

PARLIAMENT OF KENYA

THE SENATE

THE HANSARD

Tuesday, 15th April, 2025

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

[The Speaker (Hon. Kingi) in the Chair]

PRAYER

DETERMINATION OF QUORUM AT COMMENCEMENT OF SITTING

The Speaker (Hon. Kingi): Clerk, do we have quorum?
Serjeant-at-Arms, kindly ring the Quorum Bell for 10 minutes.

(The Quorum Bell was rung)

Hon. Senators, we now have quorum.
Clerk, proceed to call the first Order, please.

QUESTIONS AND STATEMENTS

STATEMENTS

Statements pursuant to Standing Order No.53(1); Senator for Kisumu County,
Sen. (Prof.) Tom Ojienda, proceed.

STATUS OF INFRASTRUCTURE DEVELOPMENT ALONG KISUMU-BUSIA ROAD

Sen. (Prof) Tom Odhiambo Ojienda, SC: Thank you, Mr. Speaker, Sir.

I have three Statements this afternoon. The first Statement is on the status of Kisumu-Busia Road infrastructure.

I rise pursuant to Standing Order No.53(1) to seek a Statement from the Standing Committee on Roads, Transportation and Housing on a matter of inter-county concern regarding the status of infrastructure development along the Kisumu-Busia Road corridor.

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The Kisumu-Busia Road is a crucial transport link for trade, movement of goods and regional integration between Kenya, Uganda and the other East African countries. The improvement of this corridor is expected to ease congestion, enhance economic activities and promote cross-border trade. However, while there have been discussions on the upgrading of this road to a dual carriageway, there is no confirmed full-scale dual carriageway project currently under construction.

In the Statement, the Committee should address the following-

(1) Whether there are concrete Government plans to fully upgrade the Kisumu-Busia Corridor into a full dual carriageway and if so, provide the implementation timelines, funding sources and budgetary allocations for such a project.

(2) The ongoing feasibility studies for the multinational Kisumu-Kisian-Kakira-Malaba-Busitema-Busia Expressway that was commissioned by the East African Community (EAC) in November, 2024, including its scope and expected outcomes.

(3) The status of land acquisition and compensation plans for affected persons along the proposed expansion areas and whether public participation and stakeholder consultations have been conducted regarding the proposed road improvements pursuant to Article 232(1)(d) of the Constitution.

(4) Measures in place to ensure the ongoing and future road improvements along the corridor are aligned with national infrastructure priorities and benefit local communities.

STATUS OF MARKET ACCESS FOR LOCAL FARMERS IN KISUMU COUNTY

Mr. Speaker, Sir, my second Statement is on market access for local farmers in Kisumu County.

I rise pursuant to Standing Order No.53(1) to seek a Statement from the Standing Committee on Agriculture, Livestock and Fisheries on a matter of countywide concern regarding the status of market access for local farmers in Kisumu County.

Kisumu County plays a pivotal role in the country's agricultural output, producing key food and cash crops such as maize, sugarcane, vegetables and fish. However, despite the efforts by many farmers, they have been unable to access structured and rewarding markets both locally and beyond. This has led to post-harvest losses, poor pricing and limited income growth. This situation, continues to discourage agricultural investment and productivity in Kisumu County.

In the Statement, the Committee should address the following-

(1) Measures put in place by the national and county governments to support farmers in accessing structured markets in the national and international levels, including linkages to exporters, processors and institutional buyers.

(2) Plans to improve agricultural infrastructure such as feeder roads, coal storage and transportation systems to ensure timely and efficient delivery of produce to major markets and export points.

(3) Progress made in establishing aggregation centres, market hubs and digital platforms to enhance access to price information, buyer networks and direct market access for farmers in Kisumu County.

(4) The support of value addition and certification to help local producers meet national and global market standards and tap into export opportunities.

(5) Strategies to protect farmers from exploitation by middlemen and guarantee fair pricing, including reforms in cooperative marketing, contract farming and transparent market relation.

ELEVATION OF KISUMU NATIONAL POLYTECHNIC
TO A TECHNICAL UNIVERSITY

Mr. Speaker, Sir, my last Statement is on the elevation of Kisumu National Polytechnic to a technical university.

I rise pursuant to Standing Order No.53(1) to seek a Statement from the Standing Committee on Education on a matter of countywide concern regarding the elevation of Kisumu National Polytechnic to a technical university.

Kisumu National Polytechnic, being one of the leading polytechnics in this country, plays a pivotal role in equipping the youth with technical and vocational skills and thereby, contributing significantly to the economic development of the region and the nation at large. Elevating this institution to a technical university would not only expand access to higher education within Kisumu and its environs, but also enhance research, innovations and industrial linkages which are critical for national growth.

Moreover, such a transformation would align with the Government's agenda of strengthening Technical and Vocational Education and Training (TVET) institutions to bridge the skills gap in the job market.

In the Statement, the Committee on Education should address the following-

(1) The criteria and requirements necessary for such elevation and whether Kisumu National Polytechnic meets these requirements.

(2) Plans by the State Department for TVET to elevate Kisumu National Polytechnic to a technical university, including a timeline for the process.

(3) Budgetary allocations, if any, that have been set aside for the elevation and expansion of the institution to meet university status.

(4) How the proposed elevation will impact technical education, skills development and employment opportunities for the youth in the region.

(5) Whether public participation or stakeholder engagements have been conducted to assess the viability and necessity of the elevation, in line with Article 232(1)(d) of the Constitution.

Thank you, Mr. Speaker, Sir.

The Speaker (Hon. Kingi): I will allow 15 minutes of comments on those three Statements.

Senator for Nandi County, you may proceed.

Sen. Cherarkey: Thank you, Mr. Speaker, Sir, for this opportunity. I just want to seek further clarification on the Statement regarding the status of the Kisumu-Busia Road infrastructure.

I would like the Committee on Roads, Transportation and Housing to also consider the dueling and upgrading of Uplands-Nakuru-Eldoret-Bungoma-Malaba Road so as to expand it. This is because as we speak, the road is so narrow that the people who use this road take up to five hours to travel from Nairobi-Eldoret-Malaba-Bungoma, all the way to the North Rift and Western Kenya. For example, on a busy weekend such as the upcoming Easter weekend, which is a holy week as per the Catholic calendar, we will travel for almost 10 to 15 hours on the road; even for those who are travelling to Kisumu. I hope the Committee will prioritise the matter of this road.

In the last Session, we were told that France was willing to do Public Private Partnership (PPP) on this road. Later on, we were also told that Americans and the Chinese also want to do the same road. This is the only road that links Nairobi with Western part of Kenya.

We are not even talking about the Mau Mau Roads, which are being done up to the local village. This one supports the economy of transporting goods and services between Nairobi, Western Kenya, parts of North Rift and even Kisumu. I really want to know the status of this road.

Mr. Speaker, Sir, for example, I know that all the five tarmac roads in Nandi County are stalled. If you talk about the Nandi Hills-Himaki Road, the one that links Eldoret, Kapsabet, Kakamega and Vihiga; it is so narrow. It is unfortunate that they did expand only up to Chavakali and Sen. Osotsi knows that.

I asked the Prime Cabinet Secretary why they only repaired from Majengo to Chavakali and yet, the road is so narrow from Chavakali to Cheptulu, Kapsabet and Eldoret. This is the case in other parts of this country such as Mosop, all the way from Tulwa to Mudete and from Kamasai to Luanda. It is very unfortunate. I can see that the chairperson for the Committee on Roads, Transportation and Housing is smiling and these are serious matters.

We were told that they are coming to Government as experts through the broad based Government. We want to see their expertise on the expansion of these roads. Yes, we want to see the expertise. I do not know his expertise. Last time, he was in the USA playing with numbers and telling us about Jose Camargo.

If you look at this road between Eldoret to Bungoma, a place called Kaburengu, we have lost many people. We have also lost many people in Nakuru because of accidents. We are losing many people along Nairobi, Bomet, Kericho to Kisumu. I want to agree with Sen. (Prof.) Ojienda that we will make this thing a reality.

Mr. Speaker, Sir, there is a problem with issues of compensation. We must agree that there are many Kenyans who are yet to be compensated. There was an opaque compensation programme in Eldoret Bypass. Compensation for people who were affected at Kipsigak junction and Kobujoi along Aldai to Serem road was never done. Kenyans should be compensated. My professor of Law is here and the Constitution is very clear that anybody who is displaced should be compensated according to the market rate.

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Mr. Speaker, Sir, I am told that there are senior Government officials - whenever they know that the road near a certain village is due to be tarmacked - they buy land for speculative purposes during feasibility studies, displacing genuine Kenyans who should be compensated. Therefore, Kenyans should be compensated at the market rate.

With those very many remarks, I hope this issue of roads can be addressed once and for all. Let us not divert the roads to one region. Sen. Wambua supports the other side, but he has never asked those people why are they doing Mau Mau roads and not Mekatilili wa Menza or the freedom fighters from Ukambani. There should also be a Mekatilili wa Menza Road.

I thank you.

The Speaker (Hon. Kingi): Proceed, Sen. Osotsi.

Senator for Nandi, get your history correct.

Sen. Osotsi: Thank you, Mr. Speaker, Sir. I wish to comment on the Statement by Sen. (Prof.) Ojienda regarding the dualling of the Kisumu-Busia Road, which happens also to pass through my county; between Maseno and Yala.

Mr. Speaker, Sir, you know Uganda is a key trading partner of Kenya. In fact, in terms of trade volume, Uganda is a number one trading partner for Kenya. Therefore, all roads or transport systems connecting Kenya to Uganda must be enhanced. We have a serious problem because this road was last repaired more than 15 years. This road carries all cargo traffic from Mombasa to Uganda and all manner of transport processes that are involved in transporting goods from Mombasa to Uganda. Something has to be done and I know it has been in the plans. Even in Vision 2030, there was a plan to dual this road, but nothing much is happening, not even repairs. This is why we are very concerned about the Roads Maintenance Levy Fund (RMLF).

The RMLF should be used to repair such strategic roads. Unfortunately, we are unable to access RMLF because of the conduct of the National Assembly trying to ensure that this money remains with them. It must come out very clearly that if we are not maintaining roads in this country, the reason is Members of the National Assembly. If you are driving on a muddy road, just blame the MP of the area where you are driving through.

Mr. Speaker, Sir, this weekend I had a lot of problems going through my county because the roads are in a bad shape and Members of the National Assembly are fighting to control this money. Why are Kenyans not seeing what these people are doing; the kind of injustice they are doing to the people of Kenya? I had brought a Motion of adjournment on this matter, but unfortunately, my Motion has been denied.

I will not complain about that, but I think we need time to discuss about the fight against devolution in this country. We cannot continue living like this. Devolution is the best thing that ever happened in this country since Independence, but we are seeing that the Members of the National Assembly want to control county roads, markets and they are even constructing hospitals.

Mr. Speaker, Sir, as a Senate, under Article 96 of the Constitution, we have the powers to protect devolution. We will do that protection with all the strength that we have, anywhere we are; whether we are in a *baraza* or in this House. We will protect devolution. I am asking Members that we have to come out and fight. I know this

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afternoon the National Assembly will be talking about what our party leader, Raila Odinga, said. He said the truth, that the real people fighting devolution in this country are Members of the National Assembly.

(Applause)

We should not be ashamed. We need to call them out. They are controlling the National Government Constituencies Development Fund (NG-CDF) and they want to encroach onto other functions which are not theirs. We should not allow this.

I support this Statement.

The Speaker (Hon. Kingi): Proceed, Sen. Wamatinga.

Sen. Wamatinga: Thank you very much, Mr. Speaker, Sir. I also rise in support of the Statement. Indeed, there is no single country that has ever progressed without taking the basic infrastructure; the connectivity that connects a community and country. We know the importance of regional integration. Most of the business partners lie across borders. It is important to ensure that we not only put the necessary resources, but also improve the infrastructure that will ensure the flow of human goods and facilitate the mobility of labor as envisaged in our East African Community (EAC) undertaking.

Mr. Speaker, Sir, it cannot be overemphasized, the importance of us leaders not only fighting over the resources but ensuring that services are delivered timely to the people and by using the right channels. As has been said by my colleague Sen. Osotsi, indeed, devolution came and changed many counties. It would achieve even more wonders if we allocated more resources to them.

We started this Senate on a high note of unbundling all the devolved functions and ensuring that budgets follow them. That has remained elusive. The political goodwill that was brought on the table is dwindling by the minute. It is only two years to election. We will all place ourselves before the electorate and say what we have been able to do. Therefore, we should speak with the voice of reason, whether we sit in the National Assembly, in the Senate, or in the governor's office.

At the Governor's office people have been known to lack accountability and use the resources that have been allocated to not only do what they think will advance their political goals, but sometimes with skewed priorities. Therefore, as the leadership of this country, it is important that we call them out and tell them that the governors must get what they are entitled to get, but then they should allocate resources depending on the priorities as envisaged by our 2010 Constitution.

As I sit down, indeed, it is a very sad affair that we see the control of the National Assembly on almost everything that gets to pass in this House, be it the allocation of the budget or the oversight role. With too much on their hands, they are left to only mismanage. We must tell ourselves the truth. It is high time that we changed the way we are doing things. It is high time that we confronted the reality that development in any part of this country is development everywhere.

Mr. Speaker, Sir, as I sit down, I listened to the President explain about the construction of roads in the northern part of the country. Indeed, it is very sad that 62 years after Independence, 80 per cent of the landmass of this country remains

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unconnected to the national grid and to the basic infrastructure. It is not a privilege but a right for every Kenyan.

As I address this issue here, I think that it is high time that we get our priorities right and know that the marginalized 80 per cent of the landmass must also contribute to the national Gross Domestic Product (GDP).

I submit.

Sen. Wambua: Thank you, Mr. Speaker, Sir. I do not know why Sen. Sifuna is so happy that I have the microphone.

I also want to make comments on the Statement by Sen. (Prof.) Tom Ojienda on the status of the Kisumu-Busia Road infrastructure. I hasten to say that lately Sen. (Prof.) Tom Ojienda has been very active on matters of infrastructure and the people of Kisumu County should take note.

Having said that, this is a matter that resonates with many of us in the Senate. It shall be remembered that I have raised this matter on the issue of the Kibwezi-Mutomo-Kitui Road many times. That road does not just serve the people of the Mt. Kenya South region. It also serves the region from Mombasa all the way to Isiolo, and connects Kenya with Addis Ababa. It is actually an international transport corridor.

I would urge the committee as they continue to look into these issues, to ensure that that road is completed because the section of road remaining is less than 20 kilometers to connect it to the Mwingi-Garissa Road and then, of course, the payment part.

Mr. Speaker, Sir, allow me once again to add onto that Statement and say that this matter of the RMLF is one that this House needs to make a statement on and ensure that we call out the right people. I agree with Sen. Osotsi, Sen. Wamatinga and the leader of ODM, Hon. Raila Odinga, that one of the greatest enemies of devolution in this country is Members of the National Assembly.

These people behave as though Article 93 of the Constitution was created just for them; that the Senate and nobody else exists apart from the National Assembly. I stand today on the Floor of this Senate to say that even as they consider the statement by Raila Odinga on their role in killing devolution, they should know that Hon. Raila Odinga spoke for Kenyans; he did not even speak for himself.

The other category of leaders that we need to call out as a Senate - and I want my colleagues to listen to me very carefully - is the Council of Governors (CoG). Do you know that I have information that governors are now contemplating withdrawing the case in court on the Kshs10 billion that is supposed to go to counties for roads maintenance, so that in exchange they can be given some little peanuts?

This House is the one supposed to negotiate monies going to counties. It is not the business of governors to negotiate what money goes to the counties. That is not their business. They should wait for the Senate to negotiate what goes to the counties then they implement what has been budgeted for them to implement. I ask my colleagues to rise up, speak to their individual governors and tell them that we are watching. It can never happen that governors will be intimidated or accept to withdraw the case in court before that matter is determined. As a Senate, we believe that the Kshs10 billion is money that

should rightfully go to counties for maintenance of roads. Any other conversation outside that is only a conversation that can be held by governors who are self-interested.

Lastly, there is this money that has been set aside by the National Government from the same RMLF; the Kshs7 tax that has been given to the Ministry of Roads to pay pending bills and complete roads that have not been completed; that is Kshs175 billion. That is the position of the Committee on Roads, Transportation and Housing and the chairman is here. The position is very clear, that a percentage of that amount of money must go to counties.

We should not have a situation where people from Kitui, Kabati or Matinyani, who fuel their vehicles, and Kshs7 is taken from them. That money must go to Nairobi for a decision to be made on how it will be used and yet we are paying that tax at source. A portion of that money must go to counties to ensure that we have equitable distribution of development and resources in this country.

With those remarks, I support.

Sen. Okenyuri: Thank you, Mr. Speaker, Sir. I wish to comment on the Statement by Sen. (Prof.) Tom Ojienda on upgrading Kisumu National Polytechnic to university status.

While I appreciate his thoughts on the same, I would wish that this Statement brings our focus back to whether the current national polytechnics have actually met the intended purpose of the technical training institutions we have had in this country. The essence of technical training institutions is to equip young people with the necessary technical skills.

Can you hear me?

The Speaker (Hon. Kingi): Just draw the microphone closer to your mouth.

Sen. Okenyuri: Okay, thank you, Mr. Speaker, Sir.

I wish to state the following. While I appreciate the statement by Sen. (Prof.) Tom Ojienda on upgrading Kisumu National Polytechnic to a university, I would also wish that the Statement draws us to some of the following concerns.

Technical training institutions and national polytechnics are meant to equip young people with technical skills relevant for the job market. Currently, we have achieved the goal of constructing these institutions in various constituencies and counties. I see a general clamour from the political wing to have many of these institutions in their areas, but we are missing out on a major aspect.

These institutions, which are providing training are not producing students who can fill the job market. You have a technical institution, which is training on issues of plumbing. However, around those areas, we do not have that market to get these graduates who are coming out of those institutions. I would wish that as we request that some of these institutions be upgraded to university status, we do not miss the point of meeting societal needs for those areas. Take a case study of SOS Technical Training Institute. They are training on issues to do with dairy farming and how students can preserve dairy farms and dairy products that are brought there. However, when you compare the number of students who will be absorbed outside, the number is very negligible. That is a blow to the young people who are expecting to get jobs in their different areas of study other than what we hoped for.

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Mr. Speaker, Sir, I want to complete by supporting the Statement by the Professor on the issue of funds set aside for the road network. As my colleagues have mentioned, the biggest enemy that is trying to kill devolution is the National Assembly. I wish that they would put themselves in our shoes because we have Members who were initially in the National Assembly and now in the Senate. You might be opposing things thinking that at no point will you ever be a Member of the Senate, and then you end up at the Senate and suffer the same frustration. We do not want to be lamenting about this.

As usual, we process their Bills or issues that are coming from them with ease. However, anytime we have matters that are touching devolution and protecting the interest of counties, the National Assembly colleagues sabotage them. So, I support and urge that all Senators agree on this issue, that we carry it as a joint initiative.

Thank you, Mr. Speaker, Sir.

The Speaker (Hon. Kingi): Sen. Sifuna.

Sen. Sifuna: Mr. Speaker, Sir, allow me to add my voice to what my colleagues have said regarding the statement by Sen. (Prof.) Ojienda. As you know, I am a regular user of that road from Kisumu to Busia, because it is the route I use to go and see my mother in the rural areas. I branch off at the Oyugis, join the road through Emuhaya and Sabatia, then go all the way through Mumias to Bungoma.

Mr. Speaker, Sir, the state of that road, especially the distance after Maseno, all the way to Busia Town, as has been described by my colleagues and Sen. (Prof.) Ojienda, is in very bad shape. Allow me to be the devil's advocate for two institutions that have been mentioned very adversely here.

First, let me attempt to say something positive about the Members of the National Assembly. I was in Bondo, just this weekend, where those pronouncements by the Hon. Raila were made. I remember hearing the Leader of Minority in the National Assembly, Hon. Junet Mohammed, saying publicly that they have accepted that in the past they have been an impediment to devolution. However, they were going to change their ways. In fact, he promised that this week there will be a resolution on both matters; the Roads Maintenance Levy Fund (RMLF) and the additional allocation to county governments.

So, my colleagues, let us give them until the end of the week. Luckily for them, they are members of ODM. In ODM, we have only very few basic rules; that when Mzee Baba says left, you go left. So, on this question of RMLF, Baba has said left, and Hon. Junet has agreed that he is going to take that left turn. We are waiting to see it.

On the question of RMLF, I think the Senator for Kitui had called out members of the Council of Governors. I saw that story in the news and they were quoting the Governor of Homa Bay, who is the Chairperson of ODM. In fact, what the Governor said is that because of what the National Assembly Members had given as an undertaking to deal with the question of RMLF and additional allocation this week, then really, as the Council of Governors, they were prepared, upon those concessions being made by the National Assembly, to withdraw that case on RMLF. It was not to say that they were ceding ground. At least, that is how I understood it to be.

Mr. Speaker, Sir, let me just conclude by saying that even here in Nairobi, I was receiving petitions today from residents of Kilimani. They were reminding me of a sporting competition that we used to attend when we were a bit younger, called the Rhino

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Charge. They are saying Rhino Charge can now be easily held in Kilimani because of the state of the roads there and, therefore, we must raise our voices.

Mr. Speaker, Sir, we have said that we need to unlock this question of RMLF; we need these county governments to have funds, but, county governors are hiding behind this RMLF thing because it is not the only source of revenue for county governments. Here in Nairobi, we were told by our governor that we have exceeded, we have gotten the highest ever Own-Source Revenue of about Kshs 12 billion.

We should see an allocation of that money going to roads. Also, when he appeared before the Senate Energy Committee, the Governor of Nairobi City made a commitment that going forward, every person who applies for a construction licence must undertake to return the infrastructure to the same state that they found it. In Kilimani, you repair a road today, the next day somebody is drilling the foundation for a 20-storey building, and the road that you have just repaired the other day is being ruined again because of the heavy trucks that are delivering construction materials.

So, if that is woven into our licensing regime, that if you are a developer, you must return infrastructure to the same condition that you found it, then I think we will be able to make some progress. As we have said, we as a Senate, will defend devolution at all times. The threats are many.

I was having a conversation with the Governor of Murang'a. The County Government of Murang'a is exercising its mandate. Since water is a devolved function, they decided that they are going to lower rates for the residents of Murang'a. However, there is a national Government organisation called Water Services Regulatory Board (WASREB) that tells the governor that he cannot reduce the cost or the tariff of water for the people. It is ridiculous because WASREB themselves get money out of every liter that the people of Nairobi pay for.

So, if you reduce the cost for the people of Nairobi, you reduce the amount that is going to WASREB, which is a national organisation that should not even be existing. Therefore, we need a wholesome conversation about the state of our roads. We need to unlock the issue of RMLF, but county governors must now allocate resources to develop roads outside of that RMLF infrastructure.

I thank you, Mr. Speaker.

The Speaker (Hon. Kingi): Now, hon. Senators, we will come back to these statements. I wish to rearrange the sequence of today's Order Paper for the convenience of the House. We proceed to prosecute Order Nos. 8, 9, 10, 11, 12, 13, 14 up to 15. Thereafter, we will resume normal flow of today's Order Paper.

Before I allow the Clerk to call those orders in that sequence, allow me to make a communication.

COMMUNICATION FROM THE CHAIR**VISITING FAMILY MEMBERS OF THE FIRST SPEAKER OF THE
SENATE, THE LATE RT. HON. TIMOTHY CHOKWE**

I would like to acknowledge the presence in the Speaker's Gallery this afternoon, of visiting family members of the first Speaker of the Senate, the late Rt. Hon. Timothy Chokwe. They are in the Senate on a study tour.

I request each member to stand when called out, so that you may be acknowledged in the Senate tradition.

- (1) Ms. Alice Damaris Chokwe - Daughter-in-law;
- (2) Mr. Nimrod Mwakitawa Chokwe – Grandson; and,
- (3) Ms. Maria Nziza Kioko - Niece.

Hon. Senators, on behalf of the Senate and my own behalf, I extend a warm welcome and wish them a fruitful visit.

I will allow the Senator of Kilifi County, in under one minute, to extend some words of welcome.

Sen. Madzayo: Asante Bw. Spika. Kwanza ningependa kujiunga nawe katika makaribisho yako uliyowakaribisha ndugu zetu kutoka Kilifi, hususan familia ya Mhe. Chokwe. Tunaelewa kuwa Chokwe alikuwa Spika wa kwanza wa Seneti katika taifa la Kenya. Hii ni familia ambayo inajulikana sana kule Kilifi na imejitolea mhanga kuona ya kuwa watu wa Kilifi wamepata haki yao. Zaidi sana, hawa ndugu zetu wakiwa hapa, wamejionea vile Seneti inavyo fanya kazi. Natumai kuwa wakirudi nyumbani, watakuwa na mambo ambayo wanaweza kuwaeleza ndugu zetu kule nyumbani.

Nikiwa hapa kama Seneta wa Kilifi, ninawakaribisha, wajihusishe na waone wakiwa huru. Waone wakiwa mahali ambapo ndugu zao wako. Kwa hivyo, karibuni sana ndugu zangu kutoka familia ya Chokwe.

Asante, Bw. Spika,

The Speaker (Sen. Kingi): Clerk, you may now proceed to call the orders as I directed.

(The Clerk-at-the-Table called out Order Nos. 8 and 9)

Clerk, allow us to dispose the two Orders, then we move on to the next Order.

Hon. Senators, debate on Order No.8 had been concluded pending the putting of the question. I will put the question. This is a matter that does not concern counties and, therefore, voting shall be by voice.

MOTIONS

ADOPTION OF JOINT REPORT ON RESTRICTING COUNTY GOVERNMENTS FROM HIRING LAW FIRMS FOR LEGAL REPRESENTATION

THAT, the Senate adopts the Report of the Standing Committee on Devolution and Intergovernmental Relations and the Standing Committee on Justice, Legal Affairs and Human Rights on a Petition to the Senate by Mr. Laban Omusundi concerning restraining county governments from hiring law firms to represent them in court cases, laid on the Table of the Senate on Thursday, 3rd April, 2025.

(Sen. Wakili Sigei on 8.4.2025)

(Resumption of debate interrupted on 9.4.2025 – Afternoon Sitting)

(Question put and agreed to)

I will proceed to put the question on Order No.9. Voting shall again be by voice.

ADOPTION OF REPORT ON INQUIRY INTO THE PERSONAL SECURITY CONCERNS RAISED BY HON. PHILOMENA KAPKORY, DEPUTY GOVERNOR, TRANS-NZOA COUNTY

THAT, the Senate adopts the Report of the Standing Committee on Devolution and Intergovernmental Relations on its inquiry into the allegations on personal security concerns raised by Hon. Philomena Kapkory, Deputy Governor, Trans Nzoia County laid on the Table of the Senate on Tuesday, 1st October, 2024.

(Sen. Abass on 10.4.2025)

(Resumption of debate on 10.4.2025)

(Question put and agreed to)

The Speaker (Hon. Kingi): Clerk, you may now proceed to call out Orders No.11 all the way to 15.

BILLS**THIRD READINGS**

THE ENERGY (AMENDMENT) BILL
(SENATE BILLS NO.42 OF 2023)

THE COUNTY PUBLIC FINANCE LAWS (AMENDMENT)
BILL (SENATE BILLS NO.39 OF 2023)

THE COUNTY ASSEMBLY SERVICES (AMENDMENT)
BILL (SENATE BILLS NO.34 OF 2023)

THE COUNTY ASSEMBLIES PENSIONS SCHEME BILL
(SENATE BILLS NO.14 OF 2024)

THE LAND (AMENDMENT) BILL
(NATIONAL ASSEMBLY BILLS NO.40 OF 2022)

Hon. Senators, we are going for division on those orders. I, therefore, direct that the Division Bell be rung for one minute.

(The Division Bell was rung)

Serjeant-At-Arms you may now lock the doors and draw the bars.

(The Doors were locked and bars drawn)

THIRD READING

THE ENERGY (AMENDMENT) BILL
(SENATE BILLS NO.42 OF 2023)

Serjeant-At-Arms, let me know if you are done collecting the unattended cards from the delegates' units. Hon. Senators you may log in and vote.

(Hon. Senators proceeded to vote)

(Voting in progress)

The Speaker (Hon. Kingi): Sen. Lomenen, proceed to the Dispatch Box and cast your vote.

*(Sen. Lomenen approached the Dispatch Box
and registered his vote)*

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THIRD READINGTHE COUNTY PUBLIC FINANCE LAWS (AMENDMENT)
BILL (SENATE BILLS NO. 39 OF 2023)

The Speaker (Hon. Kingi): Hon. Senators, I will proceed to put the question on Order No.12, which is the County Public Finance Laws (Amendment) Bill (Senate Bills No. 39 of 2023).

You may now proceed to vote.

(Hon. Senators proceeded to vote)

THIRD READINGTHE COUNTY ASSEMBLY SERVICES (AMENDMENT) BILL
(SENATE BILLS NO. 34 OF 2023)

Hon. Senators, we will now proceed to put the question on Order No.13.

(Several Senators stood in their places)

Take your seats, hon. Senators, as I proceed to put the question.
You may now proceed to vote.

(Hon. Senators proceeded to vote)

THIRD READINGTHE COUNTY ASSEMBLIES PENSIONS SCHEME BILL
(SENATE BILLS NO. 14 OF 2024)

The Speaker (Hon. Kingi): Order, Hon. Senators. We will now move to Order No.14. I will put the question.

You may now proceed to vote.

(Hon. Senators proceeded to vote)

THIRD READINGTHE LAND (AMENDMENT) BILL (NATIONAL
ASSEMBLY BILLS NO.40 OF 2022

The final division is on Order No.15. I will proceed to put the question.

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You may now proceed to vote.

(Hon. Senators proceeded to vote)

The following honourable Senators should proceed to Dispatch Box and cast their votes; Sen. Mundigi Alexander, Sen. Lenku, Sen. Nyutu and Sen. Kinyua.

(Sen. Munyi Mundigi, Sen. Seki, Sen. Joe Nyutu and Sen. Kinyua walked to the Clerks' Table and registered their votes)

THIRD READING

THE ENERGY (AMENDMENT) BILL
(SENATE BILLS NO.42 OF 2023)

DIVISION

ELECTRONIC VOTING

(Question, that The Energy (Amendment) Bill (Senate Bills No.42 of 2023) be now read a Third Time put, and the Senate proceeded to vote by County Delegations)

AYES: Sen. Abass, Wajir County; Sen. Abdul Haji, Garissa County; Sen. Cherarkey, Nandi County; Sen. Githuku, Lamu County; Sen. Faki, Mombasa County; Sen. Joe Nyutu, Murang'a County; Sen. (Dr.) Khalwale, Kakamega County; Sen. Kinyua, Laikipia County; Sen. Kisang, Elgeyo Marakwet County; Sen. (Dr.) Lelegwe Ltumbesi, Samburu County; Sen. Lomenen, Turkana County; Sen. Madzayo, Kilifi County; Sen. Mbugua, Nyandarua County; Sen. Mungatana, MGH, Tana River County; Sen. Munyi Mundigi, Embu County; Sen. Murgor, West Pokot County; Sen. Ogola, Homa Bay County; Sen. Oketch Gicheru, Migori County; Sen. Omogeni, Nyamira County; Sen. Onyonka, Kisii County; Sen. Osotsi, Vihiga County; Sen. Seki, Kajiado County; Sen. Sifuna, Nairobi City County; Sen. Thangw'a, Kiambu County; Sen. (Prof.) Tom Ojienda Odhiambo, SC, Kisumu County; Sen. Wamatinga, Nyeri County; and, Sen. Wambua, Kitui County.

NOES: Nil

ABSTENTIONS: Nil

The Speaker (Hon. Kingi): Hon. Senators, the results of the Division are as follows-

AYES: 27

NOES: Nil

ABSTENTIONS: Nil

The "Ayes" have it.

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(Question carried by 27 votes to Nil)

(The Bill was accordingly read a Third Time and passed)

THIRD READING

THE COUNTY PUBLIC FINANCE LAWS (AMENDMENT)
BILL (SENATE BILLS NO.39 OF 2023)

DIVISION

ELECTRONIC VOTING

*(Question, that The County Public Finance Laws (Amendment) Bill
(Senate Bills No.39 of 2023) be now read a Third Time put, and
the Senate proceeded to vote by County Delegations)*

AYES: Sen. Abass, Wajir County; Sen. Abdul Haji, Garissa County; Sen. Cherarkey, Nandi County; Sen. Githuku, Lamu County; Sen. Faki, Mombasa County; Sen. Joe Nyutu, Murang'a County; Sen. (Dr.) Khalwale, Kakamega County; Sen. Kinyua, Laikipia County; Sen. Kisang, Elgeyo Marakwet County; Sen. (Dr.) Lelegwe Ltumbesi, Samburu County; Sen. Lomenen, Turkana County; Sen. Madzayo, Kilifi County; Sen. Mbugua, Nyandarua County; Sen. Mungatana, MGH, Tana River County; Sen. Munyi Mundigi, Embu County; Sen. Murgor, West Pokot County; Sen. Ogola, Homa Bay County; Sen. Oketch Gicheru, Migori County; Sen. Omogeni, Nyamira County; Sen. Onyonka, Kisii County; Sen. Osotsi, Vihiga County; Sen. Seki, Kajiado County; Sen. Sifuna, Nairobi City County; Sen. Thangw'a, Kiambu County; Sen. (Prof.) Tom Ojienda Odhiambo, SC, Kisumu County; Sen. Wamatinga, Nyeri County; and, Sen. Wambua, Kitui County.

NOES: Nil

ABSTENTIONS: Nil

The Speaker (Hon. Kingi): Hon. Senators, the results of the Division are as follows-

AYES: 27

NOES: Nil

ABSTENTIONS: Nil

The "Ayes" have it.

(Question carried by 27 votes to Nil)

(The Bill was accordingly read a Third Time and passed)

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THIRD READING

THE COUNTY ASSEMBLY SERVICES (AMENDMENT)
BILL (SENATE BILLS NO.34 OF 2023)

DIVISION**ELECTRONIC VOTING**

*(Question, that the County Assembly Services (Amendment) Bill
(Senate Bills No.34 of 2023) be now read a Third Time, put and
the Senate proceeded to vote by County Delegations)*

AYES: Sen. Abass, Wajir County; Sen. Abdul Haji, Garissa County; Sen. Cherarkey, Nandi County; Sen. Cheruiyot, Kericho County; Sen. Faki, Mombasa County; Sen. Githuku, Lamu County; Sen. Joe Nyutu, Murang'a County; Sen. (Dr.) Khalwale, Kakamega County; Sen. Kinyua, Laikipia County; Sen. Kisang, Elgeyo-Marakwet County; Sen. Lomenen, Turkana County; Sen. Madzayo, Kilifi County; Sen. Mbugua, Nyandarua County; Sen. Mungatana, Tana River County; Sen. Munyi Mundigi, Embu County; Sen. Murgor, West Pokot County; Sen. (Dr.) Oburu, Siaya County; Sen. Ogola, Homa Bay County; Sen. Oketch Gicheru, Migori County; Sen. Omogeni, Nyamira County; Sen. Onyonka, Kisii County; Sen. Osotsi, Vihiga County; Sen. Seki, Kajiado County; Sen. Sifuna, Nairobi City County; Sen. Thang'wa, Kiambu County; Sen. (Prof.) Tom Odhiambo Ojienda, Kisumu County; Sen. Wakili Sigei, Bomet County, Sen. Wamatinga, Nyeri County; and, Sen. Wambua, Kitui County.

NOES: Nil

The Speaker (Hon. Kingi): Hon. Senators, the results of the Division are as follows-

AYES: 29

NOES: 0

ABSTENTIONS: 0

The "Ayes" have it.

(Question carried by 29 votes to Nil)

(The Bill was accordingly read the Third Time and passed)

THIRD READING

THE COUNTY ASSEMBLIES PENSIONS SCHEME BILL
(SENATE BILLS NO.14 OF 2024)

DIVISION

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ELECTRONIC VOTING

(Question, that the County Assemblies Pensions Scheme Bill (Senate Bills No.14 of 2024) be now read a Third Time, put and the Senate proceeded to vote by County Delegations)

AYES: Sen. Abass, Wajir County; Sen. Abdul Haji, Garissa County; Sen. Cherarkey, Nandi County; Sen. Cheruiyot, Kericho County; Sen. Faki, Mombasa County; Sen. Githuku, Lamu County; Sen. Joe Nyutu, Murang'a County; Sen. (Dr.) Khalwale, Kakamega County; Sen. Kinyua, Laikipia County; Sen. Kisang, Elgeyo-Marakwet County; Sen. Lomenen, Turkana County; Sen. Madzayo, Kilifi County; Sen. Mbugua, Nyandarua County; Sen. Mungatana, Tana River County; Sen. Munyi Mundigi, Embu County; Sen. Murgor, West Pokot County; Sen. (Dr.) Oburu, Siaya County; Sen. Ogola, Homa Bay County; Sen. Oketch Gicheru, Migori County; Sen. Omogeni, Nyamira County; Sen. Onyonka, Kisii County; Sen. Osotsi, Vihiga County; Sen. Seki, Kajiado County; Sen. Sifuna, Nairobi City County; Sen. Thang'wa, Kiambu County; Sen. (Prof.) Tom Odhiambo Ojienda, Kisumu County; Sen. Wakili Sigei, Bomet County; Sen. Wamatinga, Nyeri County; and, Sen. Wambua, Kitui County.

The Speaker (Hon. Kingi): Hon. Senators, the results of the Division are as follows-

AYES: 29

NOES: 0

ABSTENTIONS: 0

The "Ayes" have it.

(Question carried by 29 votes to Nil)

(The Bill was accordingly read the Third Time and passed)

THIRD READING

THE LAND (AMENDMENT) BILL (NATIONAL
ASSEMBLY BILLS NO.40 OF 2022)

DIVISION

ELECTRONIC VOTING

(Question, that the Land (Amendment) Bill (National Assembly Bills No.40 of 2022) be now read a Third Time, put and the Senate proceeded to vote by County Delegations)

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AYES: Sen. Abass, Wajir County; Sen. Abdul Haji, Garissa County; Sen. Cherarkey, Nandi County; Sen. Cheruiyot, Kericho County; Sen. Faki, Mombasa County; Sen. Githuku, Lamu County; Sen. Joe Nyutu, Murang'a County; Sen. (Dr.) Khalwale, Kakamega County; Sen. Kinyua, Laikipia County; Sen. Kisang, Elgeyo-Marakwet County; Sen. Lomenen, Turkana County; Sen. Madzayo, Kilifi County; Sen. Mbugua, Nyandarua County; Sen. Mungatana, Tana River County; Sen. Munyi Mundigi, Embu County; Sen. Murgor, West Pokot County; Sen. (Dr.) Oburu, Siaya County; Sen. Ogola, Homa Bay County; Sen. Oketch Gicheru, Migori County; Sen. Omogeni, Nyamira County; Sen. Onyonka, Kisii County; Sen. Osotsi, Vihiga County; Sen. Seki, Kajiado County; Sen. Sifuna, Nairobi City County; Sen. Thang'wa, Kiambu County; Sen. (Prof.) Tom Odhiambo Ojienda, Kisumu County; Sen. Wakili Sigei, Bomet County; Sen. Wamatinga, Nyeri County; and, Sen. Wambua, Kitui County.

NOES: Nil

The Speaker (Hon. Kingi): Hon. Senators, the results of the Division are as follows-

AYES: 29

NOES: 0

ABSTENTIONS: 0

The "Ayes" have it.

(Question carried by 29 votes to Nil)

(The Bill was accordingly read the Third Time and passed)

The Speaker (Hon. Kingi): Serjeant-at-Arms, you may now open the doors and withdraw the Bar.

(The doors were opened and the Bar withdrawn)

Hon. Senators, if you look at Order No.10, we are supposed to go to the Committee of the Whole. I beseech you not to leave the Chamber, so that we dispense with that particular Order before we resume the normal flow of today's Order Paper.

Clerk, you may proceed to call that Order.

COMMITTEE OF THE WHOLE

(Order for the Committee read)

[The Speaker (Hon. Kingi) left the Chair]

IN THE COMMITTEE

[The Temporary Chairperson (Sen. Wakili Sigei) in the Chair]

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THE NATIONAL DISASTER RISK MANAGEMENT BILL
(NATIONAL ASSEMBLY BILLS NO.24 OF 2023)

The Temporary Chairperson (Sen. Wakili Sigei): Hon. Senators, kindly, resume your seats. We will put the question in a few minutes. I request you to not leave the Chamber because it will be a short session. Kindly, do not leave the Chamber.

I request Senators who are outside to get in. In the meantime, Serjeant-at-Arms, ring the Quorum Bell for three minutes.

(The Quorum Bell was rung)

*(Sen. Thang'wa and Sen. Oketch Gicheru
walked out of the Chamber)*

Sen. Thang'wa and Sen. Eddy, we are just putting the question. The Quorum Bell will be rung for three minutes only. Please, do not leave the Chamber.

(Sen. Thang'wa and Sen. Oketch Gicheru sat at their places)

Serjeant-at-Arms, please, continue ringing the Quorum Bell for two more minutes.

(The Quorum Bell was rung)

Serjeant-at-Arms, continue ringing the quorum bell for another five minutes.

(Quorum Bell was rung)

(Several Senators walked into the Chamber)

The Quorum Bell can be switched off.

Serjeant-at-Arms, close the door and draw the bar.

(The door was closed and Bar drawn)

Hon. Members, we canvassed these amendments in our last sitting. So, we will go straight to putting of the questions.

THE NATIONAL DISASTER RISK MANAGEMENT BILL
(NATIONAL ASSEMBLY BILL NO.24 OF 2023)

New Clauses 41A, 41B, 41D, 41E and 52A

(Question, that New Clauses 41A, 41B, 41D, 41E and 52A,

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be now read a second time, proposed)

We will vote electronically and thereafter, proceed to log out.
Serjeant-at-Arms, please collect cards from unattended stations.

(The Serjeant-at-Arms collected cards from unattended stations)

Let us take away the cards from unattended delegates' units. You may now log back in.

(Sen. Gloria Orwoba consulted loudly)

Sen. Gloria, maintain your cool. You are out of order.
Hon. Senators, proceed to vote.

(Voting in progress)

The Temporary Chairperson (Sen. Wakili Sigei): Those who have not voted, please vote. You have got 20 seconds to go.

(Voting in progress)

Hon. Sen. Mohamed Faki, please, approach the desk. Senator Haji, please, proceed to vote from the Dispatch Desk.

We are proceeding to the next vote on clauses with amendments.

Clauses 3, 4, 6, 7, 9, 10, 27, 28, 29, 32, 52 and 2

*(Question, that Clauses 3, 4, 6, 7, 9, 10, 27, 28, 29, 32,
52 and 2 be amended as proposed, put)*

The Temporary Chairperson (Sen. Wakili Sigei): You may proceed to vote now.

(Voting in progress)

Lastly, Hon. Senators, we are going to the last question on all clauses and I proceed to put the question.

(Question, that clauses 3 (as amended), clause 4 (as amended), clause 5 and 6 (as amended), clause 7 (as amended), clause 8 and 9 (as amended), clause 10 (as amended), clause 11, 12, 13, 14, 15, 16, 17, 18, 19, 20, 21, 22, 23, 24, 25, 26, and 27 (as amended), clause 28 as (amended), clause 29 (as amended), clause 30, 31, and 32 (as amended), clauses 33, 34, 35, 36, 37, 38, 39, 40, 41, 42, 43, 44, 45, 46, 47, 48, 49, 50,

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51, and 52 (as amended), New Clause 41A, New Clause 41B, New Clause 41C, New Clause 41D, New Clause 41E, New Clause 52A, the Schedule, Clause 2 (as amended), the Title, and Clause 1 put)

(Voting in progress)

Sen. Kinyua, please, approach the Chair to be assisted to vote.

(Sen. Kinyua approached the Dispatch Box)

Hon. Members, now these are the results of the three divisions we have just concluded.

DIVISION

ELECTRONIC VOTING

(Question, that, New Clause 41A, 41B, 41C, 41D, 41E and 52A be now read a Second Time put and the Senate proceeded to vote by county delegations)

AYES Sen. Abass, Wajir County; Sen. Abdul Haji, Garissa County; Sen. Cherarkey, Nandi County; Sen. Cheruiyot, Kericho County; Sen. Chute, Marsabit County; Sen. Faki, Mombasa County; Sen. Gataya Mo Fire, Tharaka Nithi County; Sen. Githuku, Lamu County; Sen. Joe Nyutu, Murang'a County; Sen. (Dr.) Khalwale, Kakamega County; Sen. Kisang, Elgeyo-Marakwet County; Sen. Kinyua, Laikipia County; Sen. Lomenen, Turkana County; Sen. Mbugua, Nyandarua County; Sen. Mungatana MGH, Tana River County; Sen. Munyi Mundigi, Embu County; Sen. Murgor, West Pokot County; Sen. Mwaruma, Taita Taveta County; Sen. (Dr.) Oburu, Siaya County; Sen. Ogola, Homa Bay County; Sen. Oketch Gicheru, Migori County; Sen. Omogeni, Nyamira County; Sen. Onyonka, Kisii County; Sen. Osotsi, Vihiga County; Sen. Seki, Kajiado County; Sen. Sifuna, Nairobi County; Sen. Wamatinga, Nyeri County and Sen. Wambua, Kitui County.

The Temporary Chairperson (Sen. Wakili Sigei): Hon. Senators, the results of the Division are as follows-

AYES: 28

NOES: 0

ABSTENTIONS: Nil

The "Ayes" have it.

(Question carried by 28 votes to nil)

DIVISION**ELECTRONIC VOTING**

(Question, that Clause 3,4, 6, 7, 9, 10, 27, 28, 29, 32, 52, and Clause 2 (both Chairs and Sen. Chute's) be amended put and the Senate proceeded to vote by county delegations)

AYES Sen. Abass, Wajir County; Sen. Abdul Haji, Garissa County; Sen. Cherarkey, Nandi County; Sen. Cheruiyot, Kericho County; Sen. Chute, Marsabit County; Sen. Faki, Mombasa County; Sen. Gataya Mo Fire, Tharaka Nithi County; Sen. Joe Nyutu, Murang'a County; Sen. (Dr.) Khalwale, Kakamega County; Sen. Kisang, Elgeyo Marakwet County; Sen. Kinyua, Laikipia County; Sen. Lomenen, Turkana County; Sen. Mbugua, Nyandarua County; Sen. Mungatana MGH, Tana River County; Sen. Munyi Mundigi, Embu County; Sen. Murgor, West Pokot County; Sen. Mwaruma, Taita Taveta County; Sen. (Dr.) Oburu, Siaya County; Sen. Ogola, Homa Bay County; Sen. Omogeni, Nyamira County; Sen. Onyonka, Kisii County; Sen. Osotsi, Vihiga County; Sen. Seki, Kajiado County; Sen. Sifuna, Nairobi City County; Sen. Wakili Sigei, Bomet County; Sen. Wamatinga, Nyeri County and, Sen. Wambua, Kitui County.

The Temporary Chairperson (Sen. Wakili Sigei): Hon. Senators, the results of the Division are as follows-

AYES: 27

NOES: 0

ABSTENTIONS: Nil

The "Ayes" have it.

(Question carried by 27 votes to nil)

DIVISION**ELECTRONIC VOTING**

(Question, that clauses 3 (as amended), clause 4 (as amended), clause 5 and 6 (as amended), clause 7 (as amended), clause 8 and 9 (as amended), clause 10 (as amended), clause 11, 12, 13, 14, 15, 16, 17, 18, 19, 20, 21, 22, 23, 24, 25, 26, and 27 (as amended), clause 28 as (amended), clause 29 (as amended), clause 30, 31, and 32 (as amended), clauses 33, 34, 35, 36, 37, 38, 39, 40, 41, 42, 43, 44, 45, 46, 47, 48, 49, 50, 51, and 52 (as amended), New Clause 41A, New Clause 41B, New Clause 41C, New Clause 41D, New Clause 41E, New Clause 52A, the Schedule, Clause 2 (as amended), the Title, and Clause 1 put and the Senate proceeded to vote by county delegations)

AYES Sen. Abass, Wajir County; Sen. Abdul Haji, Garissa County; Sen. Cherarkey, Nandi County; Sen. Cheruiyot, Kericho County; Sen. Chute, Marsabit County; Sen. Faki, Mombasa County; Sen. Gataya Mo Fire, Tharaka Nithi County; Sen.

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Joe Nyutu, Murang'a County; Sen. (Dr.) Khalwale, Kakamega County; Sen. Kisang, Elgeyo Marakwet County; Sen. Kinyua, Laikipia County; Sen. Lomenen, Turkana County; Sen. Mbugua, Nyandarua County; Sen. Mungatana MGH, Tana River County; Sen. Munyi Mundigi, Embu County; Sen. Murgor, West Pokot County; Sen. Mwaruma, Taita Taveta County; Sen. (Dr.) Oburu, Siaya County; Sen. Ogola, Homa Bay County; Sen. Omogeni, Nyamira County; Sen. Onyonka, Kisii County; Sen. Osotsi, Vihiga County; Sen. Seki, Kajiado County; Sen. Sifuna, Nairobi City County; Sen. Wakili Sigei, Bomet County; Sen. Wamatinga, Nyeri County and Sen. Wambua, Kitui County.

The Temporary Chairperson (Sen. Wakili Sigei): Hon. Senators, the results of the Division are as follows-

AYES: 27

NOES: 0

ABSTENTIONS: Nil

The "Ayes" have it.

(Question carried by 27 votes to Nil)

The Temporary Chairperson (Sen. Wakili Sigei): Now, Hon. Senators, we shall immediately report to the House on the progress and I implore upon you not to leave the Chamber because we will be going to Third Reading of this particular Bill. Kindly let us not leave the Chamber. Serjeant-at-Arms, you may open the Door and draw the Bar.

(The Bars were drawn and doors opened)

Hon. Members, we are proceeding to report progress on this Bill.

Majority Leader, proceed.

The Senate Majority Leader (Sen. Cheruiyot): Hon. Temporary Chairperson, I beg to move that the Committee do report to the Senate its consideration of the National Disaster Management Bill (National Assembly Bill No.24 of 2023) and its approval thereof with amendments.

(Question proposed)

(Question put and agreed to)

Shall we rise?

(The House resumed)

[The Temporary Speaker (Sen. Abdul Haji) in the Chair]

CONSIDERATION OF REPORT AND THIRD READING**THE NATIONAL DISASTER RISK MANAGEMENT BILL
(NATIONAL ASSEMBLY BILL NO. 24 OF 2023)**

The Temporary Speaker (Sen. Wakili Sigei): Thank you, Mr. Temporary Speaker.

I beg to report that the Committee of the Whole has considered the National Disaster Risk Management Bill (National Assembly Bill No. 24 of 2023) and its approval thereof with amendments.

The Temporary Speaker (Sen. Abdul Haji): Mover, Majority Leader.

The Senate Majority Leader (Sen. Cheruiyot): Mr. Temporary Speaker, I beg to move that the House do agree with the Committee in the said report. I request Senator Raphael Chimera Mwanzigu to second.

Sen. Chimera: My name is Mwinzagu, not Mwanzigu. I second.

(Question proposed)

(Question put and agreed)

The Temporary Speaker (Sen. Abdul Haji): Proceed Mover.

The Senate Majority Leader (Sen. Cheruiyot): Hon. Speaker, I beg to move that The National Disaster Risk Management Bill (National Assembly Bills No.24 of 2023) be now read a Third Time. I request Sen. Osotsi to second.

Sen. Osotsi: Mr. Speaker, Sir, I second.

(Question proposed)

(Question put)

Serjeant- At- Arms, ring the division bell for two minutes.

(The Division bell rung)

Hon. Senators, you may now log out and then back into your delegates units.
Serjeant- At- Arms check for any unattended card.

Hon. Senators, you may now begin voting.

(Voting in progress)

Sen. Abass, please come forward and vote manually.

(Sen. Abass walked to the Clerks-at-the-Table to register his vote)

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(Voting in progress)

(Sen. Chute stood at his place)

The Temporary Speaker (Sen. Abdul Haji): Sen. Chute, resume your seat. Hon. Senators, I will now read the results of the vote.

THIRD READING

THE NATIONAL DISASTER RISK MANAGEMENT BILL
(NATIONAL ASSEMBLY BILLS NO. 24 OF 2023)

DIVISION

ELECTRONIC VOTING

AYES: Sen. Abass, Wajir County; Sen. Abdul Haji, Garissa County; Sen. Cherarkey, Nandi County; Sen. Cheruiyot, Kericho County; Sen. Chute, Marsabit County; Sen. Faki, Mombasa County; Sen. Gataya Mo Fire, Tharaka Nithi County; Sen. Githuku, Lamu County; Sen. Joe Nyutu, Murang'a County; Sen. (Dr.) Khalwale, Kakamega County; Sen. Kisang, Elgeyo Marakwet County; Sen. Kinyua, Laikipia County; Sen. Lomenen, Turkana County; Sen. Mbugua, Nyandarua County; Sen. Mungatana, Tana River County; Sen. Munyi Mundigi, Embu County; Sen. Murgor, West Pokot County; Sen. Mwaruma, Taita Taveta County; Sen. Ogola, Homa Bay County; Sen. Oketch Gicheru, Migori County; Sen. Omogeni, Nyamira County; Sen. Onyonka, Kisii County; Sen. Osotsi, Vihiga County; Sen. Seki, Kajiado County; Sen. Sifuna, Nairobi City County; Sen. Wakili Sigei, Bomet County; Sen. Wamatinga, Nyeri County and, Sen. Wambua, Kitui County.

The Temporary Speaker (Sen. Abdul Haji): Hon. Senators, the results of the Division are as follow-

AYES: 28

NOES: Nil.

ABSENTIONS: Nil.

The Ayes have it.

(Question carried by 28 votes to Nil)

(The Bill was accordingly read a Third Time and passed)

The Temporary Speaker (Sen. Abdul Haji): Serjeant-at-Arms, you may withdraw the bars and open the doors.

(The Bars were undrawn and doors opened)

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Senator for Taita Taveta County, Sen. Mwaruma, please approach the Chair.

(Sen. Mwaruma consulted with the Temporary Speaker)

Hon. Senators, we are going to reorganize the sequence of the Order Paper and proceed to Order No. 22. Thereafter, we will move to Order No. 24.

BILL

Second Reading

THE PROVISION OF SANITARY TOWELS BILL (SENATE BILLS NO.7 OF 2024)

Sen. Orwoba: Thank you, Mr. Temporary Speaker, Sir, for this opportunity. Today, 15th April, 2025, two years and three months after the internationally publicized accidents that I had here in Parliament, I am honoured to come before you and this House for the Second Reading of the Provision of Sanitary Towels Bill (Senate Bills No.7 of 2024).

Mr. Temporary Speaker, Sir, before I make my submissions, I would like to inform the House that I want to do this in honour of Jackline Chepng'eno, a 14-year-old girl who committed suicide after a horrible incident of period shaming. As I was drafting this Bill, my thoughts were with the family of Jackline and many others who have suffered the severe consequences of period poverty.

The Temporary Speaker (Sen. Abdul Haji): Sen. Orwoba, allow me to interrupt you. You need to introduce your Bill properly by stating that the Provision of Sanitary Towels Bill (Senate Bills No.7 of 2024) be now read a Second Time and then proceed to make your submissions.

Sen. Orwoba: Thank you, Mr. Temporary Speaker, Sir. I stand guided.

I beg to move that the Provision of Sanitary Towels Bill (Senate Bills No.7 of 2024) be now read a Second Time.

I will proceed from where I had started. Today might not seem to be a big deal for many people and even to some of my colleagues in Parliament. For the short period of time I have served as a Senator and in the 15 years that I have worked in community service, it is such an honour for me to legislate on this pertinent issue of period poverty. I want to take the House and the public through the Bill, so that any confusion that was witnessed earlier on can be clarified with the facts, which is the Bill that is before us.

The Provision of Sanitary Towels Bill (Senate Bills No.7 of 2024) is a Bill and an Act of Parliament to provide for the provision of quality, free and sufficient sanitary towels in public institutions and correctional facilities; establish the inter-ministerial committee on provision of sanitary towels; and for the connected purposes.

I will start by explaining why we chose this particular name; The Provision of Sanitary Towels Bill. We had a lot of deliberations and feedback from the public. There were those who felt that the name itself is limiting. After deliberating with the legal team

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and those who have been involved in the space of menstrual equity, we came down to this particular name: The Provision of Sanitary Towels Bill for the avoidance of doubt. We did not want to have any confusion. Some people suggested that we should call it the Provision of Menstrual Products or Provision of Menstrual Management.

I want to inform the House that many a time we legislate and create a lot of loopholes and gaps such that people are unable to implement the laws that we pass. Menstrual hygiene and menstrual management is not limited to the products that we have. If we called it the provision or something to do with menstrual hygiene or management, we would then be also talking about things like painkillers, hot water bottles and nutrition. So, I was deliberate on this particular title. This is because I am trying to compel the Government of Kenya to provide sanitary towels to all schoolgirls and all women who are domiciled in the prisons. We, therefore, settled for the title: The Provision of Sanitary Towels Bill.

Part 1 of this Bill highlights the preliminaries. It cites what the Act will be called, that is, The Provision of Sanitary Towels. It also defines certain terminologies such as the committees, cabinet secretaries, sanitary towels, county interdepartmental committees and secretaries. This will help us not to have confusion when we go down to the details of this Bill.

We had a huge debate on whether this Bill should be domiciled in the Ministry of Education or whether it should be domiciled as an Act under the Ministry of Public Service, Youth and Gender Affairs. Some people were of the view that this is a public health issue thus this Bill should be domiciled under the Ministry of Health. I am giving us a brief history of what has been happening because this pertinent issue does not have a home. As we speak, it is being bounced off from Ministry to Ministry. It started off as an Act under the education laws. For a long period of time, the provision of free sanitary towels was domiciled under the Ministry of Education.

Mr. Temporary Speaker, Sir, there have been many challenges, including issues with procurement, distribution and prioritizing the vulnerable girls who needed these products most. There were also concerns about the quality of the sanitary towels provided. As a result, this task was recently transferred to the Ministry of Gender, Culture, Arts and Heritage by the Kenya Kwanza Government.

Under the Ministry of Gender, Culture, Arts and Heritage, I would like to acknowledge that the Kenya Kwanza Government has made significant strides in addressing the issue of period poverty. When we raised the matter of menstrual hygiene products accessibility with our party leader, he increased the budget for this initiative from KShs265 million to KShs1 billion. In the last financial year, Kshs1 billion was allocated to procure and distribute sanitary towels to schoolgirls.

My Bill proposes that this mandate be domiciled in the Ministry of Gender, Culture, Arts and Heritage. Although menstruation is a health issue and we are using the Ministry of Education through the schools to distribute menstrual hygiene products, the truth is that it is a gender issue. I believe placing it under the Ministry of Gender, Culture, Arts and Heritage allows for collaboration with other ministries, such as Health and Education, to ensure effective execution of the free sanitary towels programme for schoolgirls and women in prisons.

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This Bill makes proposals contrary to what has been happening, which is bouncing off the finances from the Ministry of Education to the Ministry of Gender, Culture, Arts and Heritage. I understand that this is not a popular Bill among the Members of the National Assembly, particularly the women. Recently, there have been challenges in procurement and distribution of sanitary towels from the mother ministry, the Ministry of Gender, Culture, Arts and Heritage. I am aware that there have been conversations to move that fund to the women representatives' kitty so they can procure and distribute.

I want to be honest with Kenyans that I anticipate the National Assembly might reject this Bill. However, they should understand that it is not because it opposes providing sanitary towels to vulnerable girls, but due to competing interests over management of the Fund. I urge the women representatives to set aside personal interests and look at the bigger picture of devolving this mandate to county committees. Devolution will enable grassroots engagement and better address the specific menstrual hygiene needs of each region.

This Bill proposes that the Ministry of Gender, Culture, Arts and Heritage oversee the procurement, monitoring, evaluation and distribution of sanitary towels through grassroots champions of period equity. It is time we moved beyond centralizing decisions in Nairobi and engaged grassroots communities in determining their preferences. For instance, some counties might prefer reusable pads over disposable ones. I needed to clarify that.

Additionally, in Part II on the administration and provision of sanitary towels, my Bill proposes that there is established an inter-ministerial committee on provision of sanitary towels. People have questioned the necessity of so many committees.

In the past, when funds were domiciled in the Ministry of Education, the framework for executing the provision and distribution of free sanitary towels was left entirely to the officials within that Ministry. Let me provide an example: When the Ministry of Education managed this Fund, a desk officer, who had no knowledge about period poverty, no statistics on vulnerable schools, and no expertise in menstrual equity, was responsible for decision-making. This desk officer would review the database of schools in their region and based on arbitrary factors such as personal connections with Members of Parliament (MP), decide which schools received sanitary pads that year. There was no thought process or expertise involved. The Government funding for sanitary pads ranged from Kshs265 million to sometimes Kshs400 million, but a desk officer would make decisions on the beneficiaries. Without proper monitoring and evaluation, we have failed to have the desired impact although we have been pumping money into this initiative.

The establishment of the Inter-Ministerial Committee on the provision of sanitary towels aims at ensuring that stakeholders managing these funds make informed decisions that align with the menstrual hygiene management policy in Kenya. The ultimate beneficiaries must be vulnerable girls and women.

Mr. Temporary Speaker, Sir, I would like to inform this House and public on the committee. The committee shall be a body corporate with perpetual succession and a common seal and shall, in its corporate name, be capable of-

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- (a) suing and being sued;
- (b) purchasing or otherwise acquiring, holding, charging and disposing of movable and immovable property;
- (c) borrowing and lending money; and
- (d) doing or performing all other things or acts necessary for the proper performance of its functions under this Act which may lawfully be done or performed by a body corporate.

The inter-ministerial committee shall comprise of-

- (a) The chairperson;
- (b) The Principal Secretary responsible for gender or their representative designated in writing;
- (c) The Principal Secretary responsible for basic education or their representative designated in writing;
- (d) The Principal Secretary responsible for finance or their representative designated in writing;
- (e) The Principal Secretary responsible for correctional facilities or their representative designated in writing;
- (f) The Principal Secretary responsible for higher education or their representative designated in writing;
- (g) The Principal Secretary responsible for vocational and technical training or their representative designated in writing;
- (h) The Principal Secretary responsible for public health or their representative designated in writing;
- (i) The Attorney-General or their representative designated in writing;
- (j) The Chairperson of the National Gender and Equality Commission or their representative designated in writing;
- (k) The Director General for Health or their representative designated in writing; and The Provision of Sanitary Towels Bill, 2024 73
- (l) Three persons, not being public officers, of whom—
 - (i) One shall be nominated by the Council of County Governors;
 - (ii) One shall be nominated by a public benefit organization concerned with matters related to gender; and
 - (iii) One shall be nominated by the umbrella body representing the largest number of organizations in the private sector.

Mr. Temporary Speaker, Sir, after thorough public participation, it was noted that while an inter-ministerial committee is necessary, it should be lean to align with austerity measures. Therefore, (f) and (g) will be brought back to the Floor of the House, hopefully to propose their removal through an amendment.

Additionally, through the proposal of making the committees lean and reducing the membership from 14 to nine, we hope to bring to the Floor of the House an amendment to propose removal of (i), (j) and (k).

We had proposed amendments that we hope will come to the Floor of the House. We agreed to remove it because we had proposed the Attorney-General, the Chairperson of the National Gender and Equality Commission (NGEC) as well as the Director

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General for Health or a representative. While we were looking at the mandate of this committee, it was clear that these three particular seats were well represented in terms of those who are above there. There has been a lot of pushback in terms of the committee because there was no clarity on committee members who are going to sit in this particular committee.

When you look at Clause 5(1)(l), I have proposed that we should have three persons not from public offices. One shall be nominated by the Council of Governors (CoG), another one shall be nominated by a public benefit organisation concerned with matters related to gender, and another one shall be nominated by the umbrella body representing the largest number of organisations in the private sector. Why did I come to this conclusion? I have been a champion of menstrual hygiene since 2007. It is only during the past three years that perhaps my work has come to the limelight due to the position that I hold as a Senator in the Senate of Kenya, which is the “Upper House”.

I would like to say that there have been many other champions who have gone down to the grassroots and done the heavy lifting for more than 10 years, if not longer. They have carried that mantle to ensure that the fight to end period poverty does not die.

When I proposed members of the committee, it is my opinion that when we go wrong, it is because perhaps we are a group of church choir members preaching to the choir. For this particular provisions in Clause 5(1)(l) that is the nominee by the CoG, nominee by a public benefit organisation and another one from the umbrella body representing the largest number of organisations, it is my opinion that these menstrual equity champions and ambassadors find the opportunity to be absorbed within the committee.

I can see Sen. Chimera wondering what I am talking about and who is a menstrual equity champion and things like that. These are people who before you even knew about period poverty have been working in the grassroots to make sure that all women and girls menstruate with dignity and have access to menstrual hygiene products.

If you allow me, Mr. Temporary Speaker, Sir, I can name a few of them. We have a very passionate lady out there called Mamake Bobo. You might not know her by name but she has been championing what we call period parties even before I joined the Senate. A period party is where you send your daughters who want to be educated on menstrual hygiene and sexual reproductive health and rights and they are told how to carry themselves and what is required of them in case something happens and what to do. Basically, they are sensitised on what is happening to their bodies and how they should manage themselves. That lady has been organising what we call period parties. In those parties, schools have been sending young girls to be educated on what they need to do to manage their menstruation.

We have the likes of Janet Mbugua, who through her initiative, has done the same. We have the likes of Njeri wa Migwi who is taking care of a number of women in the safe houses who unfortunately have to flee from Gender-Based Violence (GBV). She also does a lot of work around menstrual equity.

It is not only women who have been doing this. We have a young man also who operates by the name “The Period Man”. These is an opportunity that I feel that as a

legislator, those champions can be absorbed, so that they help to move this country to a point where we deal with period poverty to conclusion.

As I proceed, it is important to know that the Cabinet Secretary has some mandate there. It has been outlined that the Cabinet Secretary shall appoint the chairperson and members of the committee in sub-section 1 (1) by way of notice of Gazette.

I would like to point out that members of the committee shall be appointed at different times, so that the respective expiry dates of their terms of office fall in different times. It is because we have had a problem with sustainability of programmes such that the moment the timeline of members of a committee lapses, what happens is that even pending projects or pending work is thrown out with their term. This is to ensure that we promote sustainability of all the activities by the committee. I wanted to highlight that to the House and the public that this is one thing that I have stipulated in this Bill.

I also want to highlight that in Clause 6 we have described the qualifications of the chairperson for appointment. If you look at Clause 6(c), the chairperson must have at least 10 years working experience in a gender-related field. There is assumption that as long as you talk about matters gender, you do not need any qualifications. In fact, there is an assumption that anyone can run matters gender. The assumption is that anyone can be a Cabinet Secretary for Gender, Culture and Arts.

That is why we have had a lot of problems in terms of procurement and distribution of sanitary pads because we have actors who do not understand what we are trying to do. We have people within that space who think that what we are distributing has got no repercussion whatsoever.

Many of the problems that we have in this country, including femicide, are driven by lack of access to menstrual hygiene products. We always talk about teenage pregnancies and young mothers. Sen. Miraj has a Bill on child parents. Why are these things happening? Nobody goes behind the scenes to understand why we are having so many teenage parents.

When I particularly drew that line that the chairperson of the committee must have at least 10 years of working experience in a gender-related field, it is because we no longer want to take chances by experimenting or holding hands of people who have got no experience or idea of what we are trying to do.

Period poverty is a bigger issue than many may think. It affects the economy and our Gross Domestic Product (GDP). If I had more time, I would have come with numbers in terms of how missing classes translates to the success rates our children in school. I would have shown you how access to menstrual hygiene products, or lack of it, affects even simple activities such as market days where women are unable to carry out their businesses. This is not an issue that just affects women. It is an issue that affects women, but in the long run, affects the entire society. Therefore, because of that, there is a stipulation that we have at least 10 years working experience for the chair who will be nominated.

Moving on to Clause 7 is the mandate of the committee. One of the mandates that I want to put out clearly is that that committee will manage, control and administer the assets in terms of procurement and distribution. In the past, we have domiciled the Fund in a Ministry, which decides by way of the Public Procurement and Asset Disposal Act,

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2015 without any deliberations of the impact of the end result that is desired. They say they are going to buy a certain number of pads. I was even wondering who decides the sizes.

Mr. Temporary Speaker, Sir, I do not know if you are aware that sanitary pads also have sizes. When we were going into these details, we know that the Ministry purchases sanitary pads, but who decides the sizes to be purchased? Who sits down and decides we are going to buy this size or that, this quality or that, reusable or non-reusable, tampons or not, menstrual cups or not? Who decides? It is assumed that it is a one-size-fits-all. It is assumed that it is a one product, good for all. That is the wrong assumption.

Mr. Temporary Speaker, Sir, what we are trying to do, first of all, in very simple terms, is to be able to go in and say, this is how we should spend the money that you are giving, so that we can have maximum impact. So, that committee will go into managing, controlling and administering the distribution of pads to curb all the current challenges that we are having.

Mr. Temporary Speaker, Sir, I will quickly brush through what the committee shall do. It shall advise the Government on the provision of sanitary towels in terms of priority areas, the vulnerable schools and restrictions of the product. We also have a point here that I would like to highlight. In Clause 8(c), this committee shall provide free, sufficient and quality sanitary towels to every woman employed by or studying in a public institution, and to every woman who is in the custody of a correctional facility. The key word is, “sufficient”. The question is: What is sufficient?

Right now, there is an assumption that if the Ministry of Public Service, Gender and Affirmative Action goes into a school and gives every girl one packet for the year, they have carried out their mandate. It cannot be. One packet has eight sanitary towels, yet we believe every single month, there is a girl having her periods. Therefore, if you are giving one packet with eight pieces of sanitary towels, I do not know what the assumption is, because there are 12 months in the year, and so when we are talking about “shall provide sufficient,” understand that periods happen every month, and that every month, that girl will require at the bare minimum, eight pieces of the sanitary towels.

Mr. Temporary Speaker, Sir, in reference to the quality of the sanitary towels, we have had many incidences where a majority of our girls are suffering from infections. You have vulnerable girls who have no access to sanitary towels. Someone donates, gives or they buy a poor quality sanitary towel, because that is what they have. They use it, and before you know it, within a week or two, they are suffering Urinary Tract Infections (UTIs). Consequently, they have to start dealing with access to a medical facility, to see a gynaecologist. That means, they have to start dealing with money to treat that infection. All this is because someone somewhere in the Government thought that as long as you give money and tell that guy to purchase pads, we are good. This Bill is trying to mitigate the gaps that have been there over the years, the reason we have not had a high impact in terms of that particular programme.

Mr. Temporary Speaker, Sir, I would like to draw the attention of the House and the public to Clause 8(d) which states-

“The Committee shall in consultation with county governments provide a safe and environmentally friendly mechanism for the disposal of sanitary towels”.

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I can bet you, Mr. Temporary Speaker, Sir, of all the gentlemen sitting in the Senate, maybe three, four or five might be able to give you a clear roadmap of how used sanitary towels or menstrual hygiene products are disposed of yet, we are dealing with millions of pieces of plastic, because a majority of these sanitary towels are plastic. So, this committee is also mandated to make sure that there is an environmentally safe plan to dispose of these menstrual hygiene products.

Mr. Temporary Speaker, Sir, as I go off the curve a little bit, we do not have any regulations with regards to menstrual hygiene. We have an act which is anchored in the education laws that touches on sanitary pads. Therefore, I have been wondering, none of all these cabinet secretaries in the past and in the present have tabled a regulation to tell us in that space what we need to regulate. Why do I say that? Sometimes you go to institutions that have thousands of women, all of them bleeding and having their periods every month, and you find in that institution, whether a school or a factory--- We heard of the case of a factory where someone was punished because they threw a used sanitary pad in the wrong bin. All these institutions should be compelled to dispose of their menstrual hygiene products in a manner that is safe and environmentally friendly. We are in 2025 and I have not seen a regulation compelling schools, through the Ministry of Education, to procure and have incinerators that are environmentally friendly.

Mr. Temporary Speaker, Sir, we have cases in schools at the grassroots where the girls are forced to interact with all these bulks of used sanitary pads and they are forced to go out to the field to burn them because there is no proper disposal mechanism under any regulation. As you can see, this is an area that has not been legislated, as much as we think it does not affect us. I have seen people going for the climate workshops and global conferences, but I do not hear them talking about the thousands of plastics in terms of sanitary pads or menstrual hygiene products and what we are doing with them. So, that is one of the mandates that is outlined there.

Mr. Temporary Speaker, Sir, in terms of monitoring and evaluation (M&E), we have never had a monitoring and evaluation of this programme, yet we have spent millions and millions of shillings over the years. I have asked for an M&E report from the Ministry of Education, Ministry of Public Service, Gender and Affirmative Action and the Ministry of Health, so that I can understand, how far we have come, from the time we started distributing pads. What gains have we made? What are the challenges? There is no monitoring and evaluation programme. Can you imagine? We are spending Kshs1 billion in a programme with no monitoring and evaluation. That is one of the mandates that I have put for this particular committee.

Mr. Temporary Speaker, Sir, as I highlight some of the issues that were highly discussed in the public participation, I would like to particularly touch on the biggest challenge that we have had in this programme. There has been a lot of theft. When I say theft, this is what I mean, you have a budget that is supposed to be used to procure sanitary pads. I stand corrected, but based on my findings, in the past, when the budget was domiciled in the Ministry of Education, it was ring-fenced around a budget line item called "General Supplies". So, when you tell Kenyan women that I am giving you money for sanitary pads, so that we can deal with this issue of period poverty, but at the same

time you are telling them I do not want to ring-fence it under menstrual hygiene products, I am saying that this money for general supplies can be used for sanitary pads.

So, Mr. Temporary Speaker, Sir, the theft I am talking about is that, you are aware as a cabinet secretary, accounting officer, or an officer of a ministry that the budget is for sanitary pads. However, more often than not in the past, you find that because it is listed as general supplies, that is the same money that is used for Any other Business (AOB) within that ministry. They would then find justifications to say, in any case, we have distributed 300,000 pads and maybe they do not need the other pads.

As the women of Kenya, we have always been sidelined when it comes to gender-sensitive budgeting. So, when I talk of theft, I am also talking about theft within the budget allocation, spending of money that is supposed to be for sanitary pads and now is being rerouted to do other things. In the last financial year after we fought and I told the President that we bleed and need more money, he agreed and lobbied the National Assembly and all other actors in terms of budget allocation and we got Kshs1 billion.

To date, there is no clarity on how this Kshs1 billion was spent in totality. I have brought a statement on the Floor of this House asking the Accounting Officer in the Ministry of Gender that was handling this money to give us clarity and transparency in terms of how the money came in, how it was spent and how it was distributed and these are the number of people or beneficiaries? We got a very sketchy response.

It is another area that I want to see. I want to legislate and go down in the history of this country that for the first time on a matter that deals with women, particularly girls; vulnerable girls. We are choosing to legislate to end that theft in terms of budget allocation, budget expenditure and even the distribution of whatever items that are bought for these beneficiaries who are at the grassroots level.

As I get into my conclusion, there was worry that by creating a county-level interdepartmental committee, we are just trying to create positions for Kenyans. I have had many arguments with people in and outside Parliament, in my family sittings, with friends and foes. I asked them, 'you people do not want this Bill because it is creating another committee at the county level? How do you want ensure that the money is actually appropriated to the beneficiary that it was intended for?' Someone came up with a suggestion that since bursary is given to every student, why not map out the girls and add the money for the pads into it, so that it can go to all girls to buy pads for them?

Let us be honest with each other in this House, who does the bursary go to? It goes to the parent. More often than not, it goes to the father and he will decide on how to use it. Even if it goes to the mother, most of these households have decided that there should be a lot of shaming around menstruation. That is why I have run a campaign over the last three years.

Mr. Temporary Speaker, Sir, you find that even some of the Members in both Houses; the Senate and the National Assembly, when their daughters or their nieces, come to them saying, please can I have Kshs500 for my personal use? They start asking them, what personal use? Why do you need Kshs500?

Mr. Temporary Speaker, we all know very well, unless the Government of Kenya is actually procuring that sanitary towel and giving it down to the beneficiary, if we will now give money that is intended to buy sanitary towels to a father or a mother, we will be

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going around in circles. This is because we all know in these tough economic times, some other items will be prioritised more than sanitary towels.

My thinking and the proposal of this Bill was that the actual items, which is the sanitary pads, be bought. Who will buy the pads? Who will decide which pads to be bought? It is not someone sitting in the Ministry of Gender here in Nairobi, it is a committee at the grassroots level.

I come from Kisii County, Bobasi Constituency. We have eight wards. Down at the ward level, at bare minimum, there will be a representation of those wards in that committee. In that committee, there will be a champion at the grassroots level who will say I have been championing this campaign. I have been going around in this constituency and these are the pain points and these are the vulnerable schools.

At the county level, the county will be able to tell you that they are not interested in purchasing those imported Chinese products. It is at the county level, they will have a high uptake of such items such as locally made reusable sanitary towels. However, when you come to the Ministry level on a national platform, there is no way you will convince them that now we will start purchasing reusable pads.

The stakeholders and the players at the national level will actually argue out that it is nothing, but that it is too complicated. So, what this Bill is actually trying to do is to take the powers from the national level and tell them, at the national level, you will sit, deliberate and give monies to the different counties. These committees are in different counties. At the county level, it is those members of that county committee who will then sit and say, in Kisii County, for example, we will no longer allow such and such product. This is because we have done our research and that product is actually causing infections.

So, in Kisii County, we will procure A, B, C, D. Right now, there is no flexibility for the end user to pick what is procured in terms of sizes, quality and so on. There is no chance at the grassroots level for them to say probably all of them are vulnerable in terms of access to menstrual hygiene products. However, there is this particular school that is beyond vulnerable and maybe should be prioritised because of the budgetary limitations.

That is what this Bill is trying to do; to devolve this particular programme down to the beneficiaries. We want them to feel the impact of a Government programme, attest and say that Government is actually intentionally ending period poverty.

Mr. Temporary Speaker, I want to conclude by saying there was an argument about whether I should be the one to propose and table this Bill in the Senate; the 'upper' House or not. You know when people realise that your intention is for the people, to move a budget from here to there and to seal the loopholes that are encouraging corruption, the first thing they will say is that you cannot move that Bill in the Senate because it is a money Bill. I have challenged many people. Is there a Bill in both Houses that does not speak or touch on resources? More often than not, all the Bills, in one way or another, will touch or speak on resources.

I am not trying to take away the mandate of the National Assembly, which is about allocating monies. The whole budgetary mandates that they have as a House. Part 3(16)A, on the financial provisions, says-

“(1) the funds of the committee shall comprise of, one, monies that are appropriated by the National Assembly.

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(ii) such monies as may accrue to or vest in the committee in the course of the exercise of its power or the performance of its function under this Act.

(iii) all monies from any other source provided for donations or lent to the committee.”

This will also give us reprieve. Some of us champions who are out in the field trying to convince donors to come and help in the initiatives that we have, will now have a proper channel, a proper framework at the county level to be able to say, we are working with the county committee that deals with provision of free sanitary towels.

Mr. Temporary Speaker, Sir, I have had many international Non-Governmental Organisations (NGOs) come to my office. They tell me that they are looking for ways to fund the Government of Kenya to the tune of billions, money that is particularly ring-fenced for provision of free sanitary towels. However, their biggest problem and challenge has been that they are not sure if we put it in the Ministry of Gender or Education or Health, it will go down to buying sanitary towels. They always say that we lack a framework. They always say that we lack monitoring and evaluation. They always say that we lack that goodwill from Government for us to be able to say that we will put in Kshs10 billion or whatever it is, that they are putting in.

Mr. Temporary Speaker, Sir, if the House can allow me to just draw a reference. The moment the Ministry of Gender was able to create a proper framework for ending Female Genital Mutilation (FGM) through the Anti-FGM board, the international donors had faith, trust and belief that now finally through this framework, they could channel their money to end FGM.

Some of us who have had experience and are in the field of gender mainstreaming and gender-related programmes will tell you sometimes even by the pronunciations of politicians or leaders or nominees, the budgets that were being proposed by donors, international community or partners of the Government are suddenly withdrawn.

Mr. Temporary Speaker, Sir, through this Bill I am not encroaching on the mandate of the National Assembly, which is to legislate on money Bills. If this Bill passes, when they are doing the budgeting, they will consider the amount of money to allocate towards provision of free sanitary towels to all school girls and women in prisons.

I conclude by thanking all the Members in this House that have been very supporting. Even when opposing they were supporting because as they oppose, I then go and consider their thoughts. Therefore, I have been refining this legislation.

I thank our Directorate of Legal Services under the leadership of Dr. Okello for assisting me to understand why certain Bills are drafted in a certain manner and also legislative procedures.

I also thank the many followers in the public spaces particularly on social media who every day either by way of sarcasm or banter have been pushing this agenda on ending period poverty. I have a lot backlash for all the billboards I have erected in the Nairobi City County regarding ending period poverty. It is not about the billboards. Those billboards have brought in thousands of sanitary towel donations.

I am sure every time you pass near those billboards you remember to provide sanitary pads for your daughters or nieces. I am sure that even Sen. Sifuna, every time he

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sees those billboards, he remembers there is something he has to do in terms of budgeting. I even know that some of the Members in this House got to understand what period poverty is from my campaign.

I also thank my donors who have been very supportive. Today is a very historical day for me and in honour of Jackline Chepng'eno as I move this Bill. It has been a journey that I continue to walk and to stay strong.

I have many seconders such that I do not know how we will go about it. All the men want to second this Bill, but I will pick one. I wish to call a champion of women rights who has literally begged me that he would like to second this Bill.

I call upon Sen. Cherarkey to second.

(Interruption of debate on Bill)

COMMUNICATIONS FROM THE CHAIR

VISITING DELEGATION FROM BOMET UNIVERSITY COLLEGE

The Temporary Speaker (Sen. Abdul Haji): Sen. Cherarkey, before you second, there is a Communication from the Chair.

Hon. Senators, I would like to acknowledge the presence in the Public Gallery this afternoon, of a visiting delegation comprising of lecturers and 55 third year Bachelor of Arts in Political Science and Public Administration and Bachelor of Arts in Phenology, Correction and Administration students from Bomet University College in Bomet County. The delegation is in the Senate for a one-day academic exposure.

Hon. Senators, in our usual tradition of receiving and welcoming visitors to Parliament, I extend a warm welcome to them. On behalf of the Senate and on my own behalf, I wish them a fruitful visit.

VISITING DELEGATION FROM PWANI UNIVERSITY, KILIFI COUNTY

Hon. Senators, again, I would like to acknowledge the presence in the Public Gallery this afternoon, of a visiting delegation comprising of two lecturers and 23 students from Pwani University in Kilifi County. The delegation is in the Senate for a one-day academic exposure.

Hon. Senators, in our usual tradition of receiving and welcoming visitors to Parliament, I extend a warm welcome to them. On behalf of the Senate and on my own behalf, I wish them a fruitful visit.

Sen. Chimera, you may welcome the delegation from Pwani University.

Sen. Chimera: Thank you, Mr. Temporary Speaker, Sir. I take this opportunity to welcome the students from Pwani University in Kilifi County. You have a unique opportunity to learn what the Senate is all about and what we do here. Some of us have

been where you are today and never got chance to visit certain institutions such as Parliament to appreciate the kind of work we do here.

Welcome to the Senate. Learn as much as possible. I hope to see some of you in future occupying these spaces in this Senate.

The Temporary Speaker (Sen. Abdul Haji): Proceed, Sen. Cherarkey.

Sen. Cherarkey: Mr. Temporary Speaker, Sir, as I rise to second this Bill, I extend a warm welcome to the students from Bomet University. This is the House of legislation, representation and Oversight.

Your Senator was here, but since you are aware the President was in your county, I think he has been captured by the exigencies of duty. Feel welcome also together with the delegation from Kilifi.

I hope to see you in leadership in future. This is your country. You must be the leaders of today; not tomorrow. I hope in 2027, some of you can contest on some of these seats, except the Presidency since it is taken. You can then join us in this House.

[The Temporary Speaker (Sen. Abdul Haji) left the Chair]

[The Temporary Speaker (Sen. Mumma) in the Chair]

(Resumption of debate on Bill)

As I rise to second The Provision of Sanitary Towels Bill (Senate Bills No.7 of 2024), I will be very brief. As they say, brevity is the soul of wit.

Madam Temporary Speaker, let me just build a brief background of why period poverty and shaming should be a thing of the past in our learning institutions and correctional facilities. As men, we must be champions of pushing for the end of period shaming and period poverty. It should be the basics for school going girls. Every month, our girls both from lower to secondary school miss three to four academic days in a month. It is very important that we understand this. This matter has drawn the attention of the country because while our boys are going to school, our girls miss three to four days because of monthly periods. As a country, we must pay attention. In 2020 we were able to launch the Menstruation and Hygiene Management Policy Paper by Government. One of the agendas was proper funding and attention.

The sad reality is that 65 per cent of our women lack basic necessities to manage their periods. These are facts that the United States Agency for International Development (USAID) cannot afford as it was suspended by President Trump. Two out of three Kenyan women cannot afford sanitary pads, which is why we have issues such as sex in exchange for the sanitary pads. Girls are giving out their bodies. They are being used as sex objects so that they can afford sanitary pads for that month.

It is tragic. We need the boy child to be part of what we call period poverty or period shaming. When girls start menstruation in primary school, some young boys and the society frown upon them. That is why that girl committed suicide. It was because of period shaming. An average of one million girls in this country miss three to four academic days per month unlike the boy child who is able to attend school throughout the

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month. This does not mean that these girls are sick. It is a natural thing and the attention of the country should be drawn to it.

We have seen pull and push between the Ministry of Public Service, Youth and Gender Affairs and Ministry of Education on the issue of budgeting. As we talk today, no one can say that in the appropriation of budget, it should be within the Ministry of Education or Ministry of Public Service, Youth and Gender Affairs.

I want to build the picture for the House to understand. In the Financial Year, 2023/2024, the Government appropriated Kshs940 million to be used for purchase of sanitary pads in our public institutions, especially the schools. This was double what had been allocated the previous Financial Year 2022/2023 where Kshs470 million had been allocated. In the Financial Year 2024/2025, the amount that is to be used to buy sanitary pads for our school-going children in public institutions and women in correctional facilities across the country tripled. So, we are talking of Kshs940 million and Kshs470 million. You will realise that four months into the financial year, the Ministry of Education and the Ministry of Public Service, Youth and Gender Affairs has not supplied sanitary pads to our learning institutions and correctional facilities. That is why I want to challenge the National Assembly. I know the Secretary General of the Orange Democratic Movement Party (ODM) has said that we wait for them to do what His Excellency, Raila Amollo Odinga, directed them to do. However, this is the work they should be doing.

In two financial years, they appropriated almost Kshs1.7 billion and no one has audited that amount. The National Assembly must be called out for incompetence. This is the oversight they should be doing instead of encroaching devolved functions like the Road Maintenance Levy Fund (RMLF) of Kshs11 billion. The National Assembly must be called out for being inept, moribund and ineffective in the oversight of public funds like the money that was appropriated for the purchase of these items. It was in their budget which we appropriate as a Parliament.

Article 114 of Constitution addresses money Bills and the budget making process. The budget making process is the work and domain of Parliament. It is not an exclusive function of the National Assembly. We have litigated this matter up to the Supreme Court. It started with the petition of 2013 when the National Assembly wanted to lock out the Senate in division of revenue. We have litigated this matter and the courts have ruled that the budget making process is the work of Parliament. Under Article 93 of the Constitution of Kenya, Parliament is both the Senate and the National Assembly.

Madam Temporary Speaker, the Kshs940 million and Kshs470 million that was allocated for the purchase of sanitary pads cannot be accounted for. That is why we are telling the National Assembly that they should oversight instead of encroaching on devolved functions like building markets and using National Government Constituencies Development Fund (NG-CDF) to give out bursary.

For the first time, I agree unequivocally with the former Prime Minister Raila Odinga when he says that we, Members of Parliament, should work as per Articles 94 and 96 of the Constitution. We should do representation, legislation, oversight and budget making, including division of revenue to our counties. That is how we will be efficient. You cannot be a judge in your own case. You cannot have your cake and eat it.

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Therefore, the National Assembly should stop its bulldozing and arm-twisting in terms of oversight.

There is a saying that when a lizard wants to wear a trouser, it should choose the tail that will wear the trouser. I am happy that the other day in Bondo, the ODM Secretary General who is the Senator for Nairobi City County called out the National Assembly Minority Leader. That was brave of him. I have never been proud of Sen. Sifuna until that day when he called out the pretense. We had agreed that of the Kshs4 trillion national budget, the equitable shareable revenue of Kshs450 billion should go to counties. However, they went and substituted zero then it came to Kshs405 billion. Therefore, we need to agree. That is what the Senate Deputy Minority Whip was arguing about. I, therefore, want to challenge the National Assembly. They should know that when a lizard wants to wear a trouser, it should choose the tail that will wear it.

Allow me to quickly run through the Bill. I have heard the Mover of the Bill, my sister, who is doing a good work of promoting menstrual hygiene that she is pushing for provision of sanitary pads to public facilities.

According to Article 249(3) of our Constitution, Parliament is supposed to appropriate funds to independent offices and commissions. It does not say the National Assembly. I want to invite my colleagues to read Article 249(3) of the Constitution. It says-

“Parliament shall allocate adequate funds to enable each commission and independent office to perform its function and the budget of each commission and independent office shall be a separate vote.”

It does not say the National Assembly.

Madam Temporary Speaker, the argument of money Bill under Article 114 and Article 249(3) of the Constitution does not in any way impede the Senate from doing the legislative process that we have as a country.

The Mover has elaborated on the issue of Clause 7. On the composition of the committee, I agree that we need this committee which should proceed with oversight.

There is a clause there that talks of Non-Governmental Organizations (NGOs) and individuals. We have many people who pretend to issue sanitary pads to our young girls. They use period shaming and period poverty to publicize themselves. I usually see NGOs and individuals go to schools and give the small girls one packet of sanitary pad then ask them pose for a photo. They then send the photos to their donors. That is very unfortunate. There is actually no accountability. It is a way of promoting stigma.

(Sen. Chute consulted loudly)

Madam Temporary Speaker, protect me from Sen. Chute.

That is why I am calling out the National Assembly. They should tell us where the Kshs470 million that was allocated in the Financial Year 2022/2023 went to. They should also tell us where the Kshs970 that was allocated in the following financial year went to?

The Ministry of Education and Ministry of Public Service, Youth and Gender Affairs only issued the pads once. What they do is take a photo, but they do not give us data showing the number of girls and schools that received the sanitary pads. Has anyone walked, for example, to my former school, St. Francis Cheptarit Primary School in

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Chesumei Sub-County and asked the headmaster of the number of times sanitary pads were issued? That is very important.

I agree with Clause 8. This is because we will facilitate close to one million girls who miss school three to four days in a month because of periods. Those girls will now be part of the students who will be learning. Most of our girls are very sharp. There is a song that says that what a man can do, a woman can do best.

Women and men, by God's grace, are equal and the same. Some people argue that women are smarter because they can multitask. However, we who are Christians, believe women are the neck and men are the head. I think that is what is right. That is how the Bible explains it. I do not know what the Muslims say about it. I do not know why Sen. Chute is complaining. We should stop tokenism in issuance of sanitary pads in this country.

Madam Temporary Speaker, I will skip clauses 9 to 12 because they are procedural issues. I would like to quickly move to Clause 14. I support the formation of a county interdepartmental committee to oversee and advise on this matter, so that we can realize the concurrent function. I believe that the provision of sanitary pads can be a concurrent function, considering that counties already manage Early Childhood Development Education (ECDE) classrooms, correctional facilities and public institutions like vocational training centres and youth polytechnics. Therefore, the formation of a county interdepartmental committee is very important.

Furthermore, we should promote the use of reusable sanitary pads. You have heard the President mention the initiative to plant 15 billion trees. We need to emphasize climate financing and climate action. It is essential to ensure that the sanitary pads being issued to our girls are eco-friendly to protect our environment.

Secondly, it is essential to ensure that the disposal of sanitary towels is done hygienically. The quality of sanitary pads should be of good quality and the correct size to prevent infections among young girls and women across the country. Therefore, the State Department for Public Health must be part of this conversation.

Madam Temporary Speaker, I agree with Clause 16 regarding auditing and reporting. However, I suggest an amendment that the reporting mechanism be directed to Parliament. Since the National Assembly has been unable to provide adequate oversight and now that this is a concurrent function, I believe the County Public Accounts Committee (CPAC) might be a bit held up. Therefore, the matter should be referred to the County Public Investment and Special Funds Committee (CPIC), which should address the issues of sanitary funding. This proposal involves the Deputy Party Leader of ODM, Sen. Otsotsi, whose expertise in auditing and reporting to Parliament adds efficiency and value. I can see him nodding in agreement as this amendment will expand his role in ensuring effective oversight of sanitary funding.

I agree with Clause 22 that a person who rebrands or sells poor-quality sanitary pads that can cause infections to our girls and women should face strict penalties. They should either be fined Kshs5 million or incarcerated for five years. You can imagine the serious health risks posed by substandard or poor-quality sanitary pads as infections can become a significant problem for our girls and women.

Madam Temporary Speaker, Sen. Chute's chauvinism should be shielded from this Bill to ensure progress. I believe he should return to his county and articulate the points he has been sharing with me behind the scenes. Then we will see if women will elect him back to this House.

I therefore commend the Mover and the sponsor of the Bill, Sen. Gloria Orwaba, for the Provision of Sanitary Towels Bill (Senate Bills No.7 of 2024). I hope it will be passed. I want to encourage the women in the National Assembly to support anything that empowers and restores dignity to our women. This should be the clarion call for our country.

I know people will ask what about the boy child? Sen. Eddy, can propose a Bill on the provision of underwear or inner clothes for the boy child. We can also fund and ensure that boys in our primary and secondary schools have access to these essentials. Promoting gender equity is what it will take to pass this Bill. However, I believe that the Members of the National Assembly are reasonable enough to ensure that this Bill by Sen. Gloria Orwaba is passed.

It has not gone without gain that Sen. Gloria Orwaba has been the biggest champion of this cause. She has even gone as far as putting up billboards in Nairobi and raising awareness before this House. We must hold on to such leaders, being a nominated leader. We have seen nominated leaders in this House, both in the previous session and in this one, who have done little or nothing in terms of legislative interventions. Some have been flower girls and flower boys. When we have a nominated leader who steps up to push an agenda, we should encourage them so that we make sure---

Sen. Chimera: On a point of order, Madam Temporary Speaker.

The Temporary Speaker (Sen. Mumma): What is your point of order, Sen. Chimera?

Sen. Cherarkey, please sit down.

Sen. Chimera: Madam Temporary Speaker, I have listened to Sen. Cherarkey. Is the Senator in order to refer to nominated Members of this honourable House as being flower girls?

The Temporary Speaker (Sen. Mumma): Sen. Cherarkey, please apologise for using the words 'flower girls.'

Sen. Cherarkey: Madam Temporary Speaker, I did not mention anybody's name.

The Temporary Speaker (Sen. Mumma): Please withdraw the use of the word---

Sen. Cherarkey: I said some---

The Temporary Speaker (Sen. Mumma): No, you said Senators in this session and the previous session who have been 'flower girls.' Can you withdraw, please?

Sen. Cherarkey: Madam Temporary Speaker, let me withdraw and substitute by saying some of our colleagues---

The Temporary Speaker (Sen. Mumma): Please withdraw, I did not ask you to substitute.

Sen. Cherarkey: I have withdrawn and apologised. However, some of our colleagues, even in the previous session, have become flower girls and boys without---

The Temporary Speaker (Sen. Mumma): Sen. Cherarkey, you are now crossing the line. Please do not use the words ‘flower girls’ in reference to any Senator. Please withdraw and apologise.

Sen. Cherarkey: Madam Temporary Speaker, is flower girls and flower boys unparliamentarily? Can I substitute by saying---

The Temporary Speaker (Sen. Mumma): No, please withdraw.

Sen. Cherarkey: I have however withdrawn and apologised.

The Temporary Speaker (Sen. Mumma): No, you have not. Can you withdraw and apologise on record?

Sen. Cherarkey: I withdraw and apologise by saying that as Members of Parliament (MP)---

The Temporary Speaker (Sen. Mumma): No, you have withdrawn and apologized, not by saying anything.

Sen. Cherarkey: As Members, we must take our work seriously, whether elected or nominated. We should do our job. Our job is not to be court testers for individuals or parochial interests, whether of parties or individuals in this House or the lower House. Therefore, I celebrate Sen. Orwoba for her efforts. The Bible says, "The guilty are always afraid."

As I second this Bill, I want to emphasize the need for all of us to rally together and ensure its success. Let us vote for it. I propose adding delegations, as the involvement of counties may require their support. Let us pass this Bill and grant our girls and women the dignity to live a respectful and dignified life across the country. Since every man loves women, we must not only express affection, but also demonstrate our support through actions and deeds, including legislation and interpretation.

With those remarks, I beg to second.

I thank you.

(Question proposed)

The Temporary Speaker (Sen. Mumma): Sen. Eddy, proceed.

Sen. Oketch Gicheru: Madam Temporary Speaker, I thank you for giving me the opportunity to share my thoughts on this Bill. I believe that the spirit of the Bill is one we must support. This is because, as a country, we decided as far back as 2017 that it is unacceptable for girls to miss school due to a lack of sanitary towels.

We also agreed that within our borders, it is unacceptable for girls to use unhygienic materials such as torn pieces of clothes or blankets as substitutes for sanitary towels. Similarly, we deemed it unacceptable for our girls to be exposed to sexual activities with their male counterparts in exchange for sanitary towels, simply because they or their families cannot afford them.

We even agreed in 2017 that women and girls must not only use sanitary towels as a means of managing their menstrual cycle, but also be empowered. They should have the capacity to choose based on taste, comfort and anything else that upholds their dignity. These were the principles we agreed upon. That is why, even in certain conversations in this House and on other platforms, Sen. Karen Nyamu has been

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recognized as an advocate for women's access to tampons. This is indeed a very serious issue that we are addressing.

What has been the response in the corners of our country? The first response is that we have had charitable organisations trying to fill the gaps. We have also, time without number, witnessed community-based programmes making efforts to fill in the gaps. We have also had situations where people are capable to afford what they can in their private capacities if they have money.

Madam Temporary Speaker, the title of the Bill talks of provision. Let me not misquote the Bill because I want to read it as is. It is The Provision of Sanitary Towels Bill. The Bill assumes there is no avenue where the Government of Kenya is providing sanitary towels to women.

The fourth issue is on the menace of acquisition or access to sanitary towels. That should be Government initiatives. When we make Bills in this House, especially on issues that affect women, I want to encourage all female Senators in this House and Parliament in general. Once you have got an opportunity to enter a door, build on it. The truth is that we have a Government Act in place to provide sanitary towels to our female counterparts.

I would like to refer to that Act. It is the Basic Education Act of 2017. Section 2(k) of it requires the Ministry of Education to provide free, sufficient and quality sanitary towels to our girls in school. This has been followed with budgetary allocations. There is a standard requirement to respond to this problem. It will be a mischaracterization of our country if we talk about lack of because the provision does exist. External people such as donors might think that the Government of Kenya has never done something like this when that Bill was passed in 2017. It requires that annually, women or girls in school must get nine packs. Section 2(k) is very specific. It states that all girls in our schools must get nine packs of pads per year. That translates to one pack per month.

I would like to advise my sister, Sen. Gloria, to look at how we can improve on this, so that we have more. Currently, our girls get about seven pads.

Sen. Mungatana, MGH: On a point of order, Madam Temporary Speaker. The Senator for Migori whom I highly respect is good in doing research and I like listening to what he says. However, he has brought up a fundamental issue on the Floor of the House. The law exists, but we have a Bill that was approved by this House, underwent First Reading and now we have started the debate which is Second Reading.

Madam Temporary Speaker, I would like to have a proper clarification and an informed ruling. We should know whether we are on the correct trajectory to debate a Bill where an Act of Parliament already exists.

The Temporary Speaker (Sen. Mumma): What is your point of order?

Sen. Mungatana, MGH: Are we in order to debate---

The Temporary Speaker (Sen. Mumma): A point of order should be such that the person who was speaking said something. You seem to be agreeing with them. So, what is your point of order?

Sen. Mungatana, MGH: Are we in order as a House to debate, not an amendment, but a law that provides what already exists?

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The Temporary Speaker (Sen. Mumma): Hon. Senators, the Bill before us is framed in a language that is not there. It is up to this House to debate this Bill and determine in one way or the other if the Bill is necessary or not. You will get to do that when you vote.

Let us proceed.

Sen. Oketch Gicheru: Madam Temporary Speaker, we are all aligned to what Sen. Mungatana is saying. What he is asking is fundamental. I will go ahead and demonstrate to you how the Government of Kenya has addressed this issue. The only new part I can see in this Bill talks about correctional institutions and the committees to distribute, which I think is a policy issue.

That Bill went through the Houses of Parliament in terms of budgetary allocation. I want to give you an example. In the Financial Year 2021/2022, the Ministry of Education had a budget for 1.7 million girls who had been enrolled in our schools. Therefore, they tried to capture girls in our education system who were at the puberty stage. That was between Class Six, Seven and Eight. They demonstrated that they needed about Kshs621 million to provide the nine packs as required by the existing Act. Due to budgetary constraints, they were allocated Kshs259 million only. That means that in the subsequent years, which I do not want to go into those numbers, there has been incremental capitation by the Ministry of Education for provision of sanitary pads.

If you look at the Kenya Environmental, Sanitation and Hygiene Policy (KESHP) 2016-2030, it was adjusted to look at this issue holistically. In this Act of 2017, the policy required that all schools must have private collection and disposal systems for used menstrual clothes and sanitary towels.

There are fundamentals of this Bill that we are dealing with. The first one is the issue of provision, which does exist. Is there enough capitation for it? I wish my sister, Sen. Gloria, instead rethought this entire Bill into a policy framework that will make sure there is enough capitation for what exists in that particular Bill like the KESHP 2016-2030 that looks at how to deal with the issue of hygiene infrastructure in the country, should be financed.

My worry is that if we end up over-legislating, we will disadvantage the women. For you to pass this Bill, you should start another journey of looking for its budget when the other budget is suffering from not getting enough capitation. That way, you will disadvantage the women in getting enough resources because of what already exists. It is a fundamental question that I wanted to raise. For instance, if you think about what that policy requires in terms of private system of having women to collect and dispose of sanitary towels.

If you look at what happened in the backdrop of the Act that exists, in January, 2023, public health officers closed a number of schools. An example is Ogada Primary School in South Kabuoch in Ndhiwa Constituency in Homa Bay County, where my brother Sen. Kajwang' comes from. The reason the school was closed is because they did not comply with the policy that exists to make sure that there are proper toilets or pit latrines to dispose sanitary towels. The policy required capitation, so that all schools have separate latrines for girls, such that even when they go to change their pads, they have got private toilets. You can imagine we already have a law and a system that can develop

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this, but again we come up with a new law that forgets that the issues here are finances and distribution. It will be a disservice to women. What we should do is to find an innovative way. I hope that Sen. Gloria will meet me outside this platform, so that we can consult on how we can holistically look at existing infrastructure and ensure that, one, money goes to those infrastructures that exist.

Secondly, Madam Temporary Speaker, we need to invest in what exists becomes the issue of distribution, which is the only way we can think about counties and the communities that are proposing this Bill to ensure that in the existing Basic Education Act of 2017, perhaps we could explore something like Article 189 that allows cooperation between the national Government and county governments. They can create a committee that ensures that what already exists under the Ministry of Education can be devolved into the counties to help hasten the process of being able to give those powers to our girls in schools. Doing a whole new law when one exists that has not been funded properly would be a disservice to women.

Madam Temporary Speaker, that is my caution and I am mixed at this point whether I support or not. However, I wanted to give caution that this is a danger that might take away from the gains that women have made in the number of the Bills and policies that exist. I wish that both the Secretariat and the Senator who has sponsored this Bill can sit together and look at how we can empower the policies and the Act that exist, to ensure that it gets money, infrastructure for distribution and make sure that we can get the sanitary towels to our women.

I thank you.

The Temporary Speaker (Sen. Mumma): Sen. Chimera, please proceed.

Sen. Chimera: Asante, Bi. Spika wa Muda, kwa kuna fursa hii ili nichangie kuhusu Mswada huu wa Sen. Gloria Orwoba.

Kwanza, ningependa kumpongeza sana Sen. Gloria Orwoba, kwa sababu yeye ni Seneta mteule lakini tunaona kazi anayoifanya hapa Bungeni. Nilikuwa na wasiwasi kwa sababu nimemuona kwa mabango katika sehemu mbalimbali za nchi yetu, akiashiria kwamba yeye ni mkereketwa mkuu wa swala hili.

Vile vile, Seneta huyu amefika hapa Bungeni akiwa amevalia nguo iliyokuwa na rangi nyekundu kwa sehemu zake za siri. Kumbe ilikuwa ni ishara kwamba alikuwa anamchakato wa kuhakikisha kuwa ameleta Mswada huu ambao ni wa maana sana katika nchi yetu. Ningependa kumpongeza sana kwa Mswada huu.

Vile vile ningependa kunakili semi za Sen. Eddy Oketch kwamba kumekuwepo ama kunayo sheria tayari kuhusu swala hili. Walakini, ningetaka kumueleza kwamba nimeona sheria hii imeweza kunukuu kipengele fulani cha 18 cha Sheria ya Basic Education Act na hiyo ni kuonyesha kwamba Sen. Gloria amepiga msasa sheria ambazo zipo kwa sasa kuhusu swala hili la visodo.

Bi. Spika wa Muda, wanafunzi wetu wa kike, hasa wale wanaotoka mashinani, wameteseka. Ukiangalia zile sehemu za ndani za nchi hii, kama Kaunti zetu za North Eastern, kwa mfano, kaunti za Wajir, Marsabit na hata Kaunti yangu ya Kwale, kuna sehemu za ndani kama vile Shesheni, eneo Bunge la Lungalunga, Ngathini, eneo Bunge la LungaLunga na Kaza Moyo, eneo Bunge la Kinango.

Hizi ni sehemu ambazo wanafunzi wetu wa kike wakifika wakati wa mwezini na hawajapata fursa ya kupata visodo, inakuwa hali ngumu kwao kuenda shuleni. Inakuwa hali ya aibu zile siku mbili au tatu ambazo wanapitia hali ya maumbile yao ya kiubinadamu. Inakuwa dhiki na aibu kwao. Inafika wakati wanatumia hata vitambara ili kuhakikisha kwamba wameweza kuzidhiri siku zao za mwezi kibinafsi.

Ikiwa sheria hii itatekelezwa na ukweli tutapata fursa ya Serikali Kuu na serikali zetu za ugatuzi kuhakikisha kwamba visodo vinasambazwa katika kila shule ya upili ama ya msingi ili wanafunzi wetu wa kike wavipate.

Itakuwa hali ya afueni kwao kwa sababu kwa sasa ni aibu sana kwa mwanafunzi yule hawezi kupata visodo. Sio kwamba hawana uwezo. Wakati mwingine, utapata familia zingine kule mashinani wana uwezo lakini kufikia hizo visodo ni hatua na inakua bei ghali sana na wanashindwa kuzipata. Kwa hivyo, nampongeza sana Sen. Gloria kwa hili wazo lake la kuhakikisha kwamba Serikali ime chukua jukumu la kuhakikisha kwamba visodo vimesambazwa katika kila kona na shule ya nchi ili yule msichana ambaye anahitaji visodo apate haki yake, pasipo kumjua mtu yeyote, au kuenda kwa ofisi, *either* ya mzee wa mtaa, chifu ama mbunge.

Sisi wanasiasa tunatumia swala hili kufanya siasa. Sio vyema kwamba unamdhalilisja mtoto wa kike ili ufanye siasa yako. Ikiwa wewe ni kiongozi na unahitaji kusaidia jamii kwa kuwapatia wanawake wetu visodo, tunakuomba ufanye vile kwa njia ambayo inastahili, wala sio kuwatumia wasichana wetu kufanya siasa.

Vile vile, ningependa kumpa Sen. Gloria mawazo kwamba, tumeona ameweka kamati mbili katika sheria hii. Kamati hizo zimepewa nguvu za ajabu sana ya kwamba wao ndio watasimamia swala hili lote, kuanzia kupata fedha, kufanya mipangilio na usambazaji wa hivyo visodo. Namuomba aangalie hapo maanake tunajua kwamba fedha ikitoka kwa Serikali Kuu ikienda kwa Kamati ambayo tunaona kuwa imeteuliwa na watu binafsi, hatujui uwajibikaji utakuwaje katika kamati hiyo. Vile vile, magavana wetu watakua na hali ya atiati kuipatia kamati ya kaunti kufanya kazi hii ya kusambaza visodo kupata fedha hizi. Tunajua hali ya kiuchumi ni ngumu. Nimeona ile kamati ni lazima ipate aidha *allowance* ama kiinua mgongo fulani ili wafanye kazi hii. Kwa hivyo, Sen. Gloria, nakuomba uangalie swala hili, Vipengele vya 12 na tatu. Hizo kamati ni nyingi, na vile vile zina majukumu ambayo ni ya nguvu sana na inaweza kukupatia shida na viongozi wengine.

Bi Spika wa Muda, tayari, akina mama wetu ambao ni women representatives wana mfuko ambao unaitwa the National Government Affirmative Action Fund (NGAAF). Ningependa kukutaarifu kwamba mimi nilikuwa mratibu mkuu wa kwanza kusimamia fedha hii katika Kaunti ya Kwale, wakati ambapo kiongozi wetu alikuwa Mhe. Mwenda zake marehemu Zainabu Kalekye Chidzuga, Mwenyezi Mungu amrehemu, amsamhehe dhambi zake, na amuweke mahali pema, palipo na wema.

Tulifanya miradi kama hii lakini hakukuwa na sheria. Ilikuwa tu, mtu au kiongozi anaamka na kusema leo naomba nisambaze visodo. Wewe kama mratibu mkuu huna budi ila kuhakikisha umetafuta fedha na umeziweka katika ule mradi na huo mradi umefanyika.

Leo hii, tunaona sheria ya NGAAF iwehakikisha kwamba women representatives wetu wamepewa fursa ya kutafuta hivi visodo na kuvisambaza nyanjani ili wanafunzi wetu wafaidike na hivi visodo.

Najua viongozi hapa watasema mbona tayari kuna sheria kuhusu visodo, kwa nini tulete sheria ingine kupitia Sen. Gloria Orwoba. Ningependa kuwataarifu kwamba hata kama hio sheria ipo, bado lile jukumu la kuhakikisha wanafunzi wetu wamepata visodo wote sawia, kila mmoja bila kubagua au kujulikana, haijaweza kutekelezwa vilivyo.

Hivyo basi, ningependa kumuomba Sen. Gloria kupitia sheria hii, azungumze na hao viongozi wengine wakiwemo women representatives kwa sababu ikifika kule Bunge la pili, wanaweza kuleta shida na sheria hii. Hata hivyo, Sen. Gloria, nina imani kwamba, mkizungumziana tutapitisha sheria hii na itaweza kumuokoa yule mwanafunzi ambaye hajui lolote na yeyote, na ni mchochole, aweze kupata visodo hivi na kuendelea na majukumu yake kukaa shule afanye mitihani yake na ahitimu. Mwisho wa siku, *inshallah* tumuone katika Bunge kama hili pia yeye akizungumzia masuala ya wanawake wenzake.

Kwa hayo, nampongeza Sen. Gloria kwa Mswada huu na ninauunga mkono.

Asante, Bi. Spika wa Muda.

The Temporary Speaker (Sen. Mumma): Sen. Mungatana.

Sen. Mungatana MGH: Madam Temporary Speaker, many years ago, when I was in class seven, a very strange happening took place. I was in Arap Moi Primary School, Ngao. Those days, the classrooms had very large windows, which were not covered. So, you could jump out or into the classroom. There were no doors. That is the school I went to from standard five to seven. Of course, it is much better now.

Madam Temporary Speaker, the strange happening was that we were in class and then we were about to go for a break. One of the very bright girls just stepped on one of the desks and jumped out of the window. I never understood what was happening. Most of the boys at that age, did not know what was happening. Many years later, I came to understand that the young girl then was having her periods. In our custom those days, it was very, very secretive thing. Men or boys like us were not supposed to know what was happening and men were not supposed to discuss what was happening. It was a secret thing because you were told that there are things that girls go through that you are not supposed to know. There was a custom of secrecy around it. Little did I know many years later, that custom of secrecy in Tana River County in those days was a custom of oppression for our young girls; our young daughters. It was kept so secret that the girls were supposed to miss school, go and hide, three, four days later they would appear.

We also did not know what was happening as boys. Today I stand to support this Bill because when I came to understand what was happening, I told myself that when I grow up and God gives me daughters, it will never happen that they would be ashamed of what God has so graciously given them.

Madam Temporary Speaker, my wife and I have made it a custom that all those wonderful girls that God has given us, every one of them who we say, 'has started'--- in Kiswahili we say, *amevunja viungo*--- we would take her out and sit with her for a beautiful dinner and tell her, 'Mommy, God makes you more beautiful as you grow up'. Because the mum would give me the information. I tell them that 'what has happened to you means, God is making you more beautiful. Your hair will grow longer, look prettier,

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your face will be softer and you will stop being a tomboy. You have to behave in this and this way'. That is the way we bring up all our children.

Madam Temporary Speaker, why am I saying this? It is because here in town, it might be normal. However, the communities we come from, and I am talking about the communities in a place like Tana River County, where we are so conservative still---

(An hon. Member spoke off the record)

My colleague here is telling me, Kajiado too. We are conservative, and we need to speak out and tell our people that time has come to tell our children it is a normal thing, it is a beautiful thing and makes us grow. God has made it in this way, so that we can procreate at the appropriate time.

When there is a law to buttress this beautiful happening, it is our duty and call to stand with that kind of law. I congratulate Sen. Orwoba for this Bill. She has been very consistent on this. I urge her to soldier on. I heard in her submissions that there may be problems and issues when it goes to the National Assembly.

(Loud consultations)

The Temporary Speaker (Sen. Mumma). Order, Sen. Omatatah and team. Let that *Kamukunji* consult in low tones.

Sen. Mungatana, MGH: I urge that Sen. Orwoba soldiers on and fellow Senators to support this Bill. There is only thing by way of improvement of this Bill that I would like my colleague to think about. I am reading a provision about the structure of the administration of the Bill. It says that she intends to set up a committee through this Bill that would have a cooperate entity. It is an inter-ministerial committee on provision of sanitary towels.

I have been through a lot of legislation. How do we create and inter-ministerial committee and give it corporate entity? Would it not have been better to set up a proper parastatal in charge of this? I say this because it has a corporate seal, it can sue and be sued. It does purchasing and all these things like a proper corporate entity. The inter-ministerial committee has a chairperson and Principal Secretary (PS) responsible for gender, the PS for education or their representative designate. You also have the PS for correctional services, for higher education and for vocational education. There are so many principal secretaries.

Apart from these many PSs or their designates, there is the Attorney-General. I have been in Government for a while and also Chair of the Kenya Ports Authority (KPA). I know how boards are supposed to work. At least for a board one is sure who the member is. They are given their allowances and they know whenever they sit, there is a certain benefit attached to it.

For these ministerial things, the officer who comes one day may not be the one in the next meeting. One day the gender or even correctional person does not come. It is a different person every time. It becomes impossible to make a decision as a corporate because maybe the other officer from the Ministry of Gender is not there. It becomes so

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difficult. The Attorney-General has many lawyers and state counsel who will keep exchanging. Making one decision such as where to place money becomes very difficult.

I see a situation where my colleague might want to think about setting up a proper parastatal that is charged with this; we give the money and support the initiative to the end. I am very worried about the current setup that is carried all the way to the counties. At the county there are inter-ministerial departments' setup. There is the argument that if the money is located in one particular department or one place, it can be subject to misuse. It is better we legislate how that money will be operationalized and we achieve the goal where there is unified decision-making. However, if we have three departments or three ministries then the beautiful thoughts of my colleague, Sen. Orwoba, will be frustrated by people. She will not get the results because Government works in a very strange way. One needs to be in there for them to know what I am talking about.

I am urging to look for a more efficient way for this money to flow to our people. That is the only point I wanted to make. This is a wonderful idea whose time has come. I urge the men who are listening to support the girl child. I am referring to men who are traditional like myself, who come from counties that still believe and practice our traditions. I am referring to men who cannot even say some words because those words do not even exist in our mother tongues. I urge them that it is time we change and support the girl child. We should support this Bill.

With all those many words, I beg to support. Thank you.

Sen. Nyamu: Thank you, Madam Temporary Speaker, for this opportunity. This is a very good Bill for all intents and purposes.

It is an open secret that Kenya is going through a lot of period poverty. Period poverty is defined as the inability to access period products, clean water and a hygienic environment during the period. The main cause of period poverty is not the lack of water, period stigma or lack of sanitation. The main cause of period poverty is the high cost of period products.

Statistics show that 65 per cent of women and girls in Kenya cannot afford sanitary products. About 95 per cent of our menstruating girls have to miss school for a day or two days when they are on their period. We cannot continue to normalise such alarming statistics and the effect that they have on the education of a girl child.

One might ask, how have we managed all this time? We have been filling the gap through donations. We have had an NGO here and a philanthropist there. The women representatives can also donate some sanitary pads, but they do not meet the entire needs that we have in our schools and our prisons. So, why not adopt this legislative proposal and the legal structure that Sen. Orwoba is proposing and fine-tune? Everyone here represents people and we all know the dire need on the ground.

The intent of this Bill is sacred. We need to support it and guide it to ensure that our girls eventually get free sanitary towels, if not for anything, but for their dignity. There is no dignity in donations. We need to give them the sanitary pads so as to end the stigma. We should give our girls dignity by having a system where they will be guaranteed sanitary products. They should also be guaranteed to attend all the days in school.

The amendment I would propose to this Bill is to include a shelf life, perhaps 20 years, to allow the Government to develop solutions for affordable sanitary products. These solutions could include zero-rating raw materials, ensuring access to cheap labor for production, subsidizing the sector and establishing domestic manufacturing of sanitary products.

Another proposal I would suggest to Sen. Gloria to include in the Bill is the introduction of period education. This would help girls understand what is normal during their period, recognize when something might be abnormal and know how to manage pain. It would also expose them to the variety of period products available, as sanitary towels are not the only option. Girls should have the freedom to choose what is most comfortable for them.

Madam Temporary Speaker, tampons are an excellent option. I do not know if you can bear me witness on that. Speaking from personal experience, I can attest to their comfort and convenience. They allow you to almost forget you are on your period. There is often a misconception about tampons being a significant or intimidating choice, but the mini tampon, for instance, is much smaller and is designed to absorb effectively.

Those are my remarks on this Bill. I support The Provision of Sanitary Towels Bill (Senate Bills No.7 of 2024) with amendments. Thank you.

The Temporary Speaker (Sen. Mumma): I call upon the Mover to reply.

Sen. Orwoba: Thank you, Madam Temporary Speaker. I beg to reply by thanking the Senators who have demonstrated their support for this piece of legislation today. I extend my thanks to my seconder, Sen. Cherarkey, for interrogating and highlighting the key aspects of the Bill. I also wish to thank Sen. Eddy Oketch for pointing out some issues that I will clarify in due course.

My appreciation goes to Sen. Chimera for stepping in and ensuring that no critical points have been overlooked. I thank Sen. Karen Nyamu for enlightening us on alternative options and emphasizing sustainability, particularly with her suggestion to include a shelf life.

Lastly, I thank Sen. Danson Mungatana, who has given us his insights on period poverty and how he got sensitised on this pandemic of period poverty.

As I reply, I would like to highlight that there is indeed an amendment under the Education Act. If you refer to point 23 of my proposed Bill, you will see that Section 18 of the Basic Education Act is amended in sub-section (1) by inserting the words "in consultation with the inter-ministerial committee on provision of sanitary towels established under The Provision of Sanitary Towels Act," immediately before the words "prepare and submit" appearing in paragraph (k).

I also wish to inform those who have contributed, particularly Sen. Eddy Oketch, that I am aware of existing legislation that touches on the provision of sanitary towels. However, I would like to clarify that this legislation has not been implemented. It lacks timelines, does not stipulate frequencies, fails to address the quantity or quality of the sanitary towels and does not clearly assign responsibilities. Moreover, it does not allocate a specific budget or provide any repercussions for non-compliance in subsequent years if the provision of sanitary towels is not upheld.

My proposed Bill seeks to cure these legal loopholes, which have been misused, thereby denying women and girls in Kenya access to sanitary towels.

ADJOURNMENT

The Temporary Speaker (Sen. Mumma): Hon. Senators, it is now 6.30 p.m., time to adjourn the Senate. Sen. Orwoba, you have a balance of 27 minutes. The Senate, therefore stands adjourned until tomorrow, Wednesday, 16th April 2025, at 9.30 a.m.

The Senate rose at 6.30 p.m.