** (Kabuchai, FORD-K): Hon. Temporary Speaker, I want to agree with you. But now cumulatively, all the commissions and appointments on this Floor that have happened, no one has come from Kabuchai. I stand by my fact and I am not withdrawing.

**The Temporary Speaker** (Hon. Martha Wangari): Hon. Kalasinga, we have only done three appointments today. So, it cannot be all cumulative. That is a misleading statement. Unless you come with the data that all commissions, and all that have been passed by this House, there is no one from Kabuchai, then you will withdraw that statement. If not, you will bring the statement tomorrow, Hon. Member for Kabuchai.

*(An Hon. Member spoke off the record)*

There is nothing out of order. Member for Kabuchai.

**Hon. Majimbo Kalasinga** (Kabuchai FORD-K): Hon. Temporary Speaker, this is an honourable House, and this honourable House must tell me what to bring here. If what I am saying is wrong, can this House prove to me that we have one appointment from my constituency? I am not going to apologise. I will face the consequences. I will carry the consequences on my back because of my people, who elected me. We have no appointment.

This broad-based Government is what is hurting us. We want to come to the truth. This broad-based Government is eating our 30 per cent. You must know this one.

**The Temporary Speaker** (Hon. Martha Wangari): Hon. Wanjala, what is out of order?

**Hon. Raphael Wanjala** (Budalangi, ODM): Hon. Temporary Speaker, thank you for giving me this opportunity. We are Members of Parliament in this Country. This is Parliament. People are not appointed because they come from specific constituencies or villages. They are appointed regionally because they are qualified Kenyans. The Member for Kabuchai knows very well that the Speaker of the National Assembly of Kenya comes from Kabuchai. That position alone holds so many positions. It is third in rank in this country. Is he in order to insist that any appointment must come from his constituency and yet, we are not complaining? Even today, when we mention the appointment of Ms Jackline Lukalo Mwenesi, we know she is from our region. We will accept it.

**The Temporary Speaker** (Hon. Martha Wangari): Hon. Member for Kabuchai, I gave you instructions to withdraw a specific issue from your contribution. I will remind you of Standing Order 107A (1)(b), which says a Member commits an act of gross disorderly conduct if the Member—

Declines to explain or retract use of unparliamentary words, or declines to offer apologies, despite having been ordered to do so by the Speaker.

**Hon. Majimbo Kalasinga** (Kabuchai, FORD-K): Thank you very much, Hon. Temporary Speaker.

**The Temporary Speaker** (Hon. Martha Wangari): I expect you to do exactly as I have said on the specific matter, but not everything.

**Hon. Majimbo Kalasinga** (Kabuchai, FORD-K): Hon. Temporary Speaker, state the specific matters. I remain firm on what I have said. I have knowledge about it unless there is anything wrong that I have said that you want me to prove. Prove to me one person from my constituency whose appointment has been approved on the Floor of this House. I do not want to apologise.

**Hon. Millie Odhiambo-Mabona** (Suba North, ODM): On a point of order, Hon. Temporary Speaker.

**The Temporary Speaker** (Hon. Martha Wangari): What is out of order, Hon. Millie?

**Hon. Millie Odhiambo-Mabona** (Suba North, ODM): Thank you, Hon. Temporary Speaker. We are in the 16 days of activism on Gender-Based Violence (GBV), which comes in many forms. You are sitting on that Chair as a woman Speaker. You must act with authority. I know what my good friend is doing. However, your authority as a Speaker cannot be undermined when we are here as women leaders. We will not allow it.

**The Temporary Speaker** (Hon. Martha Wangari): Hon. Member for Kabuchai hopes that I will throw him out of the Chamber so that he can look like a hero in Kabuchai. I will not do that. I direct that you bring the substantiation you mentioned to this House tomorrow afternoon. If you do not, consequences will follow. There is nothing else you have to add. That is guided and is so directed. Allow me to give a chance to the Member for Matuga, Hon. Kassim Tandaza.

*(Several Hon. Members spoke off the record)*

Hon. Kassim has not spoken on this issue.

**Hon. Kassim Tandaza** (Matuga, ANC): Ahsante, Mhe. Spika wa Muda. Ni vizuri wenzangu wasome Kanuni za Kudumu za Bunge ili wajue ni wakati upi mtu anaweza kupatiwa nafasi ya kuzungumza, na ni wakati upi asipatiwe. Sijazungumza katika Hoja hii na, kwa hivyo, nina haki yangu ya kutoa maoni.

Nakubaliana na Ripoti ambayo imeletwa ya uteuzi wa Mwenyekiti, Mhe. Rehema Dida Jaldesa, na mwanachama, Michael Nzomo Mbithuka. Naunga mkono Hoja hii ili waweze kuteuliwa kama inavyostahili. Ningetaka kutilia mkazo utendaji kazi wa hizo tume ambazo zimeteuliwa, haswa tukiangalia tume mbili mtawalia na Wizara inayohusika ya jinsia: Tume ya Jinsia na Usawa na Tume ya Uwiano. Kama Kiongozi wa Wengi Bungeni alivyotanguliza, kuna tatizo kwa sababu majukumu ya Tume hizo mbili yanatatizana.

Katika Ripoti iliyotangulia hapo mwanzo ya National Dialogue Committee (NADCO), wananchi walitoa mapendekezo kwamba Tume hizo zivunjiliwe mbali. Taratibu za kufanya hivyo ni ndefu. Katika hili Bunge, tukae na tuwapatie majukumu. Kila Tume iwe na majukumu maalum ambayo hayaingiliani na zile tume zingine. Hilo litaweza kutatua kwa upande mmoja tatizo ambalo limezungumziwa kwa kirefu kwamba Tume hizo hazipatiwi fedha za kutosha. Fedha hazitoshi kwa sababu wamepewa majukumu ambayo kila mtu anasema ni yake, na yakienda vibaya, mwingine anasema siyo yake. Inatakikana Bunge hili, kwa haraka,

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lihakikishe majukumu yao ni machache, na hayaingiliani na tume zingine. Tukifanya hivyo, tatizo la fedha litapungua.

Naunga mkono Hoja hii. Ahsante, Mhe. Spika wa Muda, kwa kunipatia fursa hii ya kuchangia.

**The Temporary Speaker** (Hon. Martha Wangari): Hon. Ngusya.

**Hon. Charles Nguna** (Mwingi West, WDM): Thank you, Hon. Temporary Speaker, for giving me this opportunity to add my voice to this matter. I congratulate the two nominees. I know them. I worked with Hon. Jaldesa in the 12<sup>th</sup> Parliament. I have no doubt that they will inject the much-needed energy for the Commission to deliver the mandate that is given to it by the Constitution.

The appointment to that Commission comes at a time when we are discussing the issues of femicide, which need to be taken seriously by everybody. The National Gender and Equality Commission is supposed to reduce gender disparities. That does not mean you forget the issues of men. The inclusion of people with disabilities, children, youth and the elderly are issues that should be fully canvassed by that Commission. We need to remind them to focus on those issues. In terms of national development, the Commission must consider marginalised groups.

I am lucky to be serving in the Constitution Implementation Oversight Committee. One of the Chairpersons appeared before our Committee. Let us not bash that Commission. It has not been popularised to Kenyans. Most Kenyans are not aware of whether it exists. We need to fund them to get the publicity that they need.

**Hon. Rahim Dawood** (North Imenti, Independent): On a point of order, Hon. Temporary Speaker.

**The Temporary Speaker** (Hon. Martha Wangari): What is out of order, Hon. Rahim?

**Hon. Rahim Dawood** (North Imenti, Independent): Hon. Temporary Speaker, as much as I support Hon. Jaldesa as the Chairperson of the National Gender and Equality Commission, is Hon. CNN in order to say that people do not know the National Gender and Equality Commission in Kenya?

**The Temporary Speaker** (Hon. Martha Wangari): Hon. Ngusya has said that it is not very popularised to Kenyans, which is a fair statement. Continue Hon. Ngusya.

**Hon. Charles Nguna** (Mwingi West, WDM): Hon. Temporary Speaker, you have to add me more minutes.

**The Temporary Speaker** (Hon. Martha Wangari): You have a few seconds remaining.

**Hon. Charles Nguna** (Mwingi West, WDM): Most people do not know the role that, that Commission plays in our important country. They need to come out in the media.

**The Temporary Speaker** (Hon. Martha Wangari): Hon. Atandi.

**Hon. Samuel Atandi** (Alego Usonga, ODM): Hon. Temporary Speaker, going by the mood of the House, and because most Members support this Motion, can I request the Mover of the Motion to reply?

Thank you.

*(Question, that the Mover be now called upon to reply, put and agreed to)*

**The Temporary Speaker** (Hon. Martha Wangari): Mover.

**Hon. Hillary Kosgei** (Kipkelion West, UDA): Thank you, Hon. Temporary Speaker. Let me begin by congratulating you for allowing many Members of Parliament to contribute to these appointments and to thank Members, starting with the high-ranking Members, including the Majority Leader of this House, Hon. Millie Odhiambo, and all the Members who have contributed.

It has come out that the only problem that the Commission has is gross under-funding. As we appoint those two, and as we begin the budget-making process, I implore this House to be conscious about the gender-based violence that is currently happening in our country, and to fund the Commission to meet the expectations of the members of the public and the people of Kenya. There is no doubt the capabilities of the two nominees have been spoken to by all the Members of Parliament positively, and I am not in doubt that with proper funding, the leadership of Hon. Rehema Jaldesa and Hon. Michael Nzomo will bring new energy to the Commission.

With those few remarks, I beg to reply.

**The Temporary Speaker** (Hon. Martha Wangari): Very well. We will defer the putting of the question on this particular Motion and go to the next order.

*(Putting of the Question deferred)*

## COMMITTEE OF THE WHOLE HOUSE

*(Order for Committee read)*

*[The Temporary Speaker (Hon. Martha Wangari) left the Chair]*

### IN THE COMMITTEE

*[The Temporary Chairman (Hon. Omboko Milemba) in the Chair]*

THE COFFEE BILL  
(Senate Bill No.10 of 2023)

*(Recommittal of Clauses 8 and 79)*

**The Temporary Chairman** (Hon. Omboko Milemba): Hon. Members, we may take our seats. I hope the Chair of the Departmental Committee on Agriculture is in the House. Yes, he is there.

Members, we shall deal with the re-committal of Clauses 8 and 79 of the Coffee Bill. I think we are ready to proceed.

What is it, Hon. Kaluma?

**Hon. Peter Kaluma** (Homa Bay Town, ODM): Thank you, Hon. Temporary Chairman. I have a concern. I can see the Chair of the Committee in charge of Agriculture in the House, but I do not see the Member who recommitted Clause 79. I do not know the problem in the House in terms of attending the Committee of the whole House. Even regarding the next item, the Assisted Reproductive Bill, I do not see the Chairman of the Departmental Committee on Health.

**The Temporary Chairman** (Hon. Omboko Milemba): Well, you have actually communicated your point. Is Hon. Wilberforce Oundo in the House? I think the Chairman is there.

**Hon. Peter Kaluma** (Homa Bay Town, ODM): No! The Mover, in terms of Clause 79, was the Woman Representative for Nandi County. I am concerned, Hon. Temporary Chairman. Clause 79 is a very serious clause that required bigger numbers than what I am seeing here.

**The Temporary Chairman** (Hon. Omboko Milemba): Hon. Kaluma, what are you saying? You know you are speaking to the House and Kenyans.

**Hon. Peter Kaluma** (Homa Bay Town, ODM): Hon. Temporary Chairman, I am saying that the House has difficulties under Standing Order 35 in proceeding with the business.

**The Temporary Chairman** (Hon. Omboko Milemba): Very well. Hon. Kaluma, we have heard you. You are alerting us under Standing Order 35.

*(Loud consultations)*

Order, Hon. Members. A Member has risen from his place, and whenever a Member rises on Standing Order 35, it is as exact as it is. Let me call upon the Serjeant-at-Arms to ring the Quorum Bell for 10 minutes.

*(The Quorum Bell was rung)*

*(Hon. Millie Odhiambo-Mabona spoke off the record)*

Hon. Millie, we shall have to execute the quorum business first, and then we shall give you a chance to speak.

*(Loud consultations)*

*(Hon. Raphael Wanjala walked towards the exit)*

**The Temporary Chairman** (Hon. Omboko Milemba): Order, Hon. Wanjala. You cannot go out when the Quorum Bell is still ringing. Come back to the House. Serjeant-at-Arms, do not allow Members to leave the House. Order, you are allowing Members to leave the House when the Quorum Bell is still ringing. That is not correct.

Order, Hon. Members. We now have enough quorum to proceed.

*Clause 8*

**The Temporary Chairman** (Hon. Omboko Milemba): The Mover is Hon. Wilberforce Oundo. He is not present and so, we drop it and move to the next amendment by the Hon. Chairman.

*(Proposed amendment by Hon. (Dr) Ojiambo Oundo dropped)*

**Hon. (Dr) John Mutunga Kanyuithia** (Tigania West, UDA): Hon. Temporary Chairman, I beg to move a further amendment to Clause 8 by inserting the words "choice of":

THAT, Clause 8 of the Bill be amended by inserting the following new subclause immediately after subclause (1)—

“(2) for purposes of this section, “coffee management” means the process of increasing coffee production per tree, including choice of appropriate agro-ecology, determination of plant population, planting, crop husbandry, harvesting and conveying through pulping stations.

The further amendment is to include two significant words, "choice of."

*(Question of the further amendment proposed)*

**The Temporary Chairman** (Hon. Omboko Milemba): This is a recommittal and so, it must have some interest. Yes, Hon. Gichimu.

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**Hon. Gichimu Githinji** (Gichugu, UDA): Thank you, Hon. Temporary Chairman. I want to confirm that I had proposed an amendment to Clause 8, but my concerns were resolved.

**The Temporary Chairman** (Hon. Omboko Milemba): Order, Hon. Gichimu. You are too early. Let us deal with the further amendment by the Hon. Chairman, and then I shall call you out.

**Hon. Gichimu Githinji** (Gichugu, UDA): Very well, Hon. Temporary Chairman.

**The Temporary Chairman** (Hon. Omboko Milemba): Is there any other interest in this further amendment? Yes, Hon. Kaluma.

**Hon. Peter Kaluma** (Homa Bay Town, ODM): Thank you, Hon. Temporary Chairman. I request the Hon. Chairman to explain to the House in better detail what he seeks to achieve by the recommittal of Clause 8. I did not quite get him and yet, this is a very important Bill.

**The Temporary Chairman** (Hon. Omboko Milemba): Hon. Kaluma is in order. Hon. Chairman, in just one and a half minutes, please explain to the House the import of that recommittal.

**Hon. (Dr) John Mutunga Kanyuithia** (Tigania West, UDA): Hon. Temporary Chairman, Clause 8 of the Bill is on qualifications for appointment to the Coffee Board of Kenya. Clause 8(1) talks of the qualifications of the persons appointed under Clause 7(1)(a), (e), (f) and (g). Those are the farmers. They must be Kenyan citizens. I am talking about Clause 8(b)(ii), which refers to Clause 7(1)(e) and (f). The appointees must have a certificate in secondary education. We adopted that. They must have, at least, three years' experience, preferably in management in the coffee sector. Management in the coffee sector was not defined. So, we have stated what we mean by management in the coffee sector.

**The Temporary Chairman** (Hon. Omboko Milemba): Very well.

*(Question, that the words to be inserted  
be inserted, put and agreed to)*

**The Temporary Chairman** (Hon. Omboko Milemba): Hon. Gichimu, you may proceed to prosecute your issue.

**Hon. Gichimu Githinji** (Gichugu, UDA): Thank you, Hon. Temporary Chairman. I am contented with the recommittal by the Chairman. The concern I raised was that small-scale holders who will be part of the Board should be exempted from having three years' experience in the coffee sector. I told the Chairman that they have to define what that experience in the coffee sector is. That has already been addressed. I am happy that farming is also an experience and farmers will not be disadvantaged.

Thank you, Hon. Temporary Chairman.

**The Temporary Chairman** (Hon. Omboko Milemba): Very well. Go on record that you have withdrawn your amendment.

**Hon. Gichimu Githinji** (Gichugu, UDA): I hereby withdraw my amendment to Clause 8.

*(Proposed recommittal by Hon. Gichimu Githinji withdrawn)*

*(Clause 8 as further amended agreed to)*

Clause 79

**The Temporary Chairman** (Hon. Omboko Milemba): Hon. Mutunga, move your amendment.

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**Hon. (Dr) John Mutunga Kanyuithia** (Tigania West, UDA): Hon. Temporary Chairman, I beg to move:

THAT, Clause 79 of the Bill be further amended in sub-clause (3) by providing that a person with a Doctor of Philosophy will have an added advantage.

Hon. Temporary Chairman, Clause 79 proposes qualifications of the CEO of the Coffee Research and Training Institute. The contention was the minimum qualification for a PhD. In the absence of the Mover for the recommittal, I would like to move that we change the qualifications to say that a PhD will be an added advantage, and everybody will then be comfortable.

*(Question of the further amendment proposed)*

**The Temporary Chairman** (Hon. Omboko Milemba): Hon. Kaluma.

**Hon. Peter Kaluma** (Homa Bay Town (ODM): Hon. Temporary Chairman, this was a very contentious provision of the Bill during the consideration yesterday. Qualifications to be the CEO included a PhD. The CEO is not necessarily the researcher. He is in charge of the day-to-day administration of the Institute. For research, you may require a PhD. But to limit the CEO to a person with a PhD would exclude many Kenyans who would otherwise qualify to be the CEO. Therefore, I agree with the Mover that a PhD can be an added advantage. I request the Mover to look at the clause in greater detail because we are still not clear on a PhD being an added advantage to basic minimum qualification. If we said a Master's degree with a PhD as an added advantage, it would be acceptable. I urge that we go in that direction.

**The Temporary Chairman** (Hon. Omboko Milemba): Hon. Chepkong'a.

**Hon. Samuel Chepkong'a** (Ainabkoi, UDA): Thank you very much, Hon. Temporary Chairman. Yesterday, this matter exercised our minds. Hon. Peter Kaluma thought that people with PhDs are not necessarily good managers. It appears that the Chairman has conceded and agreed that someone with a basic bachelor's degree or a masters qualifies for the position. But if you find a good person with PhD, there is no harm in recruiting such a person. I support the Chairman's proposal.

**The Temporary Chairman** (Hon. Omboko Milemba): Hon. Muriu.

**Hon. Wakili Edward Muriu** (Gatanga, UDA): Thank you, Hon. Temporary Chairman. We need to divorce ourselves and come to terms with the fact that, since it is a research institute, the CEO must have a research background. Paragraph (b) clearly says that one must hold a degree in agriculture, crop science or business administration from a university recognised in Kenya. Over and above that, there must be a research qualification. Because that is a research institution, the CEO must have the capacity to lead other researchers.

**The Temporary Chairman** (Hon. Omboko Milemba): Senior Counsel Muriu, where are we placing the amendment? We are not debating.

**Hon. Wakili Edward Muriu** (Gatanga, UDA): I am trying to say that a PhD is a prerequisite qualification for that position. Thank you, Hon. Temporary Chairman.

**The Temporary Chairman** (Hon. Omboko Milemba): Let us listen to Hon. Kaguchia.

**Hon. Kaguchia John** (Mukurweini, UDA): Hon. Temporary Speaker, it would be in bad faith to think someone with a PhD is a bad manager. I mean, for you to study all the way to PhD level...

**The Temporary Chairman** (Hon. Omboko Milemba): Hon. Kaguchia, the argument on the Floor is not that he is a bad manager, but that PhD should be an added advantage so that we increase the base for those who can qualify. Proceed.

**Hon. Kaguchia John** (Mukurweini, UDA): Because many people in this country have studied up to PhD level, I do not think we have a deficit of people who can qualify for that

position. You can imagine asking a person who is not a professor to lead a university. For that reason, let us have a PhD being a minimum requirement.

**The Temporary Chairman** (Hon. Omboko Milemba): We have heard you clearly. Hon. Nguna.

**Hon. Charles Nguna** (Mwingi West, WDM): Hon. Temporary Speaker, I wish to support the Chairman of the Departmental Committee on Agriculture and Livestock. There are people with masters degrees who are very good at report writing and administration. Having PhD as a compulsory requirement is not necessary. It can be an added advantage.

**The Temporary Chairman** (Hon. Omboko Milemba): Given that this is a recommitment, I will give a few more Members the opportunity. Hon. Onchoke.

**Hon. Charles Onchoke** (Bonchari, UPA): Thank you, Hon. Temporary Chairman, for giving me the opportunity to add my voice to this issue. If you look at the best practices worldwide, you do not necessarily need a PhD to lead a research institution. I support the Chairman of the Committee that a PhD should be an added advantage.

Thank you.

**The Temporary Chairman** (Hon. Omboko Milemba): Hon. Rindikiri.

**Hon. Mugambi Rindikiri** (Buuri, UDA): I support the Chairman of the Committee. I was here during the deliberations, and it came out very clearly. The problem we have is that we think that having so many papers make one a very good manager. The position of CEO is a managerial responsibility. Demonstration through experience and your ability to articulate issues is what is required, as opposed to academic qualification *per se*.

**The Temporary Chairman** (Hon. Omboko Milemba): Thank you. You have communicated and made your point. Finally, let me give an opportunity to *Daktari*, the Member for Seme. Hon. Kaluma will be the last person to speak on this, and then I will put the Question. You will have a chance to decide.

**Hon. (Dr) James Nyikal** (Seme, ODM): Hon. Temporary Chairman, when it comes to research institution, one must give directions within their research, in which case you cannot have anything less than a PhD. The Board will give directions but, who writes the minutes of the meetings? Who makes the proposals? Who writes the papers to help the Board give directions? This country is suffering because professionals have “washed their hands” and do not want to be involved.

**The Temporary Chairman** (Hon. Omboko Milemba): *Daktari*, we have heard you. Hon. Caroli Omondi, proceed.

**Hon. Caroli Omondi** (Suba South, ODM): Thank you, Hon. Temporary Chairman. My preference would be that we retain the requirement for a PhD. We have had situations where people who are perceived by their peers not to be eminently qualified to lead are imposed on institutions of higher learning or even research institutions as leaders. There have been many professors at the Kenya School of Law. The late Prof. Ogendo never went there because he perceived that those who would teach him were his former students. If we cannot have the PhD qualification, then we should replace the term “added advantage” with the term “distinct advantage”. The Clause should state that a PhD will be a distinct advantage.

**The Temporary Chairman** (Hon. Omboko Milemba): Finally, let us go back to the coffee growers. Hon. Gichimu.

**Hon. Gichimu Githinji** (Gichugu, UDA): Thank you, Hon. Temporary Chairman.

**Hon. (Dr) Otiende Amollo** (Rarieda, ODM): On a point of order, Hon. Temporary Chairman.

**The Temporary Chairman** (Hon. Omboko Milemba): What is your point of order, Hon. Otiende Amollo?

**Hon. Gichimu Githinji** (Gichugu, UDA): This is a matter...



**The Temporary Chairman** (Hon. Omboko Milemba): Order, Hon. Gichimu. Senior Counsel Otiende Amollo has a point of order.

**Hon. (Dr) Otiende Amollo** (Rarieda, ODM): Thank you, Hon. Temporary Chairman. I will withhold my comments on the substantive issue for now. On the comment by Hon. Caroli Omondi, may the record reflect that the late Prof. Okoth Ogendo finally went to the Kenya School of Law. He was my pupil. Before he passed on, Prof. Okoth Ogendo was an Advocate of the High Court. This is a House of records. Things must be set right.

Thank you, Hon. Temporary Chairman.

**The Temporary Chairman** (Hon. Omboko Milemba): Finally, Hon. Gichimu. We will let the matter rest there.

**Hon. Gichimu Githinji** (Gichugu, UDA): Thank you, Hon. Temporary Chairman. I agree that we should strike a balance. A master's degree in the relevant field from a university recognised in Kenya should be a minimum requirement. Other things like a PhD being an added advantage usually come in the advertisement for the position. So, once we advertise for that position, it goes without saying that someone with higher qualifications will already have an advantage.

**The Temporary Chairman** (Hon. Omboko Milemba): Members, we can now take it to the guillotine.

*(Question, that the words to be left out be left out, put and agreed to)*

*(Question, that the words to be inserted in place thereof be inserted, put and agreed to)*

*(Clause 79 as amended agreed to)*

Let us have the Mover. Proceed.

**Hon. Naomi Waqo** (Marsabit County, UDA): Hon. Temporary Chairman, I beg to move that the Committee do report to the House its consideration of the Coffee Bill, (Senate Bill No.10 of 2023), and its approval thereof with amendments.

*(Question proposed)*

*(Question put and agreed to)*

**The Temporary Chairman** (Hon. Omboko Milemba): I want to thank the Members who were here up to very late last night dealing with the Coffee Bill. They did the heavy lifting, and now we have concluded it.

Let us move to the next Bill.

THE ASSISTED REPRODUCTIVE TECHNOLOGY BILL  
(National Assembly Bill No.61 of 2022)

**The Temporary Chairman** (Hon. Omboko Milemba): The sponsor of this Bill is Hon. Millie Odhiambo

*Clause 3*

**The Temporary Chairman** (Hon. Omboko Milemba): Let us have the Hon. Chairman.

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**Hon. (Dr) Robert Pukose** (Endebess, UDA): Hon. Temporary Chairman, I beg to move:

THAT, the Bill be amended by deleting Clause 3 and substituting therefor the following new clause 3—

Application.                    3. This Act applies to a medically assisted reproductive process whether or not the process is completed outside the human body.

The amendment is just to clarify the process.

*(Question of the amendment proposed)*

**The Temporary Chairman** (Hon. Omboko Milemba): Hon. Kaluma.

**Hon. Peter Kaluma** (Homa Bay Town, ODM): Hon. Temporary Chairman, I support that amendment as moved by the Chairman because it speaks clearly to the object and heart of the Bill. I hope it becomes an Act of Parliament, if we pass it.

I would also like to indicate that I have an additional amendment to Clause 3, which I will be moving after we pass the amendment by the Committee.

**The Temporary Chairman** (Hon. Omboko Milemba): Are you aware that your amendments will fall if this one is carried?

**Hon. Peter Kaluma** (Homa Bay Town, ODM): No. Hon. Temporary Chairman, my proposed amendment in (a) is exactly what the Chairman is proposing. The amendment in (b) is an addition.

**The Temporary Chairman** (Hon. Omboko Milemba): Your amendment to Clause 3(a) will fall.

**Hon. Peter Kaluma** (Homa Bay Town, ODM): Yes.

**The Temporary Chairman** (Hon. Omboko Milemba): Hon. Kaluma, could you approach the Table for one minute? This is a very important Bill.

*(The Temporary Chairman (Hon. Omboko Milemba) consulted with Hon. Peter Kaluma)*

Hon. Kaluma and the Chairman, you may have to consult among yourselves, but meanwhile, we shall proceed. Hon. Kaluma, I will further propose that you will have to possibly change your sitting position because I am told that you have many amendments to this one, so that you may be in a position to easily consult with the Chairman. But if you are okay where you are, so be it.

*(Question of the amendment proposed)*

*(Question, that the words to be left out be left out, put and agreed to)*

*(Question, that the words to be inserted in place thereof be inserted, put and agreed to)*

*(Clause 3 as amended agreed to)*

**Hon. Peter Kaluma** (Homa Bay Town, ODM): On a point of order, Hon. Temporary Chairman.

**The Temporary Chairman** (Hon. Omboko Milemba): Hon. Kaluma, what is it?

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**Hon. Peter Kaluma** (Homa Bay Town, ODM): Hon. Temporary Chairman, I thought that because we agree with the proposal by the Chairman in terms of clause 3, upon the passage of the Chairman's amendment, I be allowed to propose a further amendment to the New Clause 3, upon adoption, subject to your direction. Let me explain that I agree with the Chairman and the Mover completely in terms of that amendment. But on the additional provision that I was proposing to bring forth, in terms of the application of the Act, or to whom it applies, it should relate to citizens. This is so that we are able to deal with matters infertility for citizens of Kenya and heterosexuals, so that we do not have this thing being infiltrated by other people who have otherwise chosen to be in infertile relationships.

**The Temporary Chairman** (Hon. Omboko Milemba): Very well. Let me hear the Hon. Chairman on that.

**Hon. Millie Odhiambo-Mabona** (Suba North, ODM): On a point of order, Hon. Temporary Chairman.

**The Temporary Chairman** (Hon. Omboko Milemba): What is your point of order, Hon. Millie?

**Hon. Millie Odhiambo-Mabona** (Suba North, ODM): Thank you. It is just a matter of procedure that, ordinarily, when the Chairman has moved an amendment, any further amendment to it can only be done while standing at his place as the Chairman, and not how Hon. Peter Kaluma is moving. Therefore, procedurally, that process is wrong.

**The Temporary Chairman** (Hon. Omboko Milemba): Hon. Millie Odhiambo, we are aware of that, and that is why I was bringing in the Chairman.

**Hon. Millie Odhiambo-Mabona** (Suba North, ODM): Okay. Maybe, so that I can draw the attention of the Chairman, that should you wish to adopt the amendment by Hon. Peter Kaluma, could you also consider adopting it in the clear words that he said: That this process shall only apply to Kenyans. The way he is putting it is a bit convoluted and it even implies that you can only go through assisted reproduction if you already have a child. That is because it talks about widowed or single parents in Kenya who have been certified.

**The Temporary Chairman** (Hon. Omboko Milemba): Order. You are now executing it.

**Hon. Millie Odhiambo-Mabona** (Suba North, ODM): Sorry, Hon. Temporary Chairman. Probably, you are not understanding my thoughts. If you choose for the Chairman to actually move it, I just wanted to alert him that what Hon. Peter Kaluma has said 'kind of' differs with what is in the paper.

**The Temporary Chairman** (Hon. Omboko Milemba): Very well.

**Hon. (Dr) Robert Pukose** (Endebess, ODM): Hon. Temporary Chairman, during the winnowing period, we had agreed that this applies to only Kenyans; and we had agreed with Hon. Peter Kaluma and also Hon. Millie Odhiambo. Therefore, he can do a further amendment to that.

*(Hon. Peter Kaluma spoke off the record)*

**The Temporary Chairman** (Hon. Omboko Milemba): Hon. Peter Kaluma, we must make progress. You have been explaining to each other for quite some time. The winnowing period took a long time; but we are done with Clause 3, and I would ask that you do a re-committal on that. We have already put the overall Question. I ask you to recommit that one at the end of it.

**Hon. (Dr) Robert Pukose** (Endebess, UDA): Okay.

**The Temporary Chairman** (Hon. Omboko Milemba): Now that you had agreed, nobody has lost. We shall deal with it. Let us proceed. Yes, Hon. Kaluma, what else?

**Hon. Peter Kaluma** (Homa Bay Town, ODM): Hon. Temporary Chairman, I am grateful for the opportunity. We are doing this for Kenyans in good faith. I want to explain to Hon. Millie that when I say “heterosexual Kenyan couples, divorced, widowed, or single parents,” I am talking of the categories which may be faced with the difficulty of infertility. I am not excluding the fact that they are Kenyans. I am just talking about the category of benefit from the citizenship of Kenya.

I am only saying that you must have been confirmed by the assisted reproductive practitioner, as being incapable of natural conception. That is what it is.

**The Temporary Chairman** (Hon. Omboko Milemba): Very well. That attracts Hon. Millie.

**Hon. Millie Odhiambo-Mabona** (Suba North, UDA): Thank you, Hon. Temporary Chairman.

I know Hon. Kaluma knows that I graduated amongst the top in my class. I am an excellent lawyer. When he hears me raising an issue of law, he needs to look at what I am saying, not because I do not think he is a good lawyer; he is. Just look at what I am telling you. When you say in your proposal, “single parents”, who is a single parent? A single parent is a parent already. I have no problem with the other issues that you may be raising. As I have told you before, this Bill seeks to help people who are struggling to have children, like myself.

*(Hon. Peter Kaluma spoke off the record)*

**The Temporary Chairman** (Hon. Omboko Milemba): Very well, Hon. Millie.

**Hon. Millie Odhiambo-Mabona** (Suba North, UDA): Yes, you can delete parents. I know where Hon. Kaluma is coming from. I was suggesting we just say, “as provided for in the Constitution”. That will cure a lot of ills. Hon. Kaluma, you are a Catholic while I am a Seventh-day Adventist, even though I am a human rights champion.

**The Temporary Chairman** (Hon. Omboko Milemba): Very well, Hon. Millie. For now, we do not need all that discussion.

*(Hon. Peter Kaluma spoke off the record)*

What is it, Hon. Kaluma?

**Hon. Peter Kaluma** (Homa Bay Town, ODM): Hon. Temporary Chairman, please, when we are making a law like this, we are making it for the good of Kenyans who are to be affected. I do not like the idea of constantly bringing people's faith. Hon. Millie, if it were about Catholics, I am not the best Catholic in this House, and you do not see our Catholic Members in the House. I am taking my position here in good faith for the good of the country. If I brought my faith into this, I would have rejected the whole Bill because the Catholic Church does not accept such.

I am saying this in good faith; that since there are Kenyans who are affected, we can look at it objectively. Do not bring my faith into the matter.

Thank you.

**The Temporary Chairman** (Hon. Omboko Milemba): I will also rule as follows: Hon. Millie, I am a teacher of history and government and if you allow me, the phony war that you have had, should not have happened. When you bring the Bill for re-committal, which I encourage you to, that is when we shall deal with the matter.

Let us progress to Clause 4.

*Clause 4*

**The Temporary Chairman** (Hon. Omboko Milemba): Mover.

*(Hon. (Dr) Robert Pukose stood in his place)*

I think we are beginning with Hon. Kaluma on this one.

**Hon. Peter Kaluma** (Homa Bay Town, ODM): Hon. Temporary Chairman, I beg to move:

That Clause 4 of the Bill be amended by deleting paragraphs (a), (b) and (c) and substituting therefor the following new paragraphs—

- (a) Permit altruistic surrogacy;
- (b) Prohibit commercial surrogacy; and,
- (c) Make consequential provisions thereto.

Clause 4 deals with the object and purpose of the Act. It is the most important provision in the Act as it outlines what the law is all about. As drawn and proposed by the Committee, it is not very clear in terms of mixing up issues. This is important because there is a basis for this in law.

**The Temporary Chairman** (Hon. Omboko Milemba): Hon. Kaluma, you are dealing with (a), (b) and (c)?

**Hon. Peter Kaluma** (Homa Bay Town, ODM): Yes.

**The Temporary Chairman** (Hon. Omboko Milemba): Proceed.

**Hon. Peter Kaluma** (Homa Bay Town, ODM): I am deleting them.

**Hon. Millie Odhiambo-Mabona** (Suba North, ODM): On a point of order, Hon. Temporary Chairman.

**The Temporary Chairman** (Hon. Omboko Milemba): We have not reached there yet. We shall bring you on board later. Proceed, Hon. Kaluma. That one is much obliged.

**Hon. Peter Kaluma** (Homa Bay Town, ODM): Yes, Hon. Temporary Chairman. I am on page 3280 in terms of my amendment.

**The Temporary Chairman** (Hon. Omboko Milemba): Order, Hon. Kaluma. It is page 3280. The Chairman will be amending from (d) downwards and so, Hon. Kaluma takes precedence. Proceed, Hon. Kaluma.

**Hon. Peter Kaluma** (Homa Bay Town, ODM): Yes, Hon. Temporary Chairman. I beg to move:

THAT, Clause 4 of the Bill be amended by deleting paragraphs (a), (b) and (c) and substituting therefor the following new paragraphs—

- (a) permit altruistic surrogacy;
- (b) prohibit commercial surrogacy; and,
- (c) make consequential provisions thereto.

I am proposing the deletion of paragraphs (a), (b) and (c) because they are vague. I propose they be substituted with the new (a), (b), and (c). In (a), I am proposing that the object of the Act permits altruistic surrogacy. Members will later see how I am defining altruistic surrogacy in clause 2 when we deal with it. Clause (b) is to prohibit commercial surrogacy, and clause (c) is to make consequential provisions thereto.

Altruistic surrogacy is where a person is not paid or does not have financial gain in the process, in terms of hiring a womb and such like things to carry a pregnancy to term. Commercial surrogacy has been prohibited across the world, and I have before me the Convention on Human Rights and Biomedicine. Article 21 states that the human body and its parts shall not, as such, give rise to financial gain. We are signatories to the Convention. I am simply making it specific that we will allow altruistic, or what in Kenya we call traditional surrogacy, where a woman is helped to carry pregnancy to term, but the person carrying the pregnancy is not paid on commercial terms.

**The Temporary Chairman** (Hon. Omboko Milemba): Very well.

**Hon. Peter Kaluma** (Homa Bay Town, ODM): So that it does not appear that a woman has been hired for gain, which is prohibited by the Conventions to which we are a party to.

Thank you, Hon. Temporary Chairman. Otherwise, I support the other Committee amendments.

*(Question of the amendment proposed)*

**The Temporary Chairman** (Hon. Omboko Milemba): Very well. Hon. Millie.

**Hon. Millie Odhiambo-Mabona** (Suba North, ODM): Chair, whereas I may not have a problem with the proposed amendments by Hon. Kaluma, who, if I got correctly, seeks to delete sub-clauses (a), (b) and (c), the clauses that he seeks to delete provide a framework for the protection and advancement of assistive reproductive technology services for every person, create an enabling environment for the education of infertility and subfertility in Kenya, and ensure access to quality and comprehensive assistive reproductive technology services. Even though I may have no problem with this as a further amendment, I have a problem with the deletion. I do not see what is wrong with providing a framework for assistive technology.

The problem we have in our country is that without a framework, the assistive reproductive technology is subject to abuse. It has no regulation or framework. We are not here to just provide for surrogacy, but also to provide a framework to regulate that sector. If we do not regulate that sector, then people will end up misusing it. My aim with Hon. Kaluma is similar. Sometimes, you may be on the same path, but think that you are on the wrong path. My aim is to ensure that the process does not take advantage of couples who are trying to get assistive reproduction. For example, without a framework, one person can donate even a hundred times, resulting to children who are related, but do not know each other. This is why we need a framework. I would encourage Hon. Kaluma to move his as a further amendment, but drop the deletion.

**The Temporary Chairman** (Hon. Omboko Milemba): Hon. Irene.

**Hon. Irene Mayaka** (Nominated, ODM): Thank you very much, Hon. Temporary Chairman.

I also support Hon. Kaluma's amendments. However, as Hon. Millie says, we are deleting the intent of this Bill if we delete Clause 4(a), (b) and (c). They speak to what the Bill is supposed to cure. Hon. Kaluma is proposing amendments that are deleting the framework that is created by Clause 4(a), (b) and (c). I also feel that we should have further amendments that do not delete Clause 4(a), (b) and (c).

**The Temporary Chairman** (Hon. Omboko Milemba): Very well. Let me hear Hon. Caroli on this. I wonder what you were doing during winnowing. We should have really agreed on this.

*(Hon. (Dr) Robert Pukose spoke off the record)*

We shall come to you, Chairman.

**Hon. Caroli Omondi** (Suba South, ODM): Both Hon. Millie and Hon. Kaluma are right. Hon. Kaluma is trying to bring purity into the framework, while Hon. Millie says that there must be a framework to house the purity. We should avoid the deletions as well as incorporate the amendments that are proposed by Hon. Kaluma. That is my proposal.

Thank you.

**The Temporary Chairman** (Hon. Omboko Milemba): *Daktari* and then Hon. Kaluma.

**Hon. (Dr) James Nyikal** (Seme, ODM): I actually agree with what honourable colleagues have said. Let Hon. Kaluma's amendments be in addition to what exists. Hon.

Kaluma's amendments are looking at very high-level moral issue that we cannot avoid. When you look at the management in the Bill as it is, we need what is in the Bill now. We need a framework. Whether it altruistic or something else, we still need that framework.

Again, I am wondering how we will handle it. The Chair's amendments bring exactly what Hon. Kaluma says prohibits commercial surrogacy, which I also agree with. In a way, I agree with all of Hon. Kaluma's amendments except the deletion he is coming with. We should just add it on top.

**The Temporary Chairman** (Hon. Omboko Milemba): Let us hear Hon. Kaluma himself.

**Hon. Peter Kaluma** (Homa Bay Town, ODM): This is the beauty of the Committee of the whole House. I am grateful because we are learning from the experiences of each other.

If you look at my proposals cumulatively, I was breaking the idea of the framework in Clause 4(a) to make it more specific. I request Hon. Millie to look at it. The current Clause 4(a) says: "To provide a framework for the protection and advancement of".

That is why I said my amendments are if we are not deleting "the protection and advancement of". Hon. Millie, I agree we should provide a framework for assisted reproduction. We can remove that. As all Members consult, I am fine with it if the House can guide us on how to integrate that into the Bill. Otherwise, my amendments were just breaking down the framework. What is the framework around? It is specifically prohibiting commercial surrogacy, permitting altruistic surrogacy, and doing everything incidental to the two.

**The Temporary Chairman** (Hon. Omboko Milemba): Let me hear the suggestions from Millie because we are just trying to get a middle ground. In one minute, Hon. Millie.

**Hon. Millie Odhiambo-Mabona** (Suba North, ODM): Thank you, Hon. Temporary Chairperson.

The Chair can adopt what Hon. Kaluma is suggesting as a further amendment since he is seeking a deletion. If you look at Hon. Kaluma's amendments, they are focussed on surrogacy. Surrogacy is only one small component of the Bill. The entire Bill is not about that. The entire Bill is about different issues, like how to store gametes. How do we license? How do we provide standards? It is a framework. I not mind if we provide an amendment that provides a framework for assisted reproduction technology services as Hon. Kaluma is suggesting. I am okay with that.

Hon. Kaluma cannot do it since he is moving a deletion. It will have to be the Chair.

**The Temporary Chairman** (Hon. Omboko Milemba): The Chair has heard all of you. That is why I am giving him a chance to now put everything in perspective.

Proceed. Hon. Chairman.

**Hon. (Dr) Robert Pukose** (Endebess, UDA): Thank you, Hon. Temporary Chairman. I have listened to Hon. Kaluma. I also listened to him when he appeared before the Committee. We decided in Clause 4 (a) that we need to provide a framework for the protection and advancement of assisted reproductive technology services. However, that is where we stopped. About us adding the words "every person", we had an argument and Hon. Kaluma said it has to be "heterosexual." I am talking about Clause 4(a)

*(Hon. Kaluma spoke off the record)*

**The Temporary Chairman** (Hon. Omboko Milemba): Give Hon. Kaluma the microphone.

**Hon. Peter Kaluma** (Homa Bay Town, ODM): Hon. Temporary Chairman, what we have agreed with the Chairman is that we will retain the current 4(a)(b)(c), save that in 4(a), which I was proposing to amend, we will delete the words "the protection and advancement of" so that it reads: "Provide a framework for assisted reproductive technology services for

every person.” However, we will retain 4(b) and 4(c) with your guidance as the Chairman. The request that I made was that you integrate any part of my proposed amendments. Hon. Nyikal and Hon. Millie agree.

**Hon. (Dr) Robert Pukose** (Endebess, UDA): Hon. Temporary Chairman, can I move my amendments and then move Hon. Kaluma’s as further amendments?

**The Temporary Chairman** (Hon. Omboko Milemba): You can move them and then we ask Hon. Kaluma to withdraw his proposed amendments and allow the proposed amendments to be done by the Chairman of the Committee as per what they agreed. That will still work for all of us.

**Hon. Peter Kaluma** (Homa Bay Town, ODM): Hon. Temporary Chairman, I withdraw my amendments.

*(Proposed amendment by Hon. Peter Kaluma withdrawn)*

**The Temporary Chairman** (Hon. Omboko Milemba): Very well. That is the order that we needed. Let us now allow the Chairman to proceed.

**Hon. (Dr) Robert Pukose** (Endebess, UDA): Hon. Temporary Chairman, I beg to move:

THAT, Clause 4 of the Bill be amended by—

- (a) deleting the words “object and purpose” appearing in the marginal note and substituting therefor the word “objects”;
- (b) by deleting the words “protection and advancement” appearing in paragraph (a); and,
- (c) inserting the following new paragraphs immediately after paragraph (c) —
  - “(d) ensure the best interest of children;
  - (e) facilitate the registration of children born out of gestational surrogacy arrangements;
  - (f) promote research into the incidence, causes and prevention of infertility;
  - (g) provide a framework for surrogacy arrangements;
  - (h) prohibit commercial surrogacy; and,
  - (i) establish an assisted reproduction Directorate”.

*(Question of the amendment proposed)*

*(Question, that the words to be left out be left out, put and agreed to)*

*(Question, that the words to be inserted be inserted, put and agreed to)*

*(Clause 4 as amended agreed to)*

**Hon. (Dr) Robert Pukose** (Endebess, UDA): Hon. Temporary Chairman, I beg to move:

THAT, the Bill be further amended in Clause 4 by deleting paragraph

- (a) and substituting therefor with the following new paragraph—
  - (a) permit altruistic surrogacy;



*(Question of the further amendment proposed)*

*(Question, that the words to be left out be left out, put and agreed to)*

*(Question, that the words to be inserted in place thereof be inserted, put and agreed to)*

*(Clause 4 as further amended agreed to)*

*Clause 5*

**Hon. Peter Kaluma** (Homa Bay Town, ODM): Hon. Temporary Chairman, I beg to move:

THAT, the Bill be amended by deleting Clause 5.

Clause 5 in the current Bill says: “Subject to Section 8 of the Health Act 2017, the Cabinet Secretary shall form a directorate to be known as the assisted reproductive technology directorate.”

Hon. Temporary Chairman, the reason as to why I propose this amendment is for the help of everybody who wants surrogacy because this is what this Bill is all about. I start by clarifying that in some jurisdictions, it is called Assisted Reproductive Technology Bill while in others, it is merely called Assisted Reproduction Bill. In several others, it is just called Surrogacy Bill. There is nothing new. This is what surrogacy is all about.

This clause proposes the establishment of a directorate. Looking at the Health Act 2017, the directorate, in terms of the proposed functions which we will see later, is largely to license the medics who will be involved in that practice and also the surrogacy clinics providing procedures for surrogacy. It offers supervision. I appeared before the Committee and I said we already have a body in that Act called the Kenya Medical Practitioners and Dentists Council, which does all that. So, I propose to delete Clause 5 so that there is no need to create a directorate. In later provisions, those roles will all be falling under the Kenya Medical Practitioners and Dentist Council, which is already a statutory body with that mandate.

I add, beyond that rationale, that if we pass a law such as this one, we need to remember the position the Attorney-General took during public participation. They are waiting to come up with a public policy on the matter. My fear is that if we send it back to the Cabinet Secretary with the position the Government has already taken, we will have an Act of Parliament for which there will be no framework even in terms of that proposed directorate. With the position they have taken, they will hesitate to establish it. For cleanliness, let us make a law that will enable the provision of services to Kenyans who cannot naturally conceive and deliver without creating directorates to do things for which we already have statutory bodies duly established and properly run.

Thank you, Hon. Temporary Chairman.

*(Question of the amendment proposed)*

**The Temporary Chairman** (Hon. Omboko Milemba): The first bite goes to Hon. Millie and then Hon. Daktari.

**Hon. Millie Odhiambo-Mabona** (Suba North, ODM): Hon. Temporary Chairman, the Departmental Committee on Health had encouraged me to use the existing body. My only challenge is that Hon. Kaluma is deleting without replacing. If we delete without giving that

mandate, say, even if we were to give it to a village health centre... That mandate needs to lie somewhere by law. So, what I need to know is where this mandate lies.

I indicate, yet again, that surrogacy is a component of this Bill. The main component of this Bill is not just surrogacy. There are many women who I talked to when I started this process, who have carried children of their own with challenges without surrogacy. So, it is not about surrogacy. If we do not provide that framework, a lot of couples will end up being exploited. I recently learned, when I was having a discussion somewhere, of two very prominent people who are having the same problem. There is no proper regulation and framework. So, for that reason, people get taken advantage of. I want to encourage... In any event, I see our time is less.

**The Temporary Chairman** (Hon. Omboko Milemba): No! We are very much in order Hon. Millie. I give a chance to *Daktari*. I will give a chance to Hon. (Prof) Guyo Jaldesa.

**Hon. Millie Odhiambo-Mabona** (Suba North, ODM): We should provide that framework in law.

**The Temporary Chairman** (Hon. Omboko Milemba): Hon. (Prof) Jaldesa. Meanwhile, Hon. Chairman, just like we did with the earlier one, take notes. That is why I have looked in your direction. Proceed.

**Hon. (Prof) Guyo Jaldesa** (Moyale, UPIA): Thank you, Hon. Temporary Chairman. Hon. Millie has said that Assisted Reproductive Technology is not surrogacy. It is good for people to get it correctly. Surrogacy is one component of assisted reproduction. There are many ways that are used, for example, intra-uterine insemination.

The Bill is aimed at one thing - how do we assist a woman who desires to conceive?

**The Temporary Chairman** (Hon. Omboko Milemba): Hon. (Prof) Jaldesa, are you moving this Bill again?

**Hon. (Prof) Guyo Jaldesa** (Moyale, UPIA): No.

**The Temporary Chairman** (Hon. Omboko Milemba): Be precise.

**Hon. (Prof) Guyo Jaldesa** (Moyale, UPIA): In clause 5 of the Bill, we do not need to set up a directorate, but a secretariat within the Kenya Medical Practitioners and Dentists Council. It is provided by law. You cannot solve it by deleting Clause 5, but amending it so that we have a secretariat dealing with Assisted Reproductive Technology.

**The Temporary Chairman** (Hon. Omboko Milemba): We have heard you. Yes, Hon Caroli.

**Hon. Caroli Omondi** (Suba South, ODM): Thank you very much, Hon. Temporary Chairman. Hon. Kaluma is right in terms of licensing. It is a preserve of the Kenya Medical Practitioners and Dentists Council, but we need a repository within the Ministry of Health of all the information relating to Assisted Reproductive Technology. We need a hub where somebody can go and get information, whether you are doing research, there is a dispute, or the courts need assistance. It is the same with the adoption of children. We need one central repository which we can either call a directorate or a...

**The Temporary Chairman** (Hon. Omboko Milemba): Secretariat.

**Hon. Caroli Omondi** (Suba South, ODM): Yes. The Government language is establishing a "Directorate".

**The Temporary Speaker** (Hon. Omboko Milemba): Finally, Hon. (Dr) James Nyikal.

**Hon. (Dr) James Nyikal** (Seme, ODM): Thank you, Hon. Temporary Chairman. We are doing very well in this Bill because we seem to concur. A unit is required that will keep that information which is over and above what you normally have for other patients. We agreed we do it in the Kenya Medical Practitioners and Dentists Council. However, we need your guidance on how we will do it. If we delete this Clause, where will we bring in the issue of the Kenya Medical Practitioners and Dentists Council to do the job which we have all agreed should be done?

**The Temporary Chairman** (Hon. Omboko Milemba): Thank you, Hon. (Dr) James Nyikal. That is why I bring in the Chairman of the Committee. Remember this has been the pet subject of Hon. Millie.

*(An Hon. Member spoke off the record)*

No. Let us hear Dr. Pukose now.

**Hon. (Dr) Robert Pukose** (Endebess, UDA): Hon. Temporary Chairman, when Hon. Kaluma brought this issue, initially, we thought we could do it under the Kenya Medical Practitioners and Dentists Council. After further consultations between the Kenya Medical Practitioners and Dentists Council, the Ministry and me, we felt that we should establish a directorate. The Kenya Medical Practitioners and Dentists Council will still have a function in registration and licensing of facilities, and even determining the qualifications of who runs them - whether it is an embryologist or any other professional.

I urge Hon. Kaluma to drop the amendment so that we can retain the Committee's amendment. The clause will remain the way it is in the Bill. It says that we need to have a directorate in the Ministry of Health that is solely responsible for Assisted Reproductive Technology. It is because this is a specialised area. There is nothing wrong with having a directorate that deals with Assisted Reproductive Technology. It does not incur an extra cost. It is still a re-organisation of the Ministry.

**The Temporary Chairman** (Hon. Omboko Milemba): We are closing ranks, Hon. Kaluma.

**Hon. Peter Kaluma** (Homa Bay Town, ODM): Hon. Temporary Chairman, I appeared before the Committee. As Hon. Millie has confirmed, I persuaded all of us who were before the Committee during harmonisation on the need not to establish a directorate to deal with matters whose mandates are already given by the Medical Practitioners and Dentists Act. I have given good reasons for it. I am still not persuaded. Before the Chairperson spoke, I was already thinking of an amendment instead of a total deletion of Clause 5, to say that the Kenya Medication Practitioners and Dentists Council (KMPDC) shall establish a secretariat known as Assisted Reproductive Technology Secretariat. That way, it will flow. When we start creating a directorate for every facet of health, you can imagine how many we shall establish. They also have ramifications on the finances of the State.

Beyond that, my fear about establishing a whole directorate is that if you see the things being mandated not only as matters under the remit of KPMD, we will also be creating a structure for commercial surrogacy which we have already prohibited. Looking at all jurisdictions where altruistic surrogacy is permitted...

I appeared before the Committee with an outline in terms of assisted reproduction across the world. Commercial surrogacy is prohibited because of that convention I read. They do not prohibit words like "directorate" or "commissioning parent". I think I persuaded the Committee on this because it brings the idea of commercialisation.

However, let us have a secretariat that licenses practitioners and sets guidelines that we are talking about here. It should establish, with clarity, the procedure for licensing and supervision of clinics within the Kenya Medical Practitioners and Dentists Council.

Thank you, Hon. Temporary Chairman.

**Hon. Millie Odhiambo-Mabona** (Suba North, ODM): On a point of order, Hon. Temporary Chairman.

**The Temporary Chairman** (Hon. Omboko Milemba): What is your point of order, Hon. Millie, and we are constrained of time.

**Hon. Millie Odhiambo-Mabona** (Suba North, ODM): Thank you, Hon. Temporary Chairman. I think we need to be clear that in the earlier amendment, we outlawed commercial

surrogacy. So, it does not even arise. It will not arise again even as we go on. This has been a very consultative process. Personally, as Hon. Millie, since I am not a medic, I do not care where it is going to be situated so long as there are structures and regulations. However, the Ministry of Health advised me to create a directorate. We had initially created a different body but they told me...

*(A Member spoke off the record)*

You cannot have a point of order on a point of order.

Hon. Temporary Chairman, they are the ones who advised us to come up with a directorate. I do not care where it will be situated. It can be in a village so long as we have something that ensures some form of regulation. So, I wish to defer to the Chairperson because he is an expert on this one.

**The Temporary Chairman** (Hon. Omboko Milemba): Hon. Millie, thank you for those sentiments. Hon. Kaluma, we are constrained of time.

*(Hon. Peter Kaluma spoke off the record)*

No, Hon. Kaluma. We are constrained of time. Therefore, we shall stop there. I will give you a chance over the lunch hour to have a *tete-a-tete* because I can see you are trying to make a very good law. I am very constrained to put the question because I see the losses that will ensue. We shall end there for now. Mover to report.

**Hon. (Dr) Robert Pukose** (Endebess, UDA): Hon Temporary Chairman, I beg to move that the Committee do report to the House its consideration of the Assisted Reproductive Technology Bill, (National Assembly Bill No. 61 of 2022), up to Clause 4, and its approval thereof with amendments and seeks leave to sit again.

*(Question proposed)*

*(Question put and agreed to)*

*(The House resumed)*

IN THE HOUSE

*[The Temporary Speaker (Hon. Martha Wangari) in the Chair]*

## MOTIONS

### CONSIDERATION OF REPORT ON THE COFFEE BILL

**The Temporary Speaker** (Hon. Martha Wangari): Hon. Members, we will start with the Coffee Bill.

**Hon. Omboko Milemba** (Emuhaya, ANC): Hon. Temporary Speaker, I beg to report that the Committee of the whole House has considered the Coffee Bill, (Senate Bill No.10 of 2023), and approved the same with amendments.

**The Temporary Speaker** (Hon. Martha Wangari): Mover.

**Hon. (Dr) Robert Pukose** (Endebess, UDA): Hon. Temporary Speaker, I beg to move that the House do agree with the Committee in the said Report. I also request Hon. (Prof)

Jaldesa to second the Motion for agreement with the Report of the Committee of the whole House.

**The Temporary Speaker** (Hon. Martha Wangari): Professor.

**Hon. (Prof) Guyo Jaldesa** (Moyale, UPIA): I second.

*(Question proposed)*

**The Temporary Speaker** (Hon. Martha Wangari): We shall prosecute the Assisted Reproductive Bill now. Hon. Temporary Chairman.

CONSIDERATION OF REPORT ON THE  
ASSISTED REPRODUCTIVE TECHNOLOGY BILL

**Hon. Omboko Milemba** (Emuhaya, ANC): Hon. Temporary Speaker, I beg to report that the Committee of the whole House has considered the Assisted Reproductive Technology Bill, (National Assembly Bill No. 61 of 2022), up to Clause 4, and approved the same with amendments and seek leave to sit again.

**The Temporary Speaker** (Hon. Martha Wangari): Mover.

**Hon. (Dr) Robert Pukose** (Endebess, UDA): Hon. Temporary Speaker, I beg to move that the House do agree with the Committee in the said Report. I also request Hon. Millie-Odhiambo to second the Motion for agreement with the Report of the Committee of the whole House.

**The Temporary Speaker** (Hon. Martha Wangari): Hon. Millie.

**Hon. Millie Odhiambo-Mabona** (Suba North, ODM): I second.

*(Question proposed)*

**ADJOURNMENT**

**The Temporary Speaker** (Hon. Martha Wangari): Order, Hon. Members. The time being 1.13 p.m., this House stands adjourned until today Wednesday, 27<sup>th</sup> November 2024 at 2.30 p.m.

The House rose at 1.13 p.m.

*Published by*  
Clerk of the National Assembly  
Parliament Buildings  
Nairobi