



REPUBLIC OF KENYA

THIRTEENTH PARLIAMENT

NATIONAL ASSEMBLY

THE HANSARD

8th April 2026

Vol. V No. 25

THE HANSARD

Wednesday, 8th April 2026

(The House met at 9.30 a.m.)

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

PRAYERS

QUORUM

Hon. Deputy Speaker: Serjeant-at-Arms, ring the Quorum Bell for 10 minutes.

(The Quorum Bell was rung)

PAPERS

Hon. Deputy Speaker: Hon. Raso, are you standing in for the Leader of the Majority Party?

Hon. Ali Raso (Saku, UDA): Thank you very much, Hon. Deputy Speaker. I am standing in for the Leader of the Majority Party. I beg to lay the following papers on the Table: Reports of the Auditor-General and financial statements for the year ended 30th June 2025 and the certificates therein in respect of—

1. Abodii Mutonto Vocational Training Centre.
2. Democratic Action Party-Kenya.
3. Energy and Petroleum Regulatory Authority Staff Mortgage and Car Loan Scheme.
4. Energy and Petroleum Regulatory Authority.
5. Geothermal Development Company Limited.
6. Githongo Vocational Training Centre.
7. Godoma Technical Training Institute.
8. Ibiriga Vocational Training Centre.
9. Ithima Vocational Training Centre.
10. Karen Technical Training Institute for the Deaf.
11. Kenya Bureau of Standards.
12. Kenya Export Promotion and Branding Agency.
13. Kenya Law Reform Commission.
14. Kenya National Multi Commodities Exchange Limited.
15. Kenya Power and Lighting Company PLC Staff Mortgage and Car Loan Scheme.
16. Kenya Safari Lodges and Hotels Limited.
17. Kenyatta International Convention Centre.
18. Kibo Seed Company Limited.
19. Kisiwa Technical Training Institute.
20. Land Settlement Fund.
21. Limuru Technical and Vocational College.
22. Mama Ngina University College.

23. Maua Vocational Training Centre.
24. Mukurwe-ini Technical Training Institute.
25. Muthambi Vocational Training Centre.
26. Narok Teachers Training College.
27. National Agenda Party of Kenya (NAP-K).
28. National Council for Law Reporting.
29. National Gender and Equality Commission.
30. National Mining Corporation.
31. National Oil Corporation of Kenya Limited.
32. Ndia Technical and Vocational College.
33. Nguruki Vocational Training Centre.
34. Nkubu Vocational Training Centre.
35. Nuclear Power and Energy Agency.
36. Parliamentary Service Commission.
37. People's Trust Party.
38. Private Security Regulatory Authority.
39. Public Service Commission.
40. Receiver of Revenue Financial Statements.
41. Rift Valley National Polytechnic.
42. Ruibi Vocational Training Centre.
43. Rural Electrification and Renewable Energy Corporation (REREC).
44. Shanzu Teachers Training College.
45. State Department for Mining.
46. Taita Taveta National Polytechnic.
47. Taita Taveta University.
48. Tinderet Integrated Technical and Trainers College.
49. Total Technical and Vocational College.
50. Uruku Vocational Training Centre.

Hon. Deputy Speaker: Next Order.

QUESTIONS AND STATEMENTS

REQUESTS FOR STATEMENTS

We have a Request for Statement by Hon. Stephen Mogaka, Member for West Mugirango. Are you here?

DRUG TRAFFICKING IN THE COUNTRY

Hon. Stephen Mogaka (West Mugirango, JP): Hon. Deputy Speaker, pursuant to Standing Order 44(2)(c), I wish to request for a Statement from the Chairperson of the Departmental Committee on Administration and Internal Security regarding suspected trafficking of narcotic drugs through public transport vehicles operating within Nyanza region where my constituency, West Mugirango, lies.

On 6th March 2026, a multi-agency security team comprising of officers from the Directorate of Criminal Investigations (DCI), the National Police Service, and the Kenya Revenue Authority (KRA) conducted a security operation following intelligence reports regarding alleged drug trafficking activities in the Coast and Nyanza regions. During the operation, a passenger bus allegedly belonging to Guardian Angel Bus Company was flagged

down along the Kisumu-Kericho Highway where narcotic drugs were reportedly recovered from luggage belonging to one of the passengers.

This incident has raised concerns regarding the possible existence of organised narcotic drugs trafficking networks operating across counties and exploiting public transport systems to distribute illegal drugs. The use of Public Service Vehicles (PSVs) to transport narcotic substances poses a significant threat to public safety and security, particularly among school going children who use public transport, the youth, and the elderly. It also undermines the integrity and reliability of the public transport system, making it a weak link in the war against drug trafficking.

It is against this background that I request for a Statement from the Chairperson of the Departmental Committee on Administration and Internal Security regarding the following:

1. A report on the circumstances surrounding the recovery of narcotic drugs from the said passenger bus along the Kisumu-Kericho Highway, including the status of investigations and any arrests made in connection with the incident.
2. A report on the investigations into the alleged existence of organised drug trafficking networks operating within the Coast and Nyanza regions and the extent of their operations.
3. Steps being taken to monitor and prevent the use of public transport vehicles as conduits for trafficking narcotic drugs across the country, including collaboration arrangements, if any, with the Ministry of Roads and Transport, on provision of sniffer dogs in public transport terminal stations to detect illegal drugs and substances.
4. Measures being taken to safeguard children using public transport from exposure to the trafficking and abuse of narcotic drugs.
5. Long-term measures being implemented to combat the proliferation and distribution of narcotic drugs, particularly among the youth.

With your permission, Hon. Deputy Speaker, I acknowledge that yesterday you kindly recognised the presence of Nyakeore Secondary School, a school from my constituency, when Hon. Jerusha and I were not present. I thank you and *ex post facto* congratulate the children and wish them all the best in their studies. I hope that they will one day become Speaker like you, or Members of Parliament like us.

Hon. Deputy Speaker: Next we have a Request for Statement by Hon. Machele, who is not available. The Member for Mvita has delayed. We shall give him a chance next time. He sought permission.

(Request for Statement deferred)

Next is the Member for Awendo, Hon. Walter Owino.

(Hon. Stephen Mogaka spoke off the record)

My apologies, Hon. Mogaka. Your Request is marked to the Departmental Committee on Administration and Internal Security. Hon. Ali Raso is here and will give an undertaking on behalf of the Committee.

Hon. Ali Raso (Saku, UDA): Thank you very much, Hon. Deputy Speaker. My colleague has raised something seismic and important. As a Committee, we are trying to do a lot in terms of combatting the drug problem in the country. The National Authority for the Campaign Against Alcohol and Drug Abuse (NACADA) will appear before us tomorrow. We hope to refer this Request to them. We will respond comprehensively in two weeks.

Hon. Deputy Speaker: Yes, Hon. Mogaka.

Hon. Stephen Mogaka (West Mugirango, JP): Hon. Deputy Speaker, I beg that the Chair invites me for the session that the National Authority for the Campaign Against Drug Abuse (NACADA) will attend, so that I can represent the people who made me ask this Question.

Hon. Ali Raso (Saku, UDA): Most obliged, Hon. Deputy Speaker. We will get in touch with the honorable colleague.

Hon. Deputy Speaker: I thank you. The Member for Awendo, Hon. Walter Owino. Is he in the House?

(A Member spoke off the record)

He is not in the House. There is a response for him from the Departmental Committee on Agriculture and Livestock. I cannot see the Chairperson. Is the Vice-Chairperson or any Member of the Committee present? Since he is not here to table it, we will just proceed and defer it to a later date.

We can move to the next Order.

BILL

Second Reading

THE BASIC EDUCATION (AMENDMENT) BILL (National Assembly No. 3 of 2025)

Hon. Deputy Speaker: Hon. Anthony Oluoch.

Hon. Anthony Oluoch (Mathare, ODM): Hon. Deputy Speaker, I beg to move the Basic Education (Amendment) Bill, 2025.

Hon. Deputy Speaker: Read it in full, as it appears on the Order Paper, for the record.

Hon. Anthony Oluoch (Mathare, ODM): Hon. Deputy Speaker, I beg to move that the Basic Education (Amendment) Bill, (National Assembly Bill No. 3 of 2025) be now read a Second Time.

The Basic Education (Amendment) Bill defines basic education to include public and private schools. Its purpose is to align the Basic Education Act with the Constitution. The following provisions of the Constitution are instructive. Article 10(2)(b) of the Constitution provides that the national values and principles of governance include human dignity, equity, social justice, inclusiveness, human rights, non-discrimination and protection of marginalised persons.

I am still laying the basis of why this Bill seeks to align with the Constitution. Article 27(1) of the Constitution provides that every person is equal before the law and has the right to equal protection and equal benefit of the law. Article 27(2) of the Constitution says equality includes the full and equal enjoyment of all rights and fundamental freedoms. Further, Article 27(6) of the Constitution provides that to give full effect to the realisation of the rights guaranteed under this Article, the State shall take legislative and other measures, including affirmative action programmes and policies designed to redress any disadvantage suffered by individuals or groups because of past discrimination. This will become instructive when I go to the second part which this Bill seeks to align.

The second last part is Article 43(1)(f) of the Constitution which provides that every person has the right to education. Lastly, Article 53 of the Constitution provides that every child has the right to free and compulsory basic education.

There exists an Alternative Provision of Basic Education and Training (APBET) Policy, 2009 from the Ministry of Education. After a very extensive stakeholder engagement, including engagement with APBET stakeholders, they came up with a policy. The category of schools known as APBET was entrenched by a policy. It remains at the policy level and has never been mainstreamed into the Basic Education Act. In terms of mainstreaming or aligning the Basic Education Act, I wish to draw the attention of this House to Legal Notice No. 39 which are Basic Education Regulations, 2015 which continue to operate. They are dated on 8th April 2015.

In Part IV of the Basic Education Regulations, 2015, provision is made of the alternative provisions for basic education and training, and continuing education. Regulation 68 talks about institutions of alternative basic education and continuing adult education. A provision is made there on how to utilise and share facilities for adult education on all other aspects that are involved in the APBET institution. Regulation 69 talks about grants and curriculum in Paragraph 70. It is instructive to note that APBET institutions are regulated by curriculum drawn from the one that is run under the Ministry of Education that both public and private schools operate under. Regulation 79 talks about learners above the age of 18 years. Regulation 72 talks about placement. This goes on and on up to Regulation 78.

This Bill also seeks to align, in terms of our Constitution, the basic education with United Nations Conventions and Treaties which Kenya is a party. When we appeared before the two Committees, the Departmental Committee of Education and the Budget and Appropriations Committee, the stakeholder engagement was extensive. The Budget and Appropriations Committee came up with an analysis which carried out certain statistics. Before I take you through them, it is important that I lay some facts bare.

The Basic Education Act defines basic education as public and private. The effect of that is to disenfranchise more than three million students from inclusion into the basic education, in terms of recognition, funding of capitation, accreditation of teachers, the teachers' service and all the infrastructure that goes into budgeting under the basic education budgeting programmes. Mathare Constituency has 54,000 school-going students. Only 24,000 students can fit into our public schools.

The question is: where do the other students go? This situation applies in Ruaraka, Kibra, and Mukuru. It also applies across major cities, towns, and informal settlements in Kenya, where this category of schools exists, that is, Alternative Provision of Basic Education and Training (APBET).

These alternative learning centres, on Sundays, they are churches. They are informal setups or *mabati* structures where church services are held. During the week, they are social halls where various activities take place. These are informal settlements and informal learning environments where three million Kenyans have been excluded by virtue of the restrictive definition under the Basic Education Act, and, therefore, do not enjoy all that other students in Kenya enjoy in terms of capitation, infrastructure, and so on.

I would like to read an analysis that was prepared by the Budget and Appropriations Committee in January 2024, in which, at Paragraph 14, they indicated that despite Government efforts and interventions, there is still a large number of children in this country who are out of school. Statistics indicate that 17 per cent of children of primary school age are not enrolled in schools, and that about two million children are enrolled in informal schools. This is according to the 2014 UNICEF report titled *Out-of-School Children Situation in Kenya*. Further, 852,000 children between the ages of six and seventeen years are out of school.

This Report goes on to say that the statistics seem to corroborate those contained in the Economic Survey Report and the 2019 census data. According to the 2019 population census, the number of persons between the ages of 10 and 14, considered to be upper primary, is 6.3 million, whereas enrolment levels in primary school, Class 5 to 8, stand at five million. The Economic Survey of 2020 is the source of this data. From this, it is implied that close to about

1.3 million children who are supposed to be in primary school are either at home or attending informal schools. What this analysis by the Budget and Appropriations Committee indicates to us is the basis and gist of the proposed amendment.

There is a unique identifier called National Education Management Information System (NEMIS). That is the basis upon which we identify our students right from the time they enter school up to the time they finish, and go to university. It is the basis upon which capitation is calculated. It is the basis upon which when they enter examination classes, Kenya National Examination Council (KNEC) uses it to register them as students. It is also the basis upon which registration, mapping, and recognition of schools is done. There are three million students who are neither in public nor private schools and for that reason they are not given the unique identifying code called NEMIS and are not planned for. So, the question is: what happens to these students?

When the Presidential Task Working Report on Education was launched and released by His Excellency the President... Page 11 of that Report on equitable access and inclusion in education, talks about Technical, Vocational Education and Training (TVET). It says that, given the rapidly changing technology, there is a constant need to promote TVET to produce graduates suited for rapidly changing contexts. It talks about the Ministry of Education institutionalising linkages with industries and purposes, and recognises that there is need to carry out further analysis and recommendations on how to deal with Alternative Provision of Basic Education and Training (APBET) schools. It is on this basis that we came up with this amendment, and I would now like to briefly go through some of the proposed amendments.

Clause 2 of the Bill proposes to amend Section 2 of the Basic Education Act to include in that definition, because that definition talks about basic education in a restrictive manner, the meaning of public and private school. We intend, by this definition, to include, in terms of what the Constitution says under Article 10, in terms of Government policy on compulsory free education and transition, these categories of schools. These are policies of Government in terms of UN treaties and conventions that I have referred to. It is with regard to APBET policy of 2009 and Legal Notice No. 39, which remains at the level of a legal notice thus hardly operationalised. Clause 2 seeks to ensure that this category of APBET schools or learners in informal settlements find their way into the definition of basic education and, therefore, are able to enjoy budgeting and other necessary infrastructure support that is given to schools.

Clause 3 of the Bill proposes to amend Section 7 of the Act to ensure that APBET schools are represented in the National Education Board by at least one person. Clause 4 of the Bill proposes to amend Section 18 of the Principal Act to give the Education Board the mandate to oversee operations and management of APBET schools in the county. Clause 5 of the Bill proposes to amend Section 20 of the principal Act to increase the composition of County Education Boards by two-thirds, while Clause 6 proposes to amend Section 27 of the Principal Act to provide that county governments shall be responsible for providing funds to APBET schools. Clause 7 of the Bill proposes to amend Section 39 of the Act to add additional responsibility to the Cabinet Secretary to advise the National Government on financing infrastructure for APBET schools. Clause 8 proposes to amend Section 41 of the Act to require promotion of education in APBET schools, while Clause 9 proposes to amend by listing and recognising APBET schools as one of the categories of schools in Kenya.

Clause 10 proposes to amend the Act by inserting Part V. I had referred to Legal Notice No. 39. Regulations 64 to 78 have been lifted because they have continued to operate in the back burners without good effect, and so now they have been lifted so that they become part of mainstream basic education itself. Clause 11 proposes to amend Section 79 of the Act to ensure that the County Education Board maintains data of all registered alternative provision for basic education and training schools in the country. Clause 12 proposes to amend Section

86 of the Act to ensure that the funds of the Department of Education are used to promote APBET schools.

I would like to conclude by highlighting some of the categories recognised under what we call APBET. As I have indicated, APBET schools are informal schools that operate in informal settlements mostly in towns and cities within the Republic of Kenya. They include APBET institutions, adult and continuing education centres, non-formal education and learning centres, alternative basic education programmes, non-formal programmes, mobile schools and night schools.

It is instructive to note that even as they operate outside the ambit of the Basic Education Act, they continue to operate under the curriculum that is used by all the other formal schools. They continue to operate under the Ministry of Education, and when the children transition and are supposed to do school examinations, they sit the Kenyan National Examination Council (KNEC) exams. The question in the end is: Why would three million Kenyans, in light of our Constitution which talks about equality, equalisation and affirmative action, not benefit?

We have used affirmative action to equalise parts of this country that have been left behind. We have employed affirmative action to bring to speed persons with disabilities. We have used affirmative action to bring our women to the same level in terms of political engagement and representation. Why would we not employ affirmative action to equalise marginalised informal centres nurturing children who, as a result of historical marginalisation and economic disadvantage, have found themselves outside the ambit of our formal education system?

This Bill seeks to ensure that we do not treat these children as children of a lesser God. The Constitution, after 10 or 15 years of implementation, cannot envisage a situation where three million Kenyans are not part of national planning and budgeting to be provided for in terms of school infrastructure, capitation, and recruitment of teachers. Therefore, they are taught by volunteers, NGOs or persons who have no formal training yet we have a government policy of 100 per cent transition to high school – a policy of free compulsory education which is entrenched in Article 43 of the Constitution.

In light of this, I would like to move that this Bill be supported and passed so that we amend the Basic Education Act. I will ask Hon. T.J. Kajwang', Member for my neighbour constituency, a third-term Member of Parliament whose constituency also hosts many Alternative Provision of Basic Education and Training (APBET) schools which are affected and which would benefit as a result of this amendment, to second.

Thank you, Hon. Deputy Speaker.

Hon. Deputy Speaker: Hon. Kajwang', you may proceed.

Hon. TJ Kajwang' (Ruaraka, ODM): Hon. Deputy Speaker, I woke up early this morning with vigour and energy to come and support my brother from Mathare. I must appreciate him for debating this matter very ably. You see the resources that are coming from Mathare. They are not just deep in substance, but they are also passionate.

If you look at the National School Census results of 2022/2024, you will see that Ruaraka has the highest density of these schools, which are termed alternative providers of basic education and training. The census results are actually debatable. They talk about 1.2 million learners but as the able legislator has said, there are more than 3 million of these children in schools.

When we signed off on the Constitution of Kenya 2010, we decided as a nation to lie in that bed that we set. We talked about lofty concepts, including non-discriminative practices, affirmative actions, raising Kenyans to the same level in terms of dignity, social services, and so on. We boldly decided as a nation to bring up all these categories of Kenyans to the national mapping on how to treat them. Unfortunately, we have not implemented it fully.

Children do not ask for ‘visas’ for where to go to school. Even if they were to ask for ‘visas’, they would refuse or they would rebel if ‘visas’ were given to stop them from walking from Mathare to Ruaraka, Kibra or Mukuru. Parents in the areas that I am talking about are not happy that their children are going to schools in *mabati* structures within churches corridors that are used as chicken pens in the evenings and classrooms in the afternoons. They are not happy. Nobody is happy to take their child to school in such places. They do so because of the harsh economic circumstances they found themselves in. People are hungry out here. People are poor out here. This is not just a city or an urban problem. This is a national problem that we must face.

If we are talking about national hunger, we must also talk about national hunger for education. Talking about gender parity, if you look at the statistics, you will find, interestingly, that in the upper institutions, the gender parity has closed to almost 1.9 per cent, meaning that in those schools, mothers and fathers find it easy to take their children. They take them there regardless of gender. Both boys and girls are taken there. In those schools, we have reached gender parity, which has not been reached in the traditional or conservative public schools.

You will also notice something interesting. When schools introduced free lunches and provision of free food, they attained about 96 per cent of transition to the Competency-Based Education (CBE). This suggests, in the case of some schools, that child probably go to school due to the fact that there is food in those institutions.

This is a compassionate Bill. It is a dignity Bill. This Bill raises questions as to what really happens in the areas where the common *mwananchi* live. Whether you are in Mombasa, Kisumu or Eldoret, or in upcoming cities like Meru, you will find APBET schools. Interestingly, these schools provide 65 per cent of education. Think about it. Let it sink. Out of all the children we are training in schools, 65 per cent of them are from this regime of education. Think about it. How will this 65 per cent transit to higher education, tertiary education or vocational training institutions if we do not provide for them substantively? If we do not think about them in terms of capitation, if we do not think about them in terms of infrastructure development, how will they transit to higher education? Planning for education in this country has been skewed. We want to right this wrong.

Recently, we had a big issue. Not just recently, it is still going on. Education officials know that these schools exist. They even inspect these schools. They even know who goes inside there but when the children register for exams, they deny them the code. There is some KNEC code that every examination centre must have to get the children up there. They deny them that code. Education officials are now telling the managers of these centres that these are not registered institutions or facilities that can formally train children. Incidentally, they pay for the centres and education officials accept the money but they do not issue receipts. They are the first responders when there is a problem in those schools. Education officers have been using them as a milk cow. Education officials go round asking directors, proprietors and chiefs to do as they say or shut down the schools. Parents are in turmoil and despondence. Their only mistake was being poor and living in squalid circumstances in informal settlements.

As we seek to perfect this Bill, I urge Members to be vigilant and propose amendments. For instance, I will be proposing amendments that will seek to regulate the sector. We are not saying that untrained individuals should provide education services to children. We want the government to set standards for teachers and create favourable learning conditions for children in those schools. The Constitution demands that the Ministry sets standards, inspects and supervises. Given that supervision and inspection require funds, they have to be provided.

I am happy with the proposal by the Member for Mathare. We should consider providing these schools with education facilities like bursaries for the children and support the directors in the establishments. This is where citizens live. This is where you and I will serve. If there is any need for bursary to support anybody through NG-CDF, these are facilities we

should be allocating resources to. As the government thinks about national and boarding schools, you and I must focus on where the person is.

With those remarks, I second.

Hon. Deputy Speaker: Thank you.

(Question proposed)

Hon. Deputy Speaker: The Members who want to contribute to this debate should press the intervention button. I will start with the Member for Kibra, Hon. Orero.

Hon. Peter Orero (Kibra, ODM): Thank you, Hon. Deputy Speaker. I wish that Members would not see this as a Bill for Members of Parliament of informal sectors. Hon. Oluoch represents Mathare, Hon. TJ represents Ruaraka and I represent Kibra. My colleagues, this is one of the Bills, we will ask you to support. Alternative Provision of Basic Education and Training (APBET) institutions are neither private nor public; hence their name. In an informal settlement like Kibra, we have about 300 of these kinds of schools, while we only have 11 public primary schools. The rest of the kids in our informal settlements find themselves in these schools.

The Basic Education Act, as proposed by my colleague, should include the registration, mapping, funding and the recognition of these schools by the government. The National Education Management Information System (NEMIS) is the system used to identify students in primary, pre-primary and secondary schools. It captures the number of students in public primary and secondary schools but students in APBET schools are never captured. We brought this matter to the attention of the Ministry and they are coming with a more elaborate system called the Kenya Education Management Information System (KEMIS), through which all students in the country will be captured in the framework.

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

*[The Temporary Speaker
(Hon. (Dr) Rachael Nyamai) in the Chair]*

Why would the Government not support these kids? It is not their wish to be born in informal settlements. It is also not their parents' wish to be poor and unable to afford those schools. We therefore urge the relevant authorities to recognise these centres and support them. We are asking Members of Parliament to pass this Bill to ensure that kids who are not advantaged to join public and private schools also have a chance to advance their education. I believe that at one time or the other, these kids will be high-ranking individuals in this country. The funding model used to provide for students in public schools must also provide for students in APBET schools.

With those remarks, I support and urge Members to pass this Bill.

The Temporary Speaker (Hon. (Dr) Rachael Nyamai): Thank you. Next is the Member for Lungalunga.

Let us have Hon. Mangale Chiforomodo.

Hon. Chiforomodo Mangale (Lungalunga, UDM): Thank you, Hon. Temporary Speaker, for giving me this opportunity. I stand to support the Amendment Bill that the Member has brought to this House. It has come at a time when many of us have the same thinking. Apart from the informal schools in slums and many other cities, there are others in rural areas which fall under the same category.

As we all know, education is a basic need. If we want to empower children who go to informal schools in informal settlements, we must give them opportunity. At one point in time, many of us were given opportunity to access education and we are now here. We have had laws which do not promote inclusivity. We say that basic education is compulsory for all in Kenya, but we have data showing that almost 1.6 million children are not in formal schools and they are not recognised by NEMIS. They do not get any support in their education in form of capitation or infrastructure development.

Their only sin is that they are in informal settlements and their schools are in informal setups. We now have an idea and opportunity to amend the Basic Education Bill to ensure that children in informal education institution also access government support. The government should be held responsible to ensure that resources also trickle down to them. This is by ensuring that the government formally recognises these schools by registration as proposed, and provision of proper infrastructure as well as ensuring that they get capitation through the system being used to provide for public schools.

Hon. Temporary Speaker, the NEMIS portal is a problem as far as informal schools are concerned. Children who are supposed to join school must have birth certificates. These children or parents are being punished for issues that are beyond their control. For instance, a parent visits an office, but he is told that there are no materials for printing a birth certificate. We need to have an alternative way of identifying school-going children. Human beings are not amorphous; they are identifiable. The moment a child is taken to school, the government must take responsibility for them to ensure that they recognise such child as a school-going child. Such a child is supposed to get capitation without being forced to produce a birth certificate which the government itself cannot provide in time.

This will enable schools, including those in informal settlements, to have enough resources to serve the learners. This idea will also improve access to education. As we talk about education access for children in formal settlements, we must not forget that children in informal settlements are also supposed to access education. Supporting this idea and approving the proposed amendments is one way of improving access to education. We have been giving chance to people who exploit parents and children in the name of helping them in the informal set up. As I stated, we have other set ups like the integrated schools mostly found in the Coast Region. These are schools which offer religious studies alongside the national curriculum.

As we look into the issue of access to education for children in formal education institutions, we must also support children in the integrated schools.

With those remarks, I support the Bill.

The Temporary Speaker (Hon. (Dr) Rachael Nyamai): Next is Hon. Gladys Boss.

Hon. Gladys Boss (Uasin Gishu County, UDA): Thank you, Hon. Temporary Speaker, for giving me this opportunity.

Firstly, I thank Hon. Anthony Oluoch, the Member for Mathare Constituency and my former student. I am very proud of him. This is a very important Bill. He has touched right where the problem is. He has drawn our attention to the fact that what is in our law is not in tandem with the reality. It is very different. He is now making it a reality. It is a fact that informal schools exist and children go to those schools. They attend those schools because they cannot access formal schools. Just as we appreciate that the government cannot provide medical care for everyone in the country, and hence the need for private hospitals and faith-based hospitals, we must appreciate the existence of alternative learning institutions as complementary to the formal education institutions. This has been a big lasting problem.

This problem is not unique to Nairobi urban areas where we have low-income areas. We have similar problems in Uasin Gishu County because it is an urban county. We have low-income areas within Uasin Gishu County, where they have informal schools. I know that a lot of work has been done to try and change the situation but the reality is that such institutions

still exist. We should see this as an effort to complement the government's efforts to provide basic education to all children. That can only make us better people.

The law is clear that the right to basic education must be enjoyed directly by young child. It is not something that one can only enjoy if there is a formal facility. That really does not make sense. It is as if the right to education belongs to children in formal schools rather than the individual child. A lot must be done with the registration of those children. As part of that, there must be some regulations about the turn-around time of issuing birth certificates so that children going to informal learning institutions can also be captured on the NEMIS portal. Many children in informal settlements do not have birth certificates because it is very difficult to get them.

There is a place Called Jabali in Uasin Gishu, where parents told me that their children do not have birth certificates because the nearest place to get them is in Eldoret Town. There is no way they can travel from the furthest part of Uasin Gishu County to Eldoret Town, looking for birth certificates. I remember asking why the registration people could not go to schools and have parents going there to apply for their children's birth certificates. They should be able to do so. We must find innovative ways of resolving these problems rather than just saying that there are Huduma Centres. Teachers in informal schools complain that they cannot get the right amount of capitation because not all the children attending school are registered because they do not have birth certificates. The problem revolves around the same issue. When we will be recommending amendments, those are some of the things we must look at.

It is also important to ensure that all the schools are registered so that we know they exist. There must be a registration system for them so that we know that they are there. When we send inspectors there, we will know that they are recognised in some form of record. It is almost like there are no files kept for them. I will make sure that during the Committee of the whole House, we introduce amendments to enrich this Bill. I thank Members for supporting it.

With those remarks, I support.

The Temporary Speaker (Hon. (Dr) Rachael Nyamai): Thank you very much. Next is Hon. (Dr) James Nyikal, the Member for Seme.

Hon (Dr) James Nyikal (Seme, ODM): Thank you, Hon. Temporary Speaker for giving me an opportunity to contribute to this debate. I rise to support the Bill. This is a constitutional matter. It is a matter of inclusivity. Education and inclusivity are basic rights in enshrined in our Constitution yet the current situation in our education system does not recognise alternative provision of basic education and training institutions.

As we have heard from the Mover and other speakers, there are far more children in informal schools in certain areas than there are in formal schools that we recognise. They are not in our formal system yet if we look at our policies, we touch on them. The National Education Policy of 2009 recognises that this category of schools exists. The Basic Education Regulations of 2016 also recognise their existence. However, the Basic Education Act 2013 defines only two categories of schools: public and private. Thus, informal schools remain hanging in the middle. Children in these schools do not get recognised. Our main record system for our children in the education sector is NEMIS.

Once these children are missing from the portal, even the budget process and funding provision exclude them. This is a major exclusion that we cannot afford. I also take this opportunity to say that this mirrors a major problem we face in education that we need to address as a country.

Members of the Departmental Committee on Education are here, and they will tell you that there are many efforts to change the education system. What we need to focus on is that we have so many policies coming one after the other, and it becomes difficult to harmonise them. We had the de-localisation policy, the 100 per cent transition policy and the Competency-Based Curriculum (CBC). We are now looking at comprehensive junior secondary schools. We have a new university funding system while still running the Higher Education Loans

Board system. We even moved from the Joint Admissions Board (JAB) to the Kenya Universities and Colleges Central Placement Service (KUCCPS).

Hon. Temporary Speaker, we have so many desirable policies. It would make sense to execute all of them. However, this is like mixed-crop farming. You cannot farm maize, beans, millet, and mung beans in the same garden. Individually, the crops can do well, but mixed, it becomes difficult to grow them. Administratively, it is a nightmare to execute all these policies. This is an issue we need to address. I support this Bill because, in a way, it attempts to address this and bring at least this category of children into our mainstream planning system.

In Clause 2, the Bill provides a proper definition of education, including the 'Alternative Provision for Basic Education and Training (APBET) Schools', which were previously included only as private and public institutions. Clause 3 proposes that the APBET schools be represented on the National Education Board (NEB) by at least two persons to address their needs. If you are not on the table, you are invincible. So, these individuals need to be actually included in these boards. Clause 4, which again pertains to the county level, brings them under the oversight of the county education boards. This allows for supervision and monitoring. What Hon. Kajwang' was saying is that they do recognise when some payments are to be made without receipts. While that is a good way to acknowledge people, this Bill does so as well. Clause 6 states that the county governments shall be responsible for providing funds to APBET Schools and to the other schools listed in the subsection.

Importantly, Clause 7 of this Bill grants the Cabinet Secretary authority over financing. This is crucial, especially for infrastructure. Perhaps our colleagues in Nairobi, where these schools are recognised and are abundant, are doing it differently. But in most of our NG-CDF boards, we consider them only after we have addressed the needs of the other schools. Yet, these are also our children. Clause 9 also incorporates them and gets them listed alongside all other schools. If we pass this Bill, and I encourage my colleagues to do so, it will represent a major improvement for the children in these schools. You may be surprised that if we achieve this, the numbers will shock us. During the budgeting process, we must allocate more funds to this area to support these children. However, if we do not do this and integrate them into the National Education Management Information System (NEMIS) and into the county and national education boards, they will be lost to our system.

With that, I support this Bill.

The Temporary Speaker (Hon. (Dr) Rachael Nyamai): Thank you. Next is the Member for Makueni Constituency, Hon. Suzanne Kiamba.

Hon. Suzanne Kiamba (Makueni, WDM): Thank you, Hon. Temporary Speaker, for the opportunity to contribute to this very important amendment Bill by Hon. Oluoch. It is actually very disheartening that we are discussing the very poor who are unable to access quality education. In these so-called APBET schools, we find that the learning environment does not promote what we consider effective learning. It stands in stark contrast to the basic education that other children are receiving in this country. This represents significant marginalisation. Furthermore, these are the very poor individuals who truly need our government's support and services. Unfortunately, it has taken us this long to recognise the vulnerable children in the slums and in some rural pockets who do not have access to education due to poverty.

Thus, this amendment Bill is very much in order. Every curriculum has specific deliverables, and every country that offers an educational system has its own expectations for what learners should achieve. When a significant proportion of our learners are being educated without our knowledge of what that entails, it poses a considerable risk. Perhaps this is why we accuse families and young people in the informal sector of being rowdy or exhibiting criminal behaviour. If the government does not control the curriculum and we are uncertain about what is being taught in these schools, then they could potentially be learning anything.

Hon. Temporary Speaker, we also recognise that in these APBET schools, infrastructure and teaching and learning materials are lacking. These are the questions I am asking. Are the students learning? If they are learning, what exactly are they learning? Is it beneficial to them? Is it beneficial to this country? Who is overseeing what they are learning?

I will be proposing amendments to this Bill. How can we recognise what we do not know? When should we recognise and integrate them? I believe that would short-change the learners in these schools. As a government, we cannot acknowledge what we do not understand. These APBET schools must be mainstreamed. We need to be bold enough to provide them with the necessary resources to enable them to learn what their peers are learning. If we say we should keep them in these APBET schools, we risk perpetuating marginalisation. It would imply that they will continue with the same culture, curriculum, and deliverables and outputs that do not align with what other learners receive in this country.

Therefore, as we consider amendments, I would also urge Hon. Oluoch to consider the need for counties to monitor these schools and to establish governing boards. We should not include them while simultaneously excluding them. Why should a basic school in Kibera look different from a basic school in Makueni? I see no justification for this. I believe we are being overly apologetic regarding our reluctance to provide them with the necessary resources. If they have been marginalised for all these years, they do not need to receive a piece match; *yaani kuwekwa kiraka*. We cannot simply patch over the situation—apologies for my language. We want them to be fully included, not partially. For me, we need to transform these schools to mirror other schools in this country and to ensure they are monitored and supported, just like any other school.

I am aware that one of the primary reasons they are in their current state is due to a lack of space. Recently, we have seen space being created through affordable housing even in slums. Why can we not create space for these schools through the same scheme if we can create houses for parents in slums?

The Temporary Speaker (Hon. (Dr) Rachael Nyamai): We have a point of order from Hon. Dr Mutunga. Was your hand up?

*(Dr John Mutunga Kanyuithia
gestured in the negative)*

You may proceed, Member of Makueni.

Hon. Suzanne Kiamba (Makueni, WDM): Thank you, Hon. Temporary Speaker. I have worked in slums. The nightmare of finding space to build schools is the main reason these institutions are not recognised. The schools are hanging somewhere. We need to be bold and have this amendment. As we create space for affordable housing, let us suggest and create space for schools to meet the standards applied to other learners.

Upon registration with counties, I request that the amendment consider the boards of management. We do not want to create other parallel systems to manage learners. We have the sub-chief supported at the village level, the simplest unit of government. How come we cannot support a school? Is that genuine?

We need to be bold and genuine to allocate the required resources to these informal sectors. We need to transform the APBET schools into formal schools, like those elsewhere in the country, so that learners can enjoy a quality education on par with that of any other Kenyan learner.

With those few remarks, I support the amendment. Thank you.

The Temporary Speaker (Hon. (Dr) Rachael Nyamai): Thank you for those many remarks. Hon. (Dr) Mutunga, Member of Tigania West.

Hon. (Dr) John Mutunga Kanyuithia (Tigania West, UDA): Thank you, Hon. Temporary Speaker. I wanted to catch your eye. There was no point of order. I am happy to be part of this process, discussing an approach to education that prepares people to survive in situations that require it. No one would choose to remain informal; everyone would like to be formal. Especially, no one would like to go through informal education.

I thank Hon. Anthony Oluoch for scrutinising the Education Act and highlighting some of these important issues. He went further to propose amendments to the Act to align these institutions with the country's preferences. We should talk about developing everyone because we are talking about developing this country. Development is about individuals. We should not leave anyone behind.

The comprehensive approach of the Kenya Kwanza administration, through affordable housing and the integration of housing, markets, and schools, is to address this issue. However, the approach will not be comprehensive without legislative changes to focus on these areas. More investment should be directed to some of these informal settlements through the Bottom-Up Economic Transformation Agenda (BETA), because this is where most of our people live. The idea is to develop our people, not necessarily putting up infrastructure. There is a need to identify these institutions. We know they exist, but not all of them are known where they are. There is also a need to document and map the institutions as proposed in the legislation. There is also a need to register and recognise them to the extent that they are supported through capitation and other forms of support. Without this alignment, it may be difficult for Members of Parliament from such areas to support these institutions effectively and meaningfully.

The proposed amendment provides an opportunity to align support and investment even through the NG-CDF, as we look at how the broader government can do it. Several policies have recognised the institutions, but there has been no legal redress. The approach by Hon. Oluoch addresses this lacuna. We need to support this Bill. There is a risk of remaining informal and excluded from the formal education system. There is no informal education. Education is defined as the transfer of knowledge. There is no informal transfer of knowledge. It is an informal settlement. Learners from the institutions risk exclusion from society if these institutions remain excluded as they are. That is a form of discrimination negated by the Constitution of Kenya 2010.

The institutions have also been missing regulations. Education is highly regulated in Kenya, to the point that even the textbooks used in primary and secondary schools are printed from the same source and distributed across the country. Schools in informal settlements must be included to ensure that all Kenyan children are treated equally. There is a need to amend the legislation to enhance that regulation. I laud this approach. It is an alternative mechanism for enabling people to learn. Many involved in it have supported learners at that level to learn through philanthropy. Such benefactors deserve our recognition as Members of Parliament and as a House. I expressly thank anyone who has been involved in the process of recognising and realising the need to help future generations of Kenyans who are disadvantaged and cannot do anything about it.

I support. Thank you.

The Temporary Speaker (Hon. (Dr) Rachael Nyamai): Thank you. Hon. Rindikiri Mugambi, Member of Buuri Constituency.

Hon. Mugambi Rindikiri (Buuri, UDA): Thank you, Hon. Temporary Speaker. I start my remarks by congratulating Hon. Oluoch. I wish Hon. Millie Odhiambo would give him some space, as I am addressing a very important matter regarding this amendment. I thank him for bringing this matter before the House. As consolation, I wish to let you know that I am a Member of Parliament of a rural constituency with five slums. Secondly, I want to let you know that I grew up in Mathare, next to Huruma. I identify myself with what is happening in slums.

You are not alone in this mission. I support the amendment, but we need to build it further. That is where I want to dwell.

Many learners in informal learning institutions include persons with disabilities, like those with cerebral palsy. Some are unable to move from one point to another. I ask my friend to relook at the amendments so we can cater for persons with special needs. They cannot travel for long distances to access formal education in informal settlements.

The learning materials at these institutions are another issue. We have kids from very poor families. I echo Hon. (Dr) Mutunga's sentiments that these people are there because of the informal settlements, which the government is trying to address. What if we eliminate all the informal settlements? Would we be talking about this? We would still be talking about it because the problem is not only confined to the slum areas. It is also in the rural areas. Thus, we need to expand the thinking. We need to expand the statistics so that we can build a very strong case on this. Many of the learners are adults because they never had the opportunity to attend school. It happens that the majority of immigrants to urban centres are people who never had the advantages in rural areas; hence, they are migrating to town and adding more problems. Nomads, too, have the same problem as is experienced in the rural areas.

Hon. Temporary Speaker, this is a very important amendment. We cannot say that there is free education, but we are limiting access. I totally agree with your observation that we need to have a more inclusive management system. This management system must open doors for funding, regulations, etc. The biggest problem would be how we will regulate these institutions. If they are not properly regulated and supervised, will they achieve the objective, assuming we have done exactly what the Bill proposes? Hence, there is a need to have a proper framework. I agree we need someone to represent this institution to the boards at the national or county level. However, how will the nomination be? We must have a framework, meaning all these institutions across the country must be recognised so that, come nomination time, there will be a representative. We need to develop the nomination criteria.

Hon. Temporary Speaker, in a short while, I will be proceeding to the Kenyatta International Conference Centre (KICC). As you are aware, I am the Acting Chairman and Vice-Chairman of the Departmental Committee on Housing, Urban Planning and Public Works. One theme of this international conference is building climate resilience with the urban poor, and education is a key topic under discussion. You may ask how it is being discussed. This is because the habitats we want to develop for the urban poor are where people will live. It means the government is attempting to address this issue, though only in the long term.

If we are to build so many affordable and social houses in our slums as is taking place right now, one of the substantial services that needs to be enhanced in our informal settlements is education institutions and medical facilities. Thus, we need to discuss the Affordable Housing Act, 2024, with Hon. Oluoch and consider what can be built under it. Many are lamenting that we are building schools instead. They need to know if we build the houses, we need to support the people living there as well. Therefore, we must look into other amendments to build on this.

It is high time we allowed everybody to learn. There will be complications in how we will regulate, but that should not be a problem. The problem should be getting it right through this amendment. Once this is done, the implementation remains in place. One of the implementations is what I have just said—building climate resilience with the urban poor to achieve a good environment of living and learning.

Secondly, Hon. Oluoch, is the issue of capitation for people under 18 years, yet we have people who want to learn who are over 18 years. Even though students aged 25 or younger are covered under their parents' health insurance, we need to open it up so they, too, can get capitation. Who tells you that somebody learning in these schools cannot go to the university? Who has told you that you cannot go to various higher learning institutions? So, we should not

limit the age to 18. As long as they have shown resilience and growth potential, we also need to support them financially.

*(Hon. Millie Odhiambo-Mabona and
Hon. Jared Okello consulted loudly)*

The Temporary Speaker (Hon. (Dr) Racheal Nyamai): Deputy Whip of the Minority, I am trying to... I did not want to interfere with the discussion between you and Hon. Jared...

Hon. Mugambi Rindikiri (Buuri, UDA): They are not even listening. We are having a problem and are bringing it to your attention.

The Temporary Speaker (Hon. (Dr) Racheal Nyamai): Order! Order! Member for Buuri, you are having a very interesting conversation, and I am unable to concentrate on it. I am sure even those around you cannot hear what you are saying. He is making a very strong point about finding yourself in a situation where you end up further marginalising the marginalised. So, consult in lower tones. You cannot seek a point of order; I will not allow you. It is so unfortunate.

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

The Temporary Speaker (Hon. (Dr) Racheal Nyamai): Is it based on what he was saying? Yes, I can allow it if it aligns with what the Member for Buuri said.

Hon. Millie Odhiambo-Mabona (Suba North, ODM): Thank you, Hon. Temporary Speaker, for giving me this opportunity. First of all, my apologies for consulting so loudly. It is just that the Hon. Member was not aware that we were consulting on very important issues related to what he was saying. The marginalisation of the marginalised arises out of zoning, and we were discussing zoning. So, we are in tandem with him.

(Laughter)

The Temporary Speaker (Hon. (Dr) Racheal Nyamai): Hon. Millie, I do not know which zoning you are referring to. It could be a different kind of zoning, but proceed. Please conclude, Member for Buuri.

Hon. Mugambi Rindikiri (Buuri, UDA): Thank you, Hon. Temporary Speaker. Hon. Millie will always come up with something to get herself out of a problem. The problem is not Hon. Millie. The problem is my friend. I do not know what he is hunting for. Capitation can cover up to age 25. The age limit in the Bill is limiting. I hope the mover of the Bill is listening. Please look into this age limit.

The other issue with capitation is that there must be a clear regulation on how this will be standardised, given the element of marginalisation. How will we ensure capitation is sustained and universally acceptable to all areas? The demands of the rural poor differ from those of the urban poor. Hence, we have to be very careful about this capitation issue. Some formal schools have problems with capitation, and the same is true in arid, poor areas. Even utilising this money is becoming a disadvantage. We must set a minimum capitation amount that applies across the board.

With those few remarks, Hon. Temporary Speaker, we will sit down with the Mover to enhance this Bill for posterity.

As I said, we will sit down with the Mover of the Bill to enhance the Bill for posterity. We are not doing this...

The Temporary Speaker (Hon. (Dr) Racheal Nyamai): Please give him one more minute.

Hon. Mugambi Rindikiri (Buuri, UDA): Thank you, Hon. Temporary Speaker.

We are not debating this Bill with the view that slums will exist forever. We hope that the Bill will help us to eliminate slums in the country. That should be our focus. We should not debate a Bill to enhance informal settlements. The Government is focused on the issue of affordable housing and we all need to support it. I thank you, Hon. Oluoch, because you are part and parcel of the Broad-Based Government. Your thinking will enhance the good image of the Government's performance.

The Temporary Speaker (Hon. (Dr) Rachael Nyamai): Thank you, Hon. Chairman. I want to add that the Member for Makueni appreciated the work that is being done through the Affordable Housing Programme. She said that the houses can be used to support these children. Your Committee and the Government are doing a lot of good work.

Mhe. Zamzam Chimba, Mbunge wa Mombasa.

Hon. Zamzam Mohammed (Mombasa County, ODM): Ahsante sana, Mhe. Spika wa Muda. Hakuna kitu kibaya kama umaskini. Wakati mwingi, maskini huwa hapati mtu wa kumzungumzia. Huwa ana matatizo mengi kule kwenye mitaa ya vibanda. Leo ninampongeza Mhe. Oluoch na kumuomba Mungu azidi kumubariki sana kwa kuwakumbuka watoto hawa wanaojaribu kutafuta elimu ya msingi katika mitaa ya vibanda, almaarufu, *Alternative Provision of Basic Education and Training (APBET)*.

Ikiwa kuna watu wanaopaswa kuzingatiwa vizuri ni hao wanaoishi katika mitaa ya vibanda. Katiba yetu imewagusia ijapokuwa tuliwasahau. Utapata mama amepata Kshs5 na hajui kama anunue maji ya kunywa ama chakula. Hajui atamsomesha vipi mtoto wake kwa sababu hana namna. Wazazi waonaowapeleka watoto wao katika shule za mitaa ya vibanda hawafanyi hivyo kwa mapenzi yao; ni kwa sababu ya hali ngumu waliyo nayo katika maisha.

Ninakumbuka kuwa kuna *APBET schools* kule Jomvu, Kisauni na Likoni. Niliwahi kuzitembelea na hali yao ilinihuzunisha. Wengi katika Bunge hili hawajatoka katika familia zinazojiweza. Wengi kama Mhe. Oluoch na Mama Zamzam walitoka katika mitaa ya vibanda. Tunaelewa vile umaskini unavyonuka. Ninampongeza Mheshimiwa kwa kuwatetea watoto hawa na *informal schools* zilizo katika mitaa ya vibanda. Utapata mama aliye na ndoto kuhusu mtoto wake lakini hawezi kumpeleka shule iliyo mbali kwa sababu hana uwezo wa usafiri, na hana pesa za kulipia vitu vinavyohitajika shuleni.

Huyo mzazi atampeleka mtoto wake shule iliyo karibu. Pengine hata ana deni analolipia kidogo kidogo anapopata kitu. Ni muhimu sana kwa Serikali kutoa *capitation* kusaidia shule za mitaa ya mabanda. Ieleweke kuwa ili mzazi apate *birth certificate*, lazima aende akailipie na atahitaji pesa za usafiri ikiwa anatoka mbali. Na akifika huko, huenda atapata kitabu cha *birth certificate* kimeisha na ataambiwa arudi baadaye. Kila akienda anakata tamaa kwa sababu hana uwezo.

Kwa wale ambao tumelelewa katika hali ambayo hujui kama utapata chakula siku nzima, unatamani hata ile chai ya rangi ambayo mama alikuwa anatupikia. Akipata sukari kidogo, anaikaranga na hiyo ndiyo inakuwa chakula chetu mpaka kesho. Si mapenzi ya wale wanaoishi katika mitaa ya vibanda kuwapeleka watoto wao katika *APBET schools*. Ndiyo maana ni muhimu tupitische Mswada huu ili turekebishe Katiba na tuwape nafasi ya kupata *support* kutoka kwa Serikali.

Bunge hili limetenga pesa nyingi sana za ugatuzi. Kama tunataka kuona umuhimu wa ugatuzi, ni lazima magavana wetu wajue kuwa watoto hao wako kwenye himaya yao. Ikiwa wanajenga madarasa ya *Early Childhood Development Education (ECDE)*, ni lazima pia wazingatie watoto wanaoishi mbali na madarasa ili kuboresha mazingira yao ya masomo na kuwapa *capitation*. Ni muhimu pia wawekwe katika *County Government Boards of Education* ili wawe *regularised* na kuzingatia masilahi ya watoto. Utapata kuna maeneo ambapo walimu ndio wanaowadhulumu watoto. Ikiwa hakuna mtu anayewaangalia watoto na kuzingatia

mazingira yao ili yawe kama ya Wakenya wengine, watoto hao watadhulumiwa na hawatatendewa haki kama Wakenya.

Ni vigumu kwa watoto wa mitaa ya vibanda kusajiliwa kwenye *National Education Management Information System (NEMIS)* ili waingie katika mfumo wa elimu wa Kenya. Lazima tuweke hatua za kuwashughulikia. Je, kitambulisho cha mama kinasosha kumsajili mtoto huyo shuleni? Je, chifu anaweza kuandika barua kuthibitisha kuwa mtoto huyo ni wa eneo hilo? Serikali ni yake pia kwa hivyo hawezi kwenda kusoma Tanzania wala mataifa mengine ilhali amezaliwa Kenya, ila tu amezaliwa katika hali ngumu ya mitaa ya vibanda.

Wizara ya Elimu inapaswa izingatie mambo mengi sana. Kuna sheria nyingi zinazolinda mtoto wa Kenya akiwa shuleni, lakini mashule mengi hayafuatilii sheria hizo ipasavyo. Juzi na jana nilikuwa katika shule ya Consolata pale Likoni na barua kutoka kwa Wizara ya Elimu. Nilisoma katika shule ya Katoliki ya Bishop Sulmeti Girls na nilivaa buibui na hijabu nikienda shuleni na nikaruhusiwa kusoma. Shule ya *Sacred Heart High School* pia inawaruhusu wanafunzi kuvaa hijabu. Sijui kama *Director wa Education* alikuwa akiwaangalia watoto wa Kiislamu wakifukuzwa kutoka shuleni kwa sababu ya kuvaa hijabu na kutoweza kuingia darasani.

Mtoto wa Kiislamu analazimishwa siku za Jumatano na Alhamisi kuhudhuria *mass kula sacrament* na haelewi jambo hilo ni nini. Ibara ya 32 ya Katiba ya Kenya inamruhusu mtoto kufuata itikadi yake ya dini yake bila kumdhulumu mwenzake. Unapata shule ambazo zina Biblia lakini Qurani haikubaliki kumpa mwelekeo mtoto wa Kiislamu. Wakati wa swala, hakuna mahali pa kusali kwa sababu hakuna pahala pametengwa lakini wakati wa *mass*, wote wanaenda.

Haya ndiyo mambo nilikuwa nazungumzia. Hapa Bungeni tunaishi pamoja vizuri. Yule Mheshimiwa anayetoka amevalia kofia ya Kikorino na amepewa nafasi ya kuivaa. Mimi kama Mwislamu nimepewa nafasi yangu Bungeni. Kwa nini shule zetu zisifuate sheria zilizo katika Katiba? Ukiyataja mambo hayo yanaleta fitina.

Lazima watoto wetu wote wazingatiwe kisheria vile Katiba ya Kenya inavyosema. Ninampongeza Mhe Oluoch. Huwa ninawafikiria wazazi wa mitaa ya vibanda kila siku. Ukienda pale, unapata watoto wameketi chini kwa matope wakisoma. Wengine hawapati chakula. Mtoto anasinzia darasani. Atapataje elimu ya msingi ambayo ni haki yake kama Mkenya bila kubaguliwa? Sheria inaashiria kuwa watoto wote wa Kenya wasome bure. Lakini watoto wa mitaa ya vibanda hawapati nafasi kwa sababu shule ziko mbali. Kuna wale waliojitolea kuwaelimisha watoto hao ili kuboresha maisha yao ya usoni.

Lazima Serikali iweke mkono katika elimu ya hawa watoto. Huenda ikawa tuna Rais ama daktari anayesoma na amepoteza ndoto zake katika shule ya mabanda kwa vile hana mwanya wa kuingia katika mfumo halisi wa elimu ya Kenya. Watoto wengi wamekuwa wezi ama majambazi. Wanakuambia walisoma lakini hawakupata *certificate* kwa sababu walisoma katika shule ya mabanda. Wanajua kuandika na kusoma lakini hawakuingia katika mfumo wa kawaida kwa sababu ya umaskini. Hii isiwe sababu ya kukosa elimu, matibabu na kukosa kuangaliwa vizuri. Ndio maana napigia upato huu Mswada ambao umeletwa na ndugu yetu, Mhe. Oluoch.

Wanafunzi wa shule ya msingi ambao wanasoma katika mabanda lazima waangaliwe vizuri na wapewe *equal rights* kama watoto wengine wa Kenya. Mheshimiwa amesema mambo ya *zoning*. Kutoka Baba akufe, tunateseka lakini Mungu yuko nasi.

Asante sana, Mhe. Spika wa Muda.

The Temporary Speaker (Hon. (Dr) Rachael Nyamai): Haya mambo ya *zoning* ni kama yanawasumbua, lakini sisi tutashughulika na ya Mhe. Oluoch na wanafunzi wa Mathare na Kibra kwa sababu ni hayo yameletwa Bungeni leo.

Mhe. Didmus Barasa, Mbunge wa Kimilili.

Hon. Didmus Barasa (Kimilili, UDA): Thank you, Hon. Temporary Speaker, for giving me this opportunity to contribute. Firstly, I thank the Member for Mathare, Hon. Anthony Oluoch. We are elected by Kenyans to identify public problems and provide solutions.

(Loud consultations)

The Temporary Speaker (Hon (Dr) Rachael Nyamai): Order, Members. Zoning seems to be very problematic because the whole row on my left is extremely loud. Please consult on zoning in low tones, so that we can carry out today's business. Please proceed, Member for Kimilili.

Hon. Didmus Barasa (Kimilili, UDA): Hon. Temporary Speaker, they are consulting on a high note because that row is unconstitutional. There are more ladies than men. Maybe we should think about it, going forward.

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

The Temporary Speaker (Hon (Dr) Rachael Nyamai): What is out of order, Hon. Millie?

Hon. Millie Odhiambo-Mabona (Suba North, ODM): Thank you, Hon. Temporary Speaker. Is the Member in order to suggest that Hon. Jalas, Hon. Elisha, Hon. Fabian, Hon. Anthony and Hon. Oundo are women? He has said that the majority of those Members are women, but they are only three. If the majority are women, then it means all these Members here are women. Is he in order to imply that the men in the House are women, or does he have a problem with his eyes? I know he is wearing glasses but Hon. Temporary Speaker can help him so that he can have a better vision.

(Laughter)

The Temporary Speaker (Hon (Dr) Rachael Nyamai): Member for Kimilili, that is a very serious matter. What did you see that made you decide all those Members who have been mentioned by the Whip of the Minority Party are women? What is your comment on that?

Hon. Didmus Barasa (Kimilili, UDA): I did not say Parliament, but the row which means from where Hon. Fabian is to where the distinguished Member from Rusinga Island is. It was on a light note. Nonetheless, let me go back to the business that is before us. Leaders are elected to identify public problems and provide solutions, so that people do not continue suffering. Hon. Anthony Oluoch has established that indeed there is a problem where Kenyans in informal settlements do not access better education. They have improvised the areas where they come from by identifying spaces where they call schools. We live in a country where everybody understands that education is an equaliser of the society.

I am willing to improve this Bill so that those children no longer suffer because we cannot introduce divisions in education. There are those who can afford better learning institutions which are fully funded and supported by Government. The children from informal settlements cannot access good schools, but they have improvised structures which they call schools that continue to legitimise where they sit and learn. That is not the way to go.

It is the same way this country has evolved. When I was growing up, there was no single tarmac road in Rusinga Island. If you go there today, there is a tarmac road. I am optimistic that a time will come when those informal settlements, where the young people have no access to proper education, will be eliminated and better schools will be put up. We need to continue having a conversation. While we are aware that those students cannot access better primary schools, can the Government of Kenya provide transport? Can we provide Bus Rapid Transit (BRT) systems in informal settlements every single morning? The young people can board

buses and be taken to schools that are far from where they are. We cannot allow them to continue learning from where they are learning.

There are only two pathways to higher learning in this country. One pathway is to follow the Government's Competency-Based Education (CBE) curriculum. They enrol in Early Childhood Development Education (ECDE) and then they go to comprehensive primary schools, Senior Secondary Schools and then they go to the university. The other way is to follow the British system of education which is an international curriculum system where they go even up to Form 6 or whichever way it is called. We cannot introduce another system of education that is parallel to the existing one. The Alternative Provision of Basic Education and Training (APBET) schools which Hon. Anthony Oluoch wants to regularise have no teachers. Some of them are not qualified, as per the specifications that they have to satisfy for them to be teachers in a school.

Secondly, the space does not qualify to be called a school. We cannot continue disadvantaging those students of Kenya because the proper school is far from where they are. An alternative means of transport must be provided to transport these students from their homes in the informal settlement to a place where they will compete favourably and equitably with the rest of the students in Kenya. We cannot continue to allow certain children of Kenya to purchase their education in proper public schools that are well-funded by the Government. Proper infrastructure and support for them to learn are provided. Then, we have others whom we are trying to regularise and recognise the *mabati* spaces that they call schools, and that they should continue learning from those institutions. We will create divisions and classes within the learning fraternity.

We must improve this Bill and compel the Government to either build proper schools within those informal settlements or provide free means of transport where these children can be carried every day in the morning to proper schools and back in the evening. I know that the role of the Government is to provide solutions to public problems. They can be provided in a structured manner, but not in a manner that you accept that these students have a right to learn. They are learning from make-shift structures and classrooms that do not even meet qualifications of being classrooms. As a matter of fact, the Bill must be improved to include closing down all learning institutions which do not meet the qualifications. Those learners should be taken to institutions that are properly constituted and have proper facilities so that we do not continue to disadvantage the children of our country going forward.,

Lastly, in the same manner, we usually change very many laws in this country. The government always brings in this House what we call omnibus Bills to change very many things. All those laws must be anchored and premised on the need to provide solutions for the very many existing public problems. I want to appreciate and laud Hon. Member for Mathare Constituency for coming up with this Bill. I will sit down with him to refine the Bill and ensure that no part of this country has its children marginalised because of where they come from, or rather because of the economic status of their parents.

I support the Bill, with amendments. Thank you.

The Temporary Speaker (Hon. (Dr) Rachael Nyamai): Thank you. Hon. Phyllis Bartoo, Member for Moiben Constituency.

Hon. Phyllis Bartoo (Moiben, UDA): Thank you, Hon. Temporary Speaker. I also want to take this opportunity to make my contribution and to thank Hon. Anthony Oluoch for bringing this amendment to the Floor of the House. I was one of those people who were not very supportive of the Bill at the beginning when it came to the Departmental Committee on Education until we went round some of the schools in the Kibra Constituency and I became a convert.

Basic education is very important to every child, and it should not matter where government capitation or support reaches a student. It can be in a private institution, a public

one, or an informal settlement. The most important thing is value for this money to that particular student. Is it going to transform the life of that student to get better education? That should be the question. So, it does not matter where the child is schooling. The most important thing is whether the education which is inculcated in the child is making an impact. Is it improving their life? Is it transforming their life? So, I support the Bill.

However, it should not be that the government is going to start supporting private enterprises, where I decide today, as *Mhe. Bartoo* to go to a slum, identify a niche, and decide to put up a school somewhere so that I can benefit from government money. It should be structured in a way that schools are clearly identified so that we do not participate in creating businesses for people at the expense of provision of education. It should be limited to those informal settlements, not just anybody.

In our rural areas, for instance, like in my constituency now, I have so many public schools which are almost closing because there are no students. Facilities are there, but we no longer have students. I do not know where they went to. We should be able to make a very clear demarcation of these schools by identifying which schools they are and where they are located. Officials in the ministry should not just be sitting in their offices; they should be going around to make sure that the schools are well registered and that they are running in the best way possible.

Even those schools that are struggling to register face a problem in this country: when you are employed, you sit in an office and wait for people to come to you for registration and so on. The Ministry of Education should be sending their field officers to the field to go and comb out schools and make sure that children are not disenfranchised and that they are in proper schools. This is to ensure that we do not have cases of students attending a school for a term, only to discover at the time of examination that they have not been registered by the Kenya National Examinations Council, thus creating a crisis. It is a very noble idea. This is not limited to education; even in our justice system, we now have alternative dispute resolution mechanisms.

The Judiciary is encouraging and training people in that field. That is an indication that it is not just enough to always do things in a recognised or a formal way. We should also fast-track our education system by looking at other alternative ways of providing education, so long as the end justifies the means, by ensuring that our children get education. Just like the Judiciary, so long as in the end, somebody gets proper justice. I think this is a very good idea.

Registration of these schools should also be captured in the national data system. The Ministry of Education started with National Education Management Information System (NEMIS), now they are also dealing with Kenya Education Management Information System (KEMIS). They should be able to document each and every learner. When this capitation is provided to these students, proper auditing should be done because sometimes human beings can be tricky. Someone can pocket the money, therefore, there is no value for the particular child in such an environment. Therefore, it cannot be abused.

The other day, we had a meeting with Vice-Chancellors from private universities where they presented their pending bills. The government owes money for students admitted to private universities, but it has not been able to pay, and the pending bill keeps rising. When we first met them in 2023, the pending bills stood at Ksh32 billion. The other day, when they came to present their case, it had risen to Ksh90 billion. It should be properly structured so that, in trying to solve one problem, we do not end up creating another.

Currently, we have stopped sending government students to private universities, unlike in the past where you would choose which university you would want to enrol, and then the government would provide the capitation to you wherever you were. It has become very messy to an extent that it has created inequity and inequality. It was a process of trying to provide higher education for our children, but now it started 'zoning'. It started marginalising other

students. You can imagine being admitted to a private university, yet the standards there are not commensurate with those in public universities. Then they begin charging an extra fee, and from that point, students become disadvantaged and marginalised. Marginalisation begins there and continues throughout.

As we speak today, we still have government-sponsored students in private universities who have not been able to progress; they have had to defer their studies. Sorry, some have deferred their studies because the Government did not meet its side of the bargain of paying the fees. Unlike private universities, government universities have an arrangement with the Government. They can therefore agree that as long as it is still a government university, the Government will pay and therefore, remains as a pending bill. However, for private universities, it is private business. You either bring the money or you ship out. We should therefore, put a good regulation mechanism so that students in that environment, can benefit without struggling. The population density in schools in such environments is so high, and the students there are eager to learn. We visited some of those schools and by the time we finished our exercise – as I had said before – I was a convert. I, therefore, want to thank Hon. Oluoch and congratulate him for proposing this very progressive amendment to the Education Act.

Thank you.

The Temporary Speaker (Hon. (Dr) Rachel Nyamai): Hon. Millie Odhiambo, the Member for Suba North and the Minority Whip.

Hon. Millie Odhiambo - Mabona (Suba North, ODM): Thank you, Hon. Temporary Speaker for giving me this opportunity.

I thank Hon. Antony Oluoch for bringing this Bill, which is an amendment to the Basic Education Act. I support it albeit with reservations. Looking at the proposed amendments, they are the challenges that I have had to face as a human rights practitioner lawyer, and as a development practitioner. I am a lawyer and before I joined Parliament, I worked primarily with communities and in the process, I got the opportunity of working with many people in the informal settlements of this country, especially around Nairobi area.

Since I became a Member of Parliament, I have been dealing with the stark reality of poverty. Sometimes, there is a disconnect amongst us the elites; we are privileged, have gone through formal education systems and are advantaged in society in one way or another. There are days I used to argue with people on social media and at some point, I decided to let them be. They will understand me with time. In some of the conversations that I have been having with people on the National Government Constituencies Development Fund (NG-CDF), especially my civil society friends, they have been telling me that as a Member of Parliament, my role is legislation, representation and oversight; and that, I should strictly stick to those roles. I have been challenging them that if they were to go to my constituency and find people suffering, would they tell them my roles? Until you tell such friends the stark reality of what you face on the ground, they may never understand.

There is a case I like sharing; when I was campaigning, people told me that there was a lady who had died up the hill and that I should visit the family otherwise it will look very bad if I continue with my campaigns yet somebody had died. I decided to go up the hill. We had to walk since there was no means of transport. We could not even use a motorbike. When we reached up the hill, her house was mud-walled and she was lying on the floor. There was no bed and she had been covered with a net that was donated by the United Nations Children's Fund (UNICEF). That is the abject poverty that we deal with as Members of Parliament. Now, in such a situation, where is the time to start telling the family my oversight role? All they want is help. Their first-born child was 14 years.

There was also another case while I was campaigning where I was told by the community that there was a lady who was sick and needed support to get to a healthcare facility. In such cases, I sometimes contribute a little and people think I give out money from the

NG-CDF. That is not provided for by the NG-CDF. I got from my pocket some modest money and gave her to go to hospital. However, the community told me the money I was giving the lady could not help her and that I should allow the lady to walk to me. When the lady walked to me and removed her blouse, she had a rotten breast with pus oozing. I had never seen such a breast except in textbooks. I presumed it was cancer. So, in that case, was I to tell her about my oversight role? Unless I am inhuman, I could not. I had to deal with her case. I had to look for money to enable the lady access healthcare. That is the kind of tragedy we are facing here.

As a human rights activist, I would have wanted to talk about equality in education. Ideally, I should be opposing the Bill by saying that all children must have equal access to education. However, the reality on the ground is that we have millions of children in informal settlement schemes who cannot get into a formal system of education even though their parents and the community around them have provided some form of education that will enable them to at least, get some basic education.

There was a case that we dealt with; of a school called the Spring Chicken when I was at the Cradle Children's Foundation. The school was not registered anywhere. What happened is that a white person came from Europe and decided to help. However, he was helping the Spring Chicken School by abusing all the little girls. We had a nightmare trying to prosecute that matter. Unfortunately, we did not succeed. It is only later when the guy got involved in some money laundering scam that the police looked for him. That is the tragedy of trying to balance equality and human rights standards with the reality you face on the ground. However, there is an answer if you look at the Bill.

Article 10(2) of the Constitution talks about issues of human dignity, equity, social justice, inclusiveness, equality, non-discrimination and protection of the marginalised. So, there are aspects of equality here, but there is also the issue of protection of the marginalised. Article 27(6) of the Constitution calls on us as Parliament to provide legislative action to ensure affirmative action for such groups. Sometimes, in trying to get people to the level that others are, we provide standards that are not equal. That is actually a challenge we are facing as a country.

Although I am a lawyer, I have gone back to study development studies. I want to understand this complex nature of poverty. Why are we not breaking through? Why are we putting so much energy? Why have I been here for 18 years and we are making forward and backward steps? Why are we not hacking it as African countries? Why can we not change? I am glad we have countries like Ethiopia where change is imminent, even though they are also facing other human rights-related challenges. In terms of development, Ethiopia has made a huge difference within six years. I have seen it in Rwanda as well although they are also facing certain issues of human rights in nature. The development of infrastructure and equalisation of opportunities is already happening in Rwanda.

I want to urge Kenyans and our President to push the hardware. I have seen that the President is trying to strongly do that. Recently in my constituency, he commissioned a tarmac on Rusinga Ring Road. You know, many people say that that is not actually real. It is. We have tarmac in Rusinga Island. I want to challenge our President that we should push the hardware and the software. The software is about issues of human rights, equity and equality. As we move on with the infrastructure, let us not leave behind issues of human rights and protection of the marginalised. With that in mind, I want to thank Hon. Anthony. I understand and feel him together with those who work in areas of informal settlements.

There is a place in my constituency called Kong'eche, which is an informal settlement. Many people in Kong'eche are sometimes unable to access the basic education that we talk about. Even though education is meant to be free, there are always hidden costs, some of which are for uniform. Some kids cannot afford uniform even though the President recently said that children can now go to school without uniforms. Many people attacked that directive, but in

reality, that is what we need to do before we get to the level where we want to be. We should work very hard to make sure that we reach Canaan, and not necessarily go to Singapore. We should copy Singapore, Rwanda or Ethiopia but with emphasis on the software and hardware of development, so that when we assess our success, it will not only be in terms of infrastructure, but also human development.

Hon. Temporary Speaker, I support. Thank you.

The Temporary Speaker (Hon. (Dr) Rachael Nyamai): Thank you. Hon. Beatrice Adagala.

Hon. Adagala Beatrice (Vihiga County, ANC): Thank you, Hon. Temporary Speaker for this opportunity to also congratulate the Member for Mathare, Hon. Oluoch, for coming up with this amendment to basic education.

Basic education is supposed to be free for all Kenyans, whether they stay in informal, formal settlements or even in villages. I support this timely amendment. I would like to talk about the village where I come from. Most children cannot access education. We all know that education is an equaliser and therefore, is supposed to be free. Every Kenyan child must get education by all means. Kenyans are supposed to be in school. Recently, a young person was denied registration for examinations due to lack of a birth certificate. The school said that the child was over age. Some parents have never been to school and do not know the date of birth of their children. This is not the children's mistake and therefore, should not be denied the opportunity to sit for examinations.

This Bill should not just be for informal settlements within towns like Nairobi's Kibra and Mathare but extend to villages. The Departmental Committee on Education should go to the villages and ensure that all our children go to school even if they do not have birth certificates. There are places, for example where Hon. Barasa comes from, where children are named during certain cultural events but such a child may not have a birth certificate. This hinders our children from getting the basic education needed. When they try to register for examinations, they are sent home to bring birth certificates which they do not have. Such a child may not register for examination even when they are over 20 years old. There is a case in Vihiga where the education office intervened in a case of a child aged 22 and was able to register for his exams. I commend the office for the intervention.

The amendments by Hon. Oluoch should be actualised. These amendments are working in other jurisdictions like Ghana and Ethiopia. Why should it not work in Kenya? It is not the wish of these people to stay in those settlements. It is the way of life that has made our people to stay there. This should be amended so that our people are not corrupted to rush to such settlements and start such schools. They have to be checked and there have to be strict measures on the mushrooming schools. People may want to start schools so that they gain just like many mushrooming private hospitals fleece people of their hard-earned money. This Bill should also be amended in a way that not so many such schools come up to fleece the Government.

We should all support this Bill so that our people benefit despite their backgrounds or where they stay. A Kenyan should be able to get education, be covered and even be given the necessary things. Children in informal settlements or even in our villages, cannot afford uniforms. We should also come up with an amendment to say that as long as a child has clean clothes, he should go to school. We should not stress so much on uniforms. In some schools, uniforms cost up to Ksh45,000. How will a person from an informal settlement or from an estate like Mjini in Vihiga County afford a uniform of Ksh45,000? Let us give our children space to learn. Some of us even went to school without shoes or uniforms. Some of our uniforms were torn. Let us give our children proper education. Education is an equaliser.

Let our children have the same experience. What a student at Alliance High School is learning should be the same with a student at Ikobero village. If we classify schools as high or low, we will not do well to Kenyans. We want Kenyans to have proper education. Every

Kenyan must be given what is needed as far as education is concerned. I support these amendments by Hon. Oluoch, but we have to put in place measures against corrupt individuals who will come up to make money from the Government. We also have to watch what is being taught to children in such schools. If we do not do that, our children may be taught other things that we may not understand and it will be late to rectify.

I support the Bill. Thank you, Hon. Temporary Speaker.

The Temporary Speaker (Hon. (Dr) Rachael Nyamai): Thank you. Hon. David Mboni, Member for Kitui Rural.

Hon. David Mwalika (Kitui Rural, WDM): Thank you, Hon. Temporary Speaker for this opportunity to support this Bill. I thank Hon. Oluoch for coming up with the amendments and mobilising Members to come and support the Bill. In the morning, I got two SMSs from him to come and support the Bill. This Bill reminds me of a school inside Tsavo East National Park. Of course, it was not registered. Therefore, if this Bill can address such cases, we shall be heading in the right direction.

Education is a key indicator of the human resource development index. No country can develop with a low human development index. A country with a low development index, has a low economic growth. Therefore, there is need to have a proper and strong basic education for the population so that they get skills for all sectors and in turn, the country will experience economic growth. Basic education should be a basic need for each and every student, be it in the informal or formal sector. It is very important to re-look at the whole Bill, not just the amendment. I think there are so many gaps in the Basic Education Act that need to be looked at. Mapping of schools is also very important. The biggest chunk of the government funds including funding by the National Government Constituencies Development Fund (NG-CDF), should go to support schools.

The issue of registration is not an issue of the informal sector alone. One of the requirements to register a school is that it should have a title deed for the land. I am just wondering because I have registered schools before. Is the title deed a requirement? I have a problem in Kitui Rural, what about in the informal settlements? If there is no title deed, that school cannot be registered. So, is it important to have that as a condition for registration of a school? To me, it is not. That requirement should be removed as we move forward so that these schools can be registered and children can learn.

Hon. Temporary Speaker, schools in the informal settlements are in the slums. You know that slum dwellers are low-income earners. These people cannot even meet their basic needs. These people live below the poverty line. People from these areas cannot afford three meals a day. Therefore, we need to look at how we are going to address the issues of the informal settlements. For example, there is the Education Infrastructure Fund (EIF), which is not transparent. I do not know how that Fund is being distributed. We need to address that issue. If this money is present, the first charge should go to the informal settlements so that they can get help in funding the infrastructure.

Capitation has been a challenge. If you talk to the school heads, they received Ksh16,000 instead of Ksh22,000. Up to date, they are owed billions of shillings. Every school is complaining that it cannot provide the requirements for the school to run. If you talk to the teachers, they will tell you that it is only the bursary from NG-CDF that is helping the school to survive because, for a long time, capitation has not been forthcoming. So, we also need to look at how the capitation is being disbursed. Education funding needs to be addressed if we are to get proper education. Let us not cheat ourselves that we are giving capitation, yet the schools only receive half of it. It should be full.

Hon. Temporary Speaker, I was talking to the teachers and they said that they have not received the books for Grade 10. A whole class has like three books. These are the issues that we need to address. On the feeding programme, families in the informal settlements cannot

afford to eat three meals a day. Just imagine a child who is in school and has not eaten; how will their performance be? At the end of the day, that child will sit the same examination and compete with one who is in the formal settlements, who are provided with everything.

The country needs to address the issues of the informal settlements. They should be given National Education Management Information System (NEMIS) numbers so that they can get capitation and do examinations. This is because, if they do not have a NEMIS number, the students in the informal settlement are not even sure of sitting for the examinations. The dropout rates in the informal settlements are very high. These are the issues that we should address to solve school drop-out concerns.

With those few remarks, I support. Thank you very much.

The Temporary Speaker (Hon. (Dr) Rachael Nyamai): Hon. (Dr) Wilberforce Oundo, Member for Funyula.

Hon. (Dr) Wilberforce Oundo (Funyula, ODM): Thank you, Hon. Temporary Speaker for this opportunity to likewise comment on the Basic Education (Amendment) Bill (National Assembly Bill No. 3 of 2025), sponsored by a colleague from ODM Hon. Anthony Oluoch, Member for Mathare Constituency.

Hon. Temporary Speaker, the Constitution of Kenya makes basic education compulsory. It implies that children must be given all they need to make it in life. There have been so many impediments to basic education in this country. Successive governments have tried to address those challenges, but many challenges still remain. The proposal by Hon. Anthony Oluoch is one of those solutions to so many challenges that still abound in this country.

I have just had an engagement with Hon. Oluoch. I did not know that this problem was that serious in the informal settlements. However, there are practical challenges to the implementation of this Bill once enacted into law. Starting from the basics, informal settlements have defied formal definitions for many years because informality is only described by formality. When you look at the various papers such as the ones by the UN-Habitat, the housing policy and the rest, in all their discussion, they have avoided any reference to the informal settlements. This is because a settlement is a settlement; they can only be declared informal by either an Executive Order or the Government. That becomes a very big challenge. How do you conceptualise or define informal settlements?

Secondly, the informal settlement is not a permanent position. It is the expectation of anybody who lives in the so-called informal settlement; that one day, they will get out of it. In any case, any successful government that comes along, always say it will fight poverty and deal with urban poverty. Informal settlements are not a permanent edict, and must be defined clearly to avoid ambiguity and abuse. In any case, with the ongoing affordable housing targeting the *mama mbogas* and the so-called hustlers, theoretically and with time, the informal settlements will be in our history books.

Hon. Temporary Speaker, the Government has a lot of money for infrastructure. That is why we must question why they have not addressed this matter. The danger of this Bill, and I hope the sponsor of the Bill, Hon. Oluoch, will allow further debate, comes in the definition of alternative provision for basic education training, which means institutions offering basic education curriculum in informal settlements. It goes further to say that the Government will provide infrastructure for all schools, including alternative provision of basic education training schools, learning and teaching equipment and appropriate financial resources.

We need to be very clear. Are these alternative provisions of basic education or schools in informal settlements public institutions or private institutions? Where do they fall? Because, indeed, it will be misuse of public resources for Government to provide infrastructure in private institutions. Hon. Oluoch will therefore, assist us to clearly redefine what these alternative provisions of basic education and training are, to avoid abuse. Many of my colleagues have stated that many unscrupulous Kenyans will go all over in the pretext of getting money from

public funds, such as the so-called informal schools and seek government funds to run the same.

The Bill also provides that one of the functions of the Education Board is to advise the national Government on waiver of registration requirements, including documents of title for alternative provision of basic education and training schools, as the circumstances may demand. One of the questions we need to ask here is, if one can only identify a location in this country, either by georeferencing or by a land title, if we waive that requirement and a case of corruption occur, how will we ever trace the owners of that school? That is why this debate is very nice. It has thrust the challenges facing schools in informal settlements on to the national limelight. But we need to continuously look at how we can make the Bill better to avoid abuse, embezzlement of public funds and remove the stigma from children who go through these schools, so that they do not feel inferior in the eyes of others.

The Temporary Speaker (Hon. (Dr) Rachael Nyamai): Member for Funyula, I would like to encourage Hon. Oluoch to take a keen interest in the points raised by many Members, including Professor. People are talking about the issue of title deeds and children in marginalised areas finding themselves being more marginalised because someone wants to take advantage and start a so-called informal school. The fact is that they will be funded up to the age of 18, as indicated. These are issues that you can share when you would be responding. Ensure that they come out strongly in the amendments, so that it can be more acceptable. We want these children to be on par with other children and not to be pulled back to the slums where they belong.

You may proceed, Professor.

Hon. (Dr) Ojiambo Oundo (Funyula, ODM): Thank you. That is actually the point of concern. Education must improve someone. I remember when the parallel degree programmes were introduced in universities, I was a lecturer at The University of Nairobi. I could not have gone anywhere else. Students would come with a registration number that indicated they were parallel and not regular students. So, that fact alone was a big demotivator. That is why the programme ran into very many challenges and many of the universities had to discontinue it and just go through the formal way. As I said, let us continue this debate. As we speak here today, there are two emerging issues.

I was in my constituency at a certain function on Monday. Out of 500 enrolled learners in a school, about 100 have birth certificates. It is only the 100 learners who appear in the Education Management Information System (EMIS). So, you find a school that has close to 500 learners, but they only get a capitation for only 100 learners. That disadvantages the school, making it impossible to run its programmes. I urge the Government to take a rapid initiative to ensure that children being born, are granted birth certificates without any discrimination or asking any questions. A child born in Kenya becomes a Kenyan and should be given a birth certificate regardless of the circumstances of their parents.

On the issue of capitation, the Government promised free education. Free education can only happen if there is adequate capitation. You do not promise Ksh22,000 only deliver Ksh17,000.

With those many remarks, Hon. Temporary Speaker, I support the Bill, but with reservations. Thank you.

The Temporary Speaker (Hon. (Dr) Rachael Nyamai): Hon. Esther Passaris, Member for Nairobi City County.

Hon. Esther Passaris (Nairobi City County, ODM): Thank you Hon. Temporary Speaker for giving me this opportunity to contribute to the Basic Education (Amendment) Bill National Assembly Bill No.3 of 2025. I commend my brother, Hon. Anthony Aluoch, Member of Parliament for Mathare Constituency, for bringing this timely and progressive Amendment Bill.

This Amendment Bill speaks directly to the realities that are faced by many learners in the informal settlements and other marginalised settings, which remain outside the formal education grid. The Bill seeks to bring learners, currently outside the education system, into a formal framework through mapping, registration and funding of alternative provisions for basic education and training institutions.

Article 27 of our Constitution guarantees equality and freedom from discrimination. We must not discriminate against learners simply because they attend schools in informal settlements or non-formal settings. Every child has a right to education, dignity and equal opportunity. The Bill, therefore, corrects an injustice by ensuring that learners in these institutions are recognised and captured within the national education system.

We must also commend the resilience, entrepreneurship and social spirit of the communities that have established and sustained these schools. In very difficult circumstances, parents, teachers, faith-based groups, and community leaders have come together to ensure their children continue learning. These institutions are not a failure of the system. They are a response to the communities determined to give their children a future. That resilience and innovation should be recognised, supported and strengthened.

Kenya is hosting the second Africa Urban Forum at Kenyatta International Convention Centre (KICC). Urbanisation is a topic that is being discussed right now by the Forum. We are realising that urbanisation, increased population and demand are real. Right now, we are in a mad rush to ensure that we give dignity to families in terms of housing. But in the same strength, we have to recognise that in those informal settlements, we have learning facilities that are giving our children education. Quite a number have come out, gone to the university, pursued master's degrees and are actually contributing to our society. Had they not had an opportunity to study in those informal settlements; we would be in a bigger problem than we are, today.

So, once mapped and registered, these schools can receive the support that they require. Many of these learners come from vulnerable backgrounds and face multiple barriers. Some go to school hungry. Right now, in Nairobi, we celebrate the *Dishi na County Programme* by the Nairobi County. We celebrate the *Dishi na County Programme* by the Nairobi City County Government although it focuses on public schools only. Community-based schools have our children. Faith-based schools have our children. We are obviously discriminating against them and going against the Constitution if they are going hungry because of the setup in which they are studying. We must ensure that feeding programmes extend to these institutions because a hungry child cannot concentrate in class.

Further, many schools lack trained teachers. I went round Nairobi this Easter weekend to donate food to orphanages. I found that several orphanages have created learning centres within themselves because they cannot afford formal schools. First, they have so many challenges. The police and social services such as chiefs bring most orphans to the institutions. They do not have birth certificates or have ongoing court cases.

The orphanages have children without enough resources because the government does not support orphanages. They have children without birth certificates and cannot afford to take them to formal schools because they can barely afford to pay rent of the facility that they are offering. What happens? This child will miss an education and have nothing to do the whole day. Therefore, the orphanage decides to create some kind of structure but they do not have teachers or the money to pay the ones they hire. They do not have money to buy schoolbooks or make sure the children have uniforms to go to school if they engage them in school. We have a critical problem.

I believe every problem can be solved once we come up with laws that address problems and allow the government to think through providing budgets. I know we are struggling with capitation. However, you know Rome was not built in a day. I believe in the dreams we have

for our country. Our forefathers and those who fought for freedom did not envision the rapid growth we are experiencing. Not just in Kenya but also in Africa. They did not envision failure to address some of the issues since Independence. We have now reached where it is hitting us in the face and we have to move fast. For that, I really appreciate the President for the role he is playing and the tough decisions he is making.

We as the National Government Affirmative Action Fund (NGAAF) provide sanitary towels to public schools only. It is only for certain classes even within public schools. We cannot cover everyone. We probably cover grades six to nine. What about secondary schools? All right. What about community-based schools? What about faith-based schools? We have a critical crisis in the country where resources are limited. That should not stop us from putting a law in place. When we plan once we put a law in place and look forward to the next census, it will inform us that we have a crisis. Then, I hope we will start thinking about family planning because no country can grow beyond what its resources cannot sustain. Funding should support improved classrooms.

Our President recently gave Nairobi City County Ksh1 billion that went into public schools only. Some of our children are in schools in informal settlements and they cannot hear when it rains because they have leaking roofs. Can we look at the National Infrastructure Fund (NIF) recognising that we already have congestion in certain areas? I came across an informal school in Roysambu. That school tells me that nearby classrooms have 100-plus students. On top of it is an entry fee that I will be looking at as soon as schools reopen. We have problems.

Issuance of National Education Management Information System (NEMIS) numbers will also be very important. We will understand what we need to do in our planning once we give the numbers to all learners. How much money do we need to put in education? I have always been a supporter of scrapping bursaries and making sure that bursaries go into a Fund to ensure that we provide free education to all. I find it discriminatory as well because some will reach you and others will not. Even as we have it now, I feel that we should be thinking about the cost of providing education to every child in this country. We will then budget and understand whether we are budgeting enough once we know it. We will then say we have hired 100,000 teachers but need 200,000 teachers.

All these require funding, but for us to have that money, we need to address the big elephant in the room—corruption. I know from the former President to the current President that corruption is something that happens with citizens who have been entrusted with public offices to do good for the country. I want to tell all those who are engaging in corrupt practices that remember this country has put you in office to serve its citizens. As you steal resources and plan to enrich yourself, remember this is the only country you are going to live in.

When the people get too hungry, they have nothing to eat and they lose all hope, then your wealth and whatever it is you have accumulated doing the wrong thing is not going to help you. We need to understand that everything that we need to budget for in this country, including inclusion, dignity, that no child is left behind and that they have the kind of schools that we want to be proud of, can only happen when we address corruption.

I thank you, Hon. Temporary Speaker. I support and thank Hon. Anthony Oluoch for bringing this important Bill to the House. Thank you.

The Temporary Speaker (Hon. Rachael Nyamai): Thank you. Hon. Mary Emaase, Member for Teso South.

Hon. Mary Emaase (Teso South, UDA): Thank you, Hon. Temporary Speaker, for the opportunity to contribute to this very important Bill. From the outset, I congratulate Hon. Oluoch for bringing forth the Basic Education (Amendment) Bill, 2025.

This Bill is very important because education is a right of every child. However, for a long time, access and affordability have remained a challenge to many children in this country. I used to hear about Alternative Provision of Basic Education and Training (APBET) schools

but I never understood what it meant. Sometimes we take certain issues for granted. As a member of the Departmental Committee on Education, it is when we visited a number of these schools in Kibra Constituency, that I appreciated what children in those areas go through when it comes to accessibility and affordability of education.

I am very happy about this Bill because it is seeking to ensure that these schools are recognised. It ensures that there is mapping, recognition, registration and provision of benefits enjoyed by other schools for the benefit of these children. When we visited these schools, we realised that they have very limited resources, are overcrowded and understaffed. Some of them have security and safety concerns for the children. Some of them have untrained teachers. They have inadequate desks and space. The population is more than the number of schools but because of the poverty levels in those areas, the parents cannot afford to take them to the formal schools. Actually, most of them leave them at home. Some of these well-wishers who have started these informal setups for training and educating these kids have to literally go to the homes and pick them up from their parents so that they can provide them with basic education.

The only concern I have, just like my colleagues who have spoken, is that the Bill must be very clear and specific to allow for seamless implementation. This is so that there is a clear distinction between private and APBET schools and to ensure an individual is not running a private school and seeking to benefit from public resources for personal advantage. Probably, these schools must be defined clearly as public schools because when we are talking about receiving benefits from the national government, we are talking about employing teachers in APBET schools. We are talking about building infrastructure in these schools and providing capitation to these children. Those schools must be properly defined as public schools for them to draw the benefits like any other formal schools.

I support this Bill. It is timely and overdue. Some of us have schools in the rural areas, but we face challenges of providing sufficient infrastructure. But I know there are schools in the rural setups that do not even have enough students. In these informal setups the situation is different. They lack almost everything and poverty is very high. They need to be supported. Therefore, this Bill is timely and we must support it. We may make amendments, but we must support this Bill.

Thank you.

The Temporary Speaker (Hon. Rachael Nyamai): Thank you. Hon. Nyenze, Member for Kitui West and Hon. Members, I realise that there are some of you seated and your cards may not be reflecting. As that is the case for Hon. Nyenze, I would like to find out from the Hon. Caroli Omondi, did you insert your card?

(Hon. Caroli Omondi spoke off the record)

Because we also cannot view your name on the screen. You may proceed, Member for Kitui West.

Hon. Edith Nyenze (Kitui West, WDM): Thank you very much, Hon. Temporary Speaker for this opportunity. From the outset, I congratulate Hon. Anthony Oluoch, Member for Mathare, for bringing this Amendment Bill. This is an effort to bridge the education gaps on the mapping, registering, and funding of schools in informal settlements. If this is done, it will be a game changer for these children. It would even enable the country to bring most of the children into the education sector.

Children have a constitutional and a fundamental human right to free, compulsory and quality education without any discrimination. This is governed by our Constitution in Article 53, and by the Basic Education Act of 2013. This Act prohibits discrimination and child labour. It also encourages free, quality and compulsory primary education that is accessible and non-discriminative. It encourages the right to safety and good life.

I note that these children in the informal sectors have very many challenges. They have no access to good schools. There is also inadequate infrastructure like classrooms and toilets, and these schools lack resources like textbooks. They also do not have adequate teachers because the teachers in the community or faith-based schools are paid by the parents. Because of poverty levels, the number of teachers in some of these schools is very low. They also have other challenges like high dropout rates due to poverty and insecurity. That high dropout in such settlements encourages insecurity in these areas and in our country, and hopelessness in our people.

Schools in informal settlements experience other difficulties like getting registered for exams or accessing government support. These children are often left behind. It is actually very heartbreaking to see that they are discriminated against, even though we know that education is the only equaliser. That is why initiatives like this one from Hon. Oluoch to amend the Bill, will bring them into the system and give them a fighting chance, so that they are at par with other children.

It is very difficult for children in informal settlements to get access to education and the education system at large. Some other challenges that such schools face are issues of title deeds. They do not have title deeds so they cannot be registered as public schools. They also cannot fit into the private schools category because private schools are very expensive. That is why they fall under categories of community-based schools and faith-based schools, where they are not even registered for exams nor given competition. We may not have all the solutions to these problems. But I am sure that when it is put in the Constitution in the Basic Education Act, this will be considered and such problems will be sorted.

Of late we have been doing affordable housing projects and they are all over our country. I suggest that such housing facilities should be considered for community and faith-based schools. Since they have no title deeds, these schools should be considered in these projects because housing and infrastructure is one of their greatest needs. This will enable them be registered as schools so that they get competition, teachers, and be in the National Education Management Information System (NEMIS). This would sort some of the problems.

In my constituency, there is a problem which has arisen especially in this financial year where some schools have not been registered from Grade 7. Why is this so? It is because the population has become very low. Why? Because most of the children are attending private schools. I have some private schools in my constituency. I am sure some Members are also experiencing such in their constituencies. What does this mean? If you have about 10 schools which are not registered for Grade 7, that means with time these schools will just die out. They will not be there anymore. Because parents will not take children to schools which do not have Grade 7. But we have put in so much infrastructure through the NG-CDF and, therefore, government resources will be wasted.

I know there is a movement to urban areas. Urbanisation is real. But we also have devolution where we have the 47 counties. Why do we not encourage some of them to go back to their rural areas? We have plenty of land. That is if some would accept to go back to their rural areas. This would help reduce the numbers and solve the problem of having no children in rural areas. There is also urbanisation in the 47 counties as a result of devolution. What is found in Nairobi is also found in the rural areas. Therefore, why do we not come up with something to encourage our people to go back to their rural areas, where there is plenty of land? I know your place, Hon. Temporary Speaker. There is a lot of land in your constituency. If some of these people, not only yours, but also those from other places, would be encouraged to do or set up their small businesses in the rural areas, they would benefit. Because there is plenty of land and more resources there than in Nairobi City.

With that, I support, and let us keep on talking so that we can bring amendments and ensure that we do not have any lost children or any children discriminated against in the basic

needs, which is basic education. To my fellow ODM people, I usually do not talk politics, but welcome back home to Azimio, where there is no zoning.

Thank you.

The Temporary Speaker (Hon. (Dr) Rachael Nyamai): Hon. Caroli Omondi, Member for Suba.

Hon. Caroli Omondi (Suba South, ODM): Thank you very much, Hon. Temporary Speaker. Let me begin by congratulating Hon. Anthony Oluoch for not just bringing a very innovative Bill, but also taking his time to educate us about these APBET schools. One of the greatest inequities in this country is that, our youth do not have equal or uniform access to educational opportunities. This has been made worse by the Competency-Based Education or the Competency-Based Curriculum system, whichever way you want to call it.

Actually, in the informal settlements, quite a large number of people are not able to meet even the basic requirements under that curriculum programme. Even the parental involvement that is required is not possible within the social frameworks of the informal settlements. The parents cannot be fully engaged and present. Internet connectivity is not available. In other words, what is happening there is just perpetuating inequality and denying many young Kenyans the opportunity to get a proper education. This is a very good Bill, and I appreciate the innovation that is involved.

What is happening with these APBET schools is just a social problem, a social challenge being addressed by volunteers. I was discussing with Hon. Anthony that there is one question we probably need to ask, and that is what I will address myself to. How do we fit the APBET schools into the framework of public finance management? Public funds, by our Constitution and the Public Finance Management Act, can only be utilised for public investments. Yet the APBET schools are not purely public. He explained to me that some are organised by NGOs, some are organised by churches, and some are very temporary. Somebody has given part of his shop or something for schools, somebody to conduct schools, volunteers, actually, people who probably just get tokens from parents and the rest of it.

He challenged me to apply my mind to answer the question that is disturbing me. Hon. Anthony, the first thing is that you gave me a very good answer, that the schools must not be for profit. In other words, we need to create a certain category of publicly funded schools that are not purely public, which will be APBET schools. Such schools must have specific characteristics to shield them from misuse by the private sector or private individuals. One of the ideas is that such a school must not be for profit. In other words, it must be a school established for social investment. If we are clear on that, then we can find a way of getting public funds to do infrastructure, even books, even to support teachers by way of compensation.

The ownership structure should be limited to community or faith-based trusts. There must be institutions that are then owned by groups that are organised around a trust system so that the public element is secured. We must also give them some permanency. There should not be institutions that exist this year and then disappear the next year. The trusts must be in perpetuity. We need to have a framework. I am sure we can find some housing for them under the law of trusts, so that the communities around the informal settlements where they are built have a way of owning them.

We need to ensure that we publicly oversee the management of these schools. The Bill proposes a County Education Board to oversee and manage them. If we can work around all these issues of ownership and give them a public or semi-public charter, we can resolve the constitutional challenges and those to do with the Public Finance Management Act.

With those remarks, I support the Bill. We will continue to work with Hon. Oluoch to determine the best way to give them the right charter within the public finance management framework.

The Temporary Speaker (Hon. (Dr) Rachael Nyamai): Let us have Hon. Leo Njeru, Member for Mbeere North. Hon. Wa Muthende.

Hon. Leo Wa Muthende (Mbeere North, UDA): Thank you, Hon. Temporary Speaker, for giving me this opportunity to support the Basic Education (Amendment) Bill and to congratulate Hon. Anthony Oluoch for coming up with this much-needed Bill.

As Members have pointed out, education is the main equaliser. Poverty and lack of access to education create a vicious cycle, which limits access to education, which creates a self-perpetuating cycle. The Government must be deliberate in breaking the cycle to stop the generational transmission of poverty. Disadvantaged children must be funded and supported with good teachers. It is not enough to speak of quality education and the right to basic education when children in slum areas cannot access it. While a lot has been added, regulation is key. I hope *Mheshimiwa* is noting our contributions. Most of these centres are private. We should ensure that funding provided by the Government is not taken advantage of by some unscrupulous people who may register APBET centres to benefit from teachers and funding.

This is a good Bill. We will continue supporting it to ensure that children in slums and less advantaged areas access quality education and qualified teachers. In this day and age, we cannot justify having areas where children lack teachers and parents are forced to look for someone to teach specific subjects. That is not quality education. As it has been insisted, we must break this self-perpetuating cycle where low income restricts access to quality education, leading to fewer job opportunities, financial hardships and eventual poverty. Children in those areas will remain trapped in poverty, which can only be addressed through education. This Bill will address those issues. I support it. With further input, it will ensure that Government funding is not taken advantage of. It will also put in place a clear definition of alternative basic education and training centres.

The Temporary Speaker (Hon. (Dr) Rachael Nyamai): Let us have Hon. Ruweida Obo, Member for Lamu East.

Hon. Ruweida Mohamed (Lamu East, JP): Ahsante sana Mhe. Spika wa Muda. Nami mwanzo ni kumshukuru Mhe. Anthony Oluoch kwa kuleta marekebisho haya ya sheria. Kule kwangu matatizo haya hakuna, lakini hiko matatizo ambayo yamefanana. Na haya, ikibidi kama itabidi, na mimi niweke marekebisho kidogo kwa sababu shida yetu sana kule Lamu Mashariki ni ile registration, ili wapate ile pesa ya Serikali Kuu, ile inaitwa *capitation*. Kwangu utapata shule kama ile ya Kiunga *Primary*. Ile shule wanafunzi ni wengi lakini pesa inayoenda ni kidogo kwa sababu hawana *birth certificate*. Kutoka Kiunga mpaka kuja kupata *birth certificate* inawagharimu pesa taslimu elfu nane na mia nne. Ni Lamu Mashariki pekee yake wanapata matatizo hayo ya *birth certificate*.

The Temporary Speaker (Hon. (Dr) Rachael Nyamai): Order, Member for Lamu East. Hon. Members, the Honourable Member for Lamu East will have a balance of nine minutes when this Motion is scheduled by the House Business Committee.

ADJOURNMENT

The Temporary Speaker (Hon. (Dr) Rachael Nyamai): Hon. Members, the time being 1:02 p.m., the House stands adjourned until Wednesday, 8th of April 2026 at 2.30 p.m.

(The House rose at 1.02 p.m.)

Published by

***Clerk of the National Assembly
Parliament Buildings
NAIROBI***