

PARLIAMENT OF KENYA

THE SENATE

THE HANSARD

Wednesday, 9th February, 2022

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

[The Speaker Hon. Lusaka in the Chair]

PRAYER

PETITIONS

OPEN TENDER SYSTEM FOR FUEL SUPPLY

The Speaker (Hon. Lusaka): Hon. Senators, I hereby report to the Senate that a Petition has been submitted through the Clerk by Consumers Federation of Kenya (COFEK).

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

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

Hon. Senators, the salient issues raised in the said Petition are:

One, that since 2005, Kenya imports its refined petroleum products through a system dubbed “Open Tender System” (OTS). The system ensures that petroleum products whose prices are regulated monthly in Kenya remain competitive as per market conditions. However, the conduct of the activities of OTS, remain opaque, shrouded with secrecy and exhibits cartel-like behaviour, denying Kenyan consumers the benefits on competitive pricing. That the current fuel pricing mechanism does not make necessary disclosures on the procurement of fuel products.

Data from the Energy and Petroleum Regulatory Authority (EPRA) indicates that only 13 out of a possible 96 oil marketing companies participate in the monthly OTS tenders. That it is thus impossible to tell at what price Kenya secured its oil cargo *vis-à-vis* prevailing global prices in the market.

That this and the fact that information on when tenders are floated it is not published anywhere infringes on the values and principles of governance, including public participation, transparency and accountability and Article 35 of the Constitution of Kenya as well as the Access to Information Act.

The Petitioners, therefore, pray that the Senate intervenes with a view to-

- (i) Put in place measures to oversight the operations of OTS to promote a free, fair tender platform for the benefit of fuel consumers.

- (ii) Puts in place the requisite laws to align the activities of the monthly OTS for fuel productions.
- (iii) Provide a framework to publicly advertise and make public all OTS awards-historical and from now henceforth- showing date of contracts, the bidders, when the tenders are floated, bids received, bids evaluation, cargo sizes, past winners (since 2005), respective storage capacities, beneficial owners of the winning bidders, among other information.
- (iv) That winning bidders and details on the pricing and delivery schedules should be updated on an online portal immediately the award has been made.
- (v) That the disclosures shall include showing the cargo prices for gasoline, diesel, kerosene and jet fuel.
- (vi) Offer any other pro-public remedy on fuel pricing in Kenya.

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

Sen. (Dr.) Ochillo-Ayacko: Thank you very much, Mr. Speaker, Sir, for giving us an opportunity to make a few remarks regarding this Petition.

I congratulate COFEK for thinking about us. Fuel prices are rocketing and unstable. Our incomes are on a stable decline every minute of the day and inflation is rising. We need to debunk and demystify the reason for which these prices continue going up. We need to know whether there is manipulation of the process. The process is premised upon what Adam Smith talked about, ‘the invisible hand of the market.’

We need to really know the environment of bidding, the information that guides the price, so that us consumers and people who live in this country and are affected by the declining income and real value of money know what to do.

There is a strong push by members of the public that fuel prices should be controlled by Government. The desire for control is being fueled by the fact that there is no clarity and openness in terms of information about why and how in spite of competition, the prices continue going up.

Mr. Speaker, Sir, I urge the Committee of Energy before which this Petition will be referred to be vigilant on our behalf, to be useful to COFEK and to protect all of us. This is because at this rate, even a Kshs1 million will be worthless.

I spent Kshs20,000 to fuel my small car to Migori County. That is not my income for a day. If I am to ask, what is the income of that person on the street that they call “hustler” or *mama mboga*? That person lives on Kshs7,000 or Kshs10,000 a month which Mr. Speaker, Sir, cannot fuel your vehicle or mine when I am going to Migori County.

This is a serious Petition that requires serious attention.

The Speaker (Hon. Lusaka): Sen. (Dr.) Musuruve.

Sen. (Dr.) Musuruve: Thank you, Mr. Speaker, Sir, for giving me this opportunity to add my voice to this Petition. Allow me to thank the petitioners for coming up with it because it touches all Kenyans.

Mr. Speaker, Sir, the reality is prices of fuel are high. This has affected all sectors of the economy. For instance, if you are travelling from one place to another, you will find that the transport has escalated three times as compared to two years ago. Therefore, there is need for the Government to intervene and ensure that prices of fuel go down. This is because if the prices go down, the economy will also improve.

Mr. Speaker, Sir, fuel is on high demand. The economy of scale entails that if something is on high demand and its production is high, then the prices should go down. So, there is need for intervention by this Government.

The petitioners have also touched on the issue of tenders. One thing that must be clear is that tenders must be transparent and in public domain. There is need for public participation on how tenders can be awarded. There is also need for an oversight on petroleum products. Without an oversight, there will be a lot of opaque issues happening in the organization.

There is need for advertisement to be done in the public domain and shortlisting to be done in the manner provided for by the law. The bidder who meets all the requirements should be awarded the tender.

Mr. Speaker, Sir, as we talk about this issue, we need to ask ourselves, what the value addition for these products is. We need to use these products to create employment opportunities for our youth. We have been talking about the Local Content Bill sponsored by Sen. Moi. It is very clear that any kind of organization that is in an area or a country should benefit the locals.

This Petition should not be taken lightly. There is need to have a matrix of how the tenders have been done, the bidder that came on board and how the tenders have been awarded.

Mr. Speaker, Sir, as we talk about this Petition, there is need for Corporate Social Responsibility (CSR). If an organisation is doing well, it should give back to the public. There is need to have a matrix on what the organization is doing in terms of reaching out to the needy Kenyans. For instance, educating the orphans, stepping in for the People living with Disabilities (PWDs) and the widows. Good organisations are usually sensitive to the public. CSR needs to be incorporated in any organization that earns money.

Mr. Speaker, Sir, I support this Petition and hope that it will go to the next level and be treated seriously.

The Speaker (Hon. Lusaka): Sen. (Dr.) Lang'at, go ahead.

Sen. (Dr.) Lang'at: Thank you, Mr. Speaker, Sir, for also giving me this chance to add my voice to this Petition. I support this particular Petition because of the fact that the prices of petroleum products in the country have continued skyrocketing. Petroleum products drives other economic institutions, for example, the transport sector. Therefore, high prices of petroleum in the country have affected more people, especially those in the small scale industry business, for example, the *bodaboda* riders.

If this particular sector was not there to give these people their daily bread, I wonder where they would be and what they would be doing at this particular point in time. This sector has employed millions of Kenyans and it gives them their source of livelihood. If we continue entertaining the day to day skyrocketing of petroleum prices, small-scale businesses which depend on petroleum products will decline.

Comparatively within our region, petroleum products are very much lower than what we are experiencing here. The other month we were in Tanzania for sports and we were shocked that the prices of petroleum products are almost twice less what we are experiencing in our country. Even in Uganda, petroleum products are very much lower than in Kenya.

Mr. Speaker, Sir, we cannot rule out the fact that there could be cartels in the process of managing, controlling and regulating prices of petroleum in our country. There must be cartels. If we are not careful and the fact that the country is highly polarized because political issues, then more cartels will crop up and use corruption money from this sector to campaign or to sponsor those they think can win the elections so that they continue benefiting from the Government.

We, as a House, need to treat this Petition seriously. I thank the petitioners for trusting this House. Rarely do we find Petition of such magnitude landing in the other House. That shows that the people of this country trust the Senate to bring solution to most of their problems.

Mr. Speaker, Sir, I congratulate this House because it is the only House that so far receives serious Petitions. I call upon the Committee on Energy to seriously investigate this particular matter as soon as possible because time is of essence. So, that this disturbing situation of fuel prices is brought to an end.

Mr. Speaker, Sir, I support these petitioners and even encourage Kenyans with different issues to bring their Petitions to this particular House because this is a serious House that deals issues affecting all Kenyans. I support this Petition and encourage the relevant Committee to come up with a report that will give a way forward on how to streamline operations of OTS in this country.

The Speaker (Hon. Lusaka): Sen. Seneta, proceed.

Sen. Seneta: Thank you, Mr. Speaker, Sir, for giving me a chance to add my voice to this very important Petition.

From the onset, I congratulate the petitioners for having brought it on behalf of many Kenyans. You definitely know that the prices of fuel directly affect all other cost of production, for example, transport and all other items. Therefore, Kenyans are concerned about skyrocketing of prices of petroleum products because they affect their lives.

Mr. Speaker, Sir, the Eleventh Parliament passed a Bill on access to information. It is sad that stakeholders in this sector are not accessing important information on tenders concerning petroleum products

The Ministry concerned should make sure that there is clear disclosure of such information on tenders.

There is a time the National Assembly passed a procurement Bill that allowed 30 per cent of tenders to go to the youth and women. If information is not disclosed, I also wonder whether there are women or the youth who access such big tenders.

This is an important petition that needs the Committee on Energy to quickly summon the Ministry and the Department concerned, so that we see how we can save the situation.

I support.

The Speaker (Hon. Lusaka): Sen. (Dr.) Ali, please proceed

Sen. (Dr.) Ali: Mr Speaker, Sir, I will be brief. As my colleagues have said, this is a serious issue because Kenyans are highly taxed with regard to petroleum products. When it comes to fuel, I think more than 50 per cent goes to the Government. Consumers are really suffering.

As it has been stated, it has an effect on literally everything, be it what you eat, buy or use for transport. Kenyans suffer all a lot. Therefore, the open tender system of trying to allow some contractors and few individuals to pull resources together and cheat

the larger public is causing a lot of problem in this country. That is why before that information was only accessible to a few major multinationals. Now local entrepreneurs who are also cartels have joined and there is no difference.

When you open a market, you are supposed to have everybody onboard. Many locals should have benefitted from the opening up of the system. Unfortunately, that is not the case. Local distributors have also joined multinationals cartels and Kenyans are really suffering.

I would like to urge the Committee concerned to look into this issue seriously and come up with a way of helping the poor *wananchi* in this country.

I thank you.

The Speaker (Hon. Lusaka): Hon. Senators, pursuant to Standing Order No.232(1), the Petition should be committed to the relevant standing committee for its consideration. In this case, I direct that the Petition be committed to the Standing Committee on Energy.

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

(The Petition was committed to the Committee on Energy)

I thank you.

The next petition is by Sen. (Dr.) Ochillo-Ayacko.

PROLONGED AND INORDINATE DELAY IN UNDERTAKING
FULL IMPLEMENTATION OF THE LOWER KUJA
IRRIGATION DEVELOPMENT PROJECT

Sen. (Dr.) Ochillo-Ayacko: Mr. Speaker, Sir, on behalf of the undersigned, I wish to bring a Petition to the Senate regarding the unlawful and arbitrary deprivation of land, internal displacement of persons, trespass to land, delayed and non-compensation in respect of wayleaves and public rights of way required for irrigation infrastructure and unnecessary prolonged and inordinate delay in undertaking full implementation of the Lower Kuja Irrigation Development Project in Nyatike Sub County of Migori County.

We, the undersigned who are project affected persons, adversely affected by the Lower Kuja Irrigation Development Project, being citizens of Kenya and residents of Nyatike Constituency in Migori County, do hereby draw the attention of the Senate to the following issues concerning the lower Kuja Irrigation Development Project—

(1) That the Government of Kenya, through the National Irrigation Board (NIB) then, now National Irrigation Authority (NIA), way back in 2010/2011 prepared a feasibility study and detailed design and decided to implement a public irrigation project known as Lower Kuja Irrigation Project. The project was to be implemented in Nyatike Sub County, then Migori District, now Migori County.

(2) That the project was to cover the areas of Okenge, Sagama, Obuare, Magungu, Oguta, Kakelo, Kakoth, Kabuto, Kimai and Kanyarwanda. This affects the land parcels along the North Kadem, Kanyasa, Macalder, Kanyarwanda and Got Kachola wards of Nyatike Sub County. The net irrigation was to cover 7,717 hectares.

(3) That as part of the implementation of the project, several facilities, including offices for research and training, were to be constructed in an area called Nyakwere in North Kadem Ward.

(4) That the project's cost of land acquisition was about Kshs43 million. Final cost estimate of the project, including the project facilities, was about Kshs3.4 billion and the cost of machinery and equipment was over Kshs570 million. The total cost of the project was slightly over Kshs4 billion.

(5) That Nyatike Sub County should benefit from this project and that the people affected by the project were equally to be compensated.

(6) That despite an environmental impact study and assessment feasibility study details signed being undertaken, necessary reports prepared, applicable licences issued and the construction of the project having begun in 2012, the project has not made meaningful progress. It appears to be having convenient saboteurs.

(7) That to date, the National Land Commission (NLC) is yet to publish any Gazette Notices of intention to acquire land parcels from the persons interested in the lands affected by the project, pursuant to the provisions of Sections 107(5) and Sections 112 of the Land Act, 2012.

(8) That the NIA commenced the construction of civil works at Block 3, Sagama Village, by first uprooting all vegetation and destroying what was there, but nothing has been developed in that area.

(9) That the activity destroyed all the known and hitherto existing land boundaries of the area between different parcels of land and land owners. Further, excavation of what would have been part of the Main Drain 1 was embarked on which cuts across people's lands and diverts water from areas excavated.

(10) That there was an existing natural storm drain known as Gunga/Adak/Anyuongi, which was used to drain water towards Lake Victoria that has now been destroyed.

(11) That several other makeshift irrigation structures were then created over people's lands in between people's homes and dwellings. Paddy growing was then introduced in the area. All these have been undertaken and yet there is no compensation and nothing that is beneficial to the people.

(12) That the NIA then used equipment which was allegedly hired by surrogates of their senior staff which used to be paid for by the local people using them at Kshs4 million per month per equipment. That was a clear manifestation of conflict of interest.

(13) That when the locals demanded their land back, the scheme stalled and the equipment was withdrawn. So, the area now looks like wasteland.

(14) That natural storm drains were interfered with so much so that when it now rains, the place is flooded and you cannot distinguish between what used to be a good place and part of Lake Victoria.

(15) That the project now seems to have been abandoned. That the land owners of the affected land are concerned about the lack of uniformity and transparency in addressing---

The Speaker (Hon. Lusaka): Try to summarize because your time is almost up.

Sen. (Dr.) Ochillo-Ayacko: Thank you, Mr. Speaker, Sir. This is a weighty matter; I will do my best.

(16) That the people of Nyatike, Migori County are requesting the Senate to ensure that the process of compensation, compulsory acquisition of land and/or public rights of way or wayleaves required for the lower Kuja Project be commenced and be undertaken and compensation be given to them.

(17) That the people of Nyatike are asking the Senate Committee before which this matter will be placed and the Senate to consider this matter and make this project beneficial to all of them.

Thank you, Mr. Speaker, Sir.

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

Sen. (Dr.) Musuruve.

Sen. (Dr.) Musuruve: Thank you, Mr. Speaker, Sir, for giving me this opportunity.

I would like to say from the onset that this is the irony of ironies. It is unbelievable that a project can be earmarked for completion in the year 2020/2021 and then the project has not been completed 10 years later. It is unfortunate because the Kuja Irrigation Project was supposed to help the locals.

I want to believe that money was set aside for this project when it was even earmarked and started and that a feasibility study was carried out to show that this project was necessary. If the feasibility study was carried out, and they saw that the project was viable and it was going to help people, it is unfortunate that this project has inconvenienced people and that peoples land was taken. There was a lot of interference between and inside people's land and there is no compensation for the inconveniences.

Mr. Speaker, Sir, it is the onus of this House to ensure that there is compensation for the people of Nyatike so that this project benefits the locals. Many times Kenyans do not know where to really throw their worries and frustrations to. They are inconvenienced sometimes and nobody helps them. Like in this case, there is need for people to be compensated for the land.

When the Government comes up with a project, it is usually a contract with the people of Kenya. The Government should tell the people: Listen, this is what we want to do. We want to deliver. That contract is between the Government of Kenya and the people of this Republic and the contract must be delivered. The contract needs to be delivered in the manner in which it is done. It needs to be completed within the timeframe.

It is very painful that this project is still a white elephant more than 13 years later. There is need for the Government to intervene and ensure that this project is brought to conclusion.

Irrigation is very important, especially in times when there is no rains. Everybody knows the importance of water. It is, therefore, in good taste that people of Kuja get their rightful benefit of having this project completed.

The youth in that area are going to benefit if it is completed. They are going to get jobs. We are talking of employing youths. There is no need of youth in this area coming all the way to Nairobi, Kisumu or other cities looking for jobs. This project is supposed to create employment for the youth.

I want to thank Sen. (Dr.) Ochillo-Ayacko for being concerned about the people. In all fairness, there is need to conclude this matter.

Thank you and I support this Petition.

Sen. (Dr.) Zani: Mr. Speaker, Sir, I stand to support this Petition. The prayers are very clear.

It is clearly about projects which start and no clear pathway has been created for the progression and indeed the conclusion of those projects and things stall midway. There is nobody to address the issue and it seems that it is not even clear who is responsible for all this.

It is important as this Petition is being addressed that the necessary and relevant organizations that need to have put everything in place are approached to do so. They are not indicated in the Petition. It is only said that the NIA are the ones who started this project.

When it comes to certain rights, compensation, rights about public utilization of land, the rules in place and how that should be done, then relevant players at both the national and county become very relevant for that.

I think this Petition is well placed. It is a Petition regarding Migori County, specifically the lower Kuja Irrigation Project in Nyatike Sub-county. It is rightfully placed within this Senate so that appropriate investigations can be done.

I suspect this is a situation where there is going to be a lot of blame game. One organization will say we did this, but the other one did not do this part. I would suggest that all the relevant players once identified, then they all be put together to discuss everything at once so that no blame game can be laid on another person; then when further investigations are made, a lacuna is created.

The prayers on compensation are very key. They have said it very clearly that there has been disruption of vegetation during this project; deprivation of land which also means increased poverty and not being able to grow food or work on their land.

There are make shift structures that have been put on the land which were meant to be used by the workers and no clear structure about that in terms of how long they will be there and how they are going to be used. All this is organizational projection indicates that clearly something has gone completely wrong.

I think we need to delve into this as quickly as possible and be able to save the people of lower Kuja Irrigation Development Project and give faith to the people of Nyatike Sub-county, Migori County, especially those who have been affected by this development project that has gone haywire.

One thing which is very critical is that the respect of public rights required during infrastructural development is very key. Sen. (Dr.) Musuruve has already talked about feasibility studies and that any development project really needs to be able to ensure that some agreements have been made, cooperation has been established, what is to be done, how and when is to be done and all that sort of infrastructural issues have been put into place.

If there is going to be any sort of disruption or disadvantage, it needs to be identified in advance and the best mitigation put in place to ensure that any disruption is minimized. It is then time that this Petition is looked into and that it can be sorted by the Senate of Kenya.

Thank you, Mr. Speaker, Sir.

Sen. Halake: Mr. Speaker, Sir, I rise to support this Petition.

As a Member of the Committee on Delegated Legislation, we are just from a retreat to consider regulations concerning irrigation. It is very sad because we were very appalled to realize that a lot of this large public irrigation schemes are actually nothing, but developmental. From Galana, Kulalu to now the one in Nyatike; it seems that the large irrigations schemes were conceived precisely to defraud.

There was no intention to actualize them for the purpose they were intended. You find that most large irrigation schemes were designed 10 years back. A lot of money and borrowing has gone into them, but nothing has been realized.

The communities have been rendered basically on their knees because their land has been earmarked for the irrigation schemes, but they have not been compensated and no hope in sight. We are wondering what these irrigation schemes were for. If they were meant for other things, then land should be released back to the community to be used because the opportunity cost is massive yet communities have been rendered poor. They could be using that land for other factors of production.

I urge the Delegated Legislation Committee that is considering these regulations to make sure they crack the whip so that the NIA does the right thing. It is not fair that we were told the Galana Kulalu Irrigation Project is for food security for this country then Kshs7 billion down the line, nothing has been done. We now see that other big public irrigation scheme that were conceived such a long time ago having the same problem. What is going on? I urge the relevant Committee of this House to which this petition will be assigned to get to the bottom of this matter because this is something that is hurt our people.

I support.

The Speaker (Hon.Lusaka): Proceed, Sen. Wambua.

Sen. Wambua: Thank you, Mr. Speaker, Sir. I also rise to support this Petition that was brought by the Senator for Migori County. I will say a few things because previous speakers have ventilated on this issue. The prayers in this Petition are straightforward. These people have been deprived of their land and are now being classified as trespassers on their own land. The supreme law is very clear on matters compensation for private property acquired for purposes of establishment of public utility. Article 40 of the Constitution states very clearly that if private land or property is going to be acquired by the Government to undertake a public project, the owners of the private land must be compensated fully and promptly. This is a case of a clear violation of a constitutional provision.

The more we allow Government and Government agencies to continue violating provision of a constitution the more we begin to drift towards being a lawless society. This matter of compensation to private land owners, especially in areas where Government agents acquire land to do projects be it irrigation schemes, roads, railways and many such projects. This matter is a matter that this Senate and Parliament as a whole must seriously address ourselves to.

I have stood on the floor of this Senate many times to talk about the same issue of compensation to persons affected by the projects of road from Kibwezi to Kitui. To date those people are still asking for justice to be done for them to be compensated for the land that has been acquired by the Government.

The case of Nyatike is very serious because people have been relocated forcefully. We have a case of internally displaced persons who have been pushed from their homes for purposes of creating an irrigation scheme. This is injustice being visited on innocent people. I will ask that the Committee to which this Petition will be committed moves with speed to engage with all the stakeholders on this matter and ensure justice is not just done, but seen to be done.

The Speaker (Hon. Lusaka): Proceed, Sen. Omogeni.

Sen. Omogeni: Thank you, Mr. Speaker, Sir. First if the people of Migori County are watching, I must first thank and single out their Senator for showing passion in fighting for their rights. I sat here and listened as Sen. (Dr.) Ochillo read this Petition for close to 12 minutes. It is one of the longest Petition we have ever heard from a Senator. I must, therefore, congratulate him and hope that Migori people have taken note they have a Senator who is ready to fight for their rights.

Secondly, there are matters that come to this House which we just note, but other matters raise serious issues. If a Government can be accused of unlawfully and arbitrary depriving citizens of their land without compensation, are we really in a state of rule of law? I have visited Migori County. When you map out Migori County, Nyatike has the highest poverty level index in this country. One of the highest poverty level, you will ever find in any part of this country. If a Government can acquire land for wayleaves, irrigation and they do not pay these people, what message are we sending as a Government?

I want to go on record that this is one of those serious issues that have been brought to the House and should receive serious attention by the Committee that will look into this matter. You cannot cause internal displacement through acquiring land to run Government project. That should never be heard of in a democratic country like Kenya because Government budgets and plans for projects. Where did the money that was planned to compensate the people of Nyatike go to? Who is this that does not care about the people of Nyatike that are now internally displaced in their own county without compensation?

This is a matter that we should summon the Cabinet Secretary in charge of irrigation. The Cabinet Secretary should appear here and tell us whether he care for the land rights of Kenyans. We enacted the 2010 Constitution which states that no Kenyan will have their land forcefully taken away without compensation. Who is this that does not respect the Constitution of the Republic of Kenya?

This is a serious matter. I sympathize with the people of Migori who are poor and vulnerable. They may not even have the money for lawyers to push for compensation. The only voice they have is their good Senators, Sen. (Dr.) Ochillo-Ayacko. We must call some people to order. As Sen. Halake was contributing on the floor, I remembered that we had a meeting with some Government official last week and they spoke to as about the Galana Kulalu irrigation project.

You will be shocked that a poor country like Kenya has pumped in Kshs5.7 billion for that project and there is no value for money. Yet we are just proceeding as if everything is normal. This is not the way we should run our business.

I have given several examples on this floor. When the United States of America (USA) set up the Tennessee Valley Authority (TVA), value for money was realised. It is

a project that Americans are proud of, more than 80 years after the project was set up by the late President Franklin Roosevelt.

In Kenya you read about Galana Kulalu Food Security Project where there is nothing. We are now reading about Lower Kuja Irrigation Scheme and there is nothing. This is not a prudent way of spending our tax payer's money.

Mr. Speaker, Sir, I hope this Petition will elicit some answer and that there will be some consequences for the people who are responsible for some of these abuses of the rights of the people that we represent.

I support.

The Speaker (Hon. Lusaka): I can see our time for Petitions is almost up. So, I will give three minutes to those who want to speak.

Sen. Shiyonga, proceed.

Sen. Shiyonga: Thank you, Mr. Speaker, Sir, for giving me the opportunity to support the Petition by Sen. (Dr.) Ochillo-Ayacko. As my colleagues have said, it is unfair for Kenyans to be subjected to this punishment of not being compensated when their ancestral land is taken for Government projects.

Kenyans have been subjected to injustices, especially when it comes to land matters and nobody takes responsibility. We have brought many petitions here on matters land.

I congratulate Sen. (Dr.) Ochillo-Ayacko for fighting for the rights of his people in this House. When will the Government take responsibility? The Government has decided to take over their land and displaced them. These people are already inconvenienced by this Government that is not ready to compensate them. There is no information on the progress of compensation.

For their Senator to take up the issue and bring a Petition to this House, it means no one is taking care of them. These Kenyans deserves better treatment by this Government.

It is important for Kenyans to note that where such big land projects are involved, there is fraud. Kenyans need to be aware of the fact that in any negotiation with the Government, they need first to be compensated before they surrender their land and relocate to another part of the country. It is their right to demand for compensation first before they can enter into any agreement with the Government.

I support Sen. (Dr.) Ochillo-Ayacko and the people of Nyatike Sub-County in Migori County. They have a right to be on their land. If the Government is not starting the project, let them surrender the ancestral land back to the people of Migori. Since they have not been compensated, they are losing the value of what their forefathers gave them. They have a right to be compensated.

The Speaker (Hon. Lusaka): Sen. (Eng.) Mahamud, did you want to contribute?

Sen. (Eng.) Mahamud: Sorry, Mr. Speaker, Sir.

The Speaker (Hon. Lusaka): Okay. Sen. Madzayo, you have the floor.

Sen. Madzayo: Asante, Bw. Spika. Kwanza ninamshukuru ndugu yangu, Sen. (Dr.) Ochillo-Ayacko, kwa kuleta malalamishi ya watu wa Nyatike katika Kaunti ya Migori. Wanapata mateso baada ya kufurushwa kutoka kwa mashamba yao.

Mara nyingi nimesimama hapa Bungeni nikiongea kuhusu suala hili. Hakuna Serikali kamili yenye akili timamu ambayo inaweza kufurusha wananchi kutoka

mashamba yao ambayo wameishi miaka nenda miaka rudi, bila kuwafidia. Ni makosa sana kwa Serikali kuchukua hatua kama hiyo.

Mara nyingi tunaona watu wakifurushwa ovyoovyo kutoka mashamba yao. Juzi hapa Kaunti ya Nairobi watu wamefurushwa. Sasa yametokea pande za Nyatike, maeneo ya Migori. Suala kama hili linatakikana lifanywe na sura ya kibinadamu.

Watu wanasema ukiona cha mwenzako kinanyolewa, chako anza kutia maji. Zamani tulikuwa tunasema ni sisi watu wa Kaunti za Kilifi, Kwale, Tana River ama Taita Taveta ndio tunaonewa. Huu mchezo wa kuchukua mashamba ya Wakenya umezidi. Kumbuka wameishi mahali hapo miaka mingi, wamepanda minazi na kuna makaburi ya babu zao, halafu mwishowe wanafurushwa.

Bw. Spika, hivi majuzi kumetokea kisa fulani huko Adu Kamale eneo Bunge la Magarini Kaunti ya Kilifi. Ardhi ya watu wa hapo iliyokuwa imetengwa, sasa imechukuliwa kwa nguvu na mabepari na mabwenyenye fulani. Watu hao wakaambiwa waende kwingineko. Ni jambo la kusikitisha. Sehemu hiyo ilipimwa na watu wenyewe ikasemekana wanajulikana pahali walipo.

Si jambo nzuri kuwa wakaazi wa kule Mulunguni ama Adu Kamale---

(Sen. Madzayo's microphone went off)

The Speaker (Hon. Lusaka): Naona muda wako umekwisha lakini nitakuongeza dakika mbili.

Sen. Madzayo: Bw. Spika, hawa watu wanaoishi maeneo ya Mulunguni na Adu Kamale wapewe haki yao. Watu wanaoishi maeneo ya kule Magarini, hususan Sabaki ambako kuna mashamba ya Agricultural Development Corporation (ADC) ambayo yamekuwa ya watu binafsi, sasa warudishiwe mashamba hayo. Serikali iwache mchezo wa kufurusha watu kutoka kwa mashamba yao. Serikalli isitishe watu wenye stakabadhi bandia kuchukua hayo mashamba ambayo tunajua sio yao hata kidogo. Watu wa pwani watakataa mchezo huo kabisa.

The Speaker (Hon. Lusaka): Finally, Sen. (Dr.) Lang'at.

Sen. (Dr.) Langat: Thank you, Mr. Speaker, Sir, for giving me this chance. Land issues are emotive in our country. I support this Petition by Sen. (Dr) Ochillo-Ayacko. It is not only affecting the people of Migori County, but also other people all over the country.

The Government evicts people from their ancestral land and acquires the same land without compensating them. My area has also been affected, especially the White Highlands. Our ancestral land fell into the hands of the White people up to now. We used to persevere the situation because these White Highlands used to be sources of employment to our people. Currently, the same employees have been chased away after they were replaced by machines. These particular places are now completely out of benefit.

Mr. Speaker, Sir, the same eviction has affected the people of Nairobi City County. We have seen cartels acquire land from occupants who even have legal documents. Some companies then take over the land and get Government assistance to evict people without compensation. The worst of it is what happened in the Mau region. Those people who had the legal documents like title deeds and were evicted are to date suffering. The Government has not compensated them. I call upon the Government to not

only compensate the people from Migori County but also those who have been evicted illegally in Nairobi and even Mau region.

Mr. Speaker, Sir, compensation by the Government has become a notorious issue. I remember during the post-election violence of 2007, the people who were affected along Nyamira and Bomet counties were not compensated as it was expected.

I call upon the Committee that will take over not only to investigate this particular issue in Migori but to consider people who have been mistreated in our country through unfair or politically motivated evictions. They should be compensated in order to have decent lives on their land.

I support.

The Speaker (Hon. Lusaka): Okay. Order Senators. Take your seat unless you want to freeze.

Hon. Senators, pursuant to Standing Order No. 232(1), the Petition is Committed to the Standing Committee on Agriculture, Livestock and Fisheries which is the relevant Standing Committee for its consideration.

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

I thank you.

Before we go to the next Order, I also have a communication to make.

COMMUNICATION FROM THE CHAIR

APPLICATION OF STANDING ORDER NO. 59(3) ON RECURRING BUSINESS

Hon. Senators, as you will recall, from my Communication yesterday, I indicated that the Sixth Session will be a short one owing to the fact that this is an election year. Critical Business still remains to be dispensed with.

In this regard, the Senate Business Committee at its inaugural meeting held yesterday, Tuesday, 8th February, 2022, considered the Legislative Business pending before the Senate and took note of the high number of Bills and Petitions that are yet to be concluded.

The Committee expressed concern that certain Motions and Bills on the Order Paper keep recurring owing to unavailability of sponsors to prosecute them.

Hon. Senators, resultantly, the Senate Business Committee resolved that where sponsors of Business are not available to move such Business, it shall be dropped from the weekly programme pursuant to Standing Order No. 59(3).

For avoidance of doubt, Standing order No. 59(3) states -

“Where no Senator moves a Motion at the time specified by or under these Standing Orders, such Motions shall not be published again in the Order Paper during the same Session except with the leave of the Speaker.”

Hon. Senators, I take this opportunity to urge each Senator with business, to be proactive in tracking the same and attend Plenary whenever such business is scheduled.

The Senate stands guided.

Next order.

PAPERS LAID

The Speaker (Hon. Lusaka): Proceed, Deputy Senate Majority Leader.

Sen. Dullo: Thank you, Mr. Speaker, Sir. I beg to lay the following Papers on the Table of the Senate today, 9th February, 2022-

THE SENATE CALENDAR FOR THE SIXTH SESSION

The Senate Calendar for the Sixth Session (February to June, 2022).

**REPORT ON THE STATUS OF THE KENYAN
ECONOMY, DECEMBER 2021**

Report of the National Treasury and Planning on the status of the Kenyan economy (December, 2021).

**REPORT ON ALL NEW LOANS CONTRACTED
BY GOVERNMENT FROM 1ST SEPTEMBER,
2021 TO 31ST DECEMBER 2021**

Report by the National Treasury on all new loans contracted by Government from 1st September, 2021 to 31st December, 2021.

**ANNUAL REPORT AND FINANCIAL STATEMENT
FOR THE OFFICE OF THE CONTROLLER
OF BUDGET FOR THE FY2019/2020**

Annual Report and Financial Statements for the Office of the Controller of Budget for the Financial Year 2019/2020.

**REPORT OF THE CONTROLLER OF BUDGET ON NATIONAL GOVERNMENT
BUDGET IMPLEMENTATION REVIEW
FOR THE FY2020/2021**

Report of the Controller of Budget on the National Government Budget implementation Review for the Financial Year 2020/2021.

**REPORT OF THE CONTROLLER OF BUDGET ON NATIONAL
GOVERNMENT BUDGET IMPLEMENTATION REVIEW
FOR THE FIRST QUARTER FOR FY 2021/2022**

Report of the Controller of Budget on the National Government Budget Implementation Review for the First Quarter for the Financial Year 2021/2022.

REPORT OF THE CONTROLLER OF BUDGET ON THE COUNTY
GOVERNMENTS BUDGET IMPLEMENTATION REVIEW
FOR THE FIRST QUARTER OF THE FY2021/2022

Report of the Controller of Budget on the County Governments Budget Implementation Review, for the First Quarter for the Financial Year 2021/2022.

THE ANNUAL REPORT OF THE NATIONAL POLICE
SERVICE COMMISSION FOR FY2020/2021

The Annual Report of the National Police Service Commission, for Financial Year 2020/2021.

THE NINTH REPORT ON STATUS OF THE PUBLIC SERVICE
COMPLIANCE WITH THE VALUES AND PRINCIPLES IN
ARTICLES 10 AND 232 OF THE CONSTITUTION

The Ninth Report on status of the Public Service Compliance with the values and principles in Articles 10 and 232 of the Constitution.

THE ANNUAL REPORT ON THE STATE OF JUDICIARY AND
ADMINISTRATION OF JUSTICE FOR FY 2020/2021

The Annual Report on the State of Judiciary and the Administration of Justice for the Financial Year 2020/2021.

THE CRA RECOMMENDATION ON THE COUNTY
GOVERNMENTS' RECURRENT EXPENDITURE
BUDGET CEILINGS FOR FY 2022/2023

The Commission on Revenue Allocation Recommendation on the County Governments' recurrent expenditure budget ceilings for Financial Year 2022/2023.

THE ANNUAL REPORT OF THE CRA FOR
THE FY 2019/2021

The Annual Report of the Commission on Revenue Allocation for the Financial Year 2019/2021.

THE CONTROLLER OF BUDGET REGULATIONS
LEGAL NOTICE NO.254 OF 2021

The Controller of Budget Regulations (Legal Notice No. 254 of 2021).

THE DESIGNATION OF BASIN AREAS,
LEGAL NOTICE NO.235 OF 2021

The Designation of Basin Areas (Legal Notice No. 235 of 2021).

REPORT ON FINANCIAL STATEMENTS OF VARIOUS COUNTY
EXECUTIVES/ASSEMBLIES/FUNDS

Report of the Auditor General on the financial statement of Kilifi County Assembly car loan and mortgage scheme fund for the year ended 30th June, 2014.

Report of the Auditor General on the financial statement of Kilifi County Assembly car loan and mortgage scheme fund for the year ended 30th June, 2015.

Report of the Auditor General on the financial statement of Kilifi County Assembly car loan and mortgage scheme fund for the year ended 30th June, 2016.

Report of the Auditor General on the financial statement of Baringo County Education Bursary Fund for the year ended 30th June, 2016.

Report of the Auditor General on the financial statement of Baringo County Small and Medium Enterprise for the year ended 30th June, 2016.

Report of the Auditor General on the financial statement of Baringo County Executive members mortgage scheme fund for the year ended 30th June, 2016.

Report of the Auditor General on the financial statement of Kilifi County Assembly car loan and mortgage scheme fund for the year ended 30th June, 2017.

Report of the Auditor General on the financial statement of Baringo County Education Bursary fund for the year ended 30th June, 2017.

Report of the Auditor General on the financial statement of Nyeri County Assembly car loan and mortgage fund for the year ended 30th June, 2018.

Report of the Auditor General on the financial statement of Kilifi County Assembly car loan and mortgage scheme fund for the year ended 30th June, 2018.

Report of the Auditor General on the financial statement of Baringo County Education Bursary fund for the year ended 30th June, 2018.

Report of the Auditor General on the financial statement of Kericho County Assembly Members car loan and mortgage scheme fund for the year ended 30th June, 2018.

Report of the Auditor General on the financial statement of County Assembly of Nakuru car loan and mortgage fund for the year ended 30th June, 2018.

Report of the Auditor General on the financial statement of Baringo County Small and Medium Enterprise Fund for the year ended 30th June, 2018.

Report of the Auditor General on the financial statement of Baringo County Executive Members mortgage scheme fund for the year ended 30th June, 2018.

(Sen. Dullo laid the documents on the Table)

The Speaker (Hon. Lusaka): The Chairperson, Committee on Health.

Sen. Seneta: Mr. Speaker Sir, I beg to lay the following Paper on the Table of the Senate today, 9th February, 2022.

REPORTS ON UTILIZATION OF COVID-19 FUNDS BY 28
COUNTY GOVERNMENTS

Report of the Standing Committee on Health on the special audit report on utilization of COVID-19 funds by twenty-eight (28) county governments.
(Sen. Seneta laid the document on the Table)

NOTICES OF MOTIONS

APPROVAL OF THE SENATE CALENDAR
FOR THE SIXTH SESSION

The Senate Leader of Majority (Sen. Poghisio): Mr. Speaker Sir, I beg to give Notice of the following Motion-

THAT, pursuant to Standing Order No.29(1), this House approves the Senate Calendar (Regular Sessions) for the Sixth Session (February to June, 2022), laid on the Table of the House on Wednesday, 9th February, 2022.

APPROVAL OF SITTINGS ON WEDNESDAY MORNING
WITH RESPECT TO PART 1 OF THE SENATE CALENDAR

The Senate Majority Leader (Sen. Poghisio): Mr. Speaker, Sir, I beg to give notice of the following Motion:

THAT, pursuant to Standing Order No. 31(3), the Senate resolves to hold Sittings on Wednesday mornings with effect from 16th February, 2022 to 9th March, 2022; and that the Sittings shall commence at 10.00 a.m. and end at 12.30 p.m.

The Speaker (Hon. Lusaka): Proceed, Sen. Seneta.

ADOPTION OF THE SPECIAL AUDIT REPORT ON UTILIZATION OF
COVID-19 FUNDS BY 28 COUNTY GOVERNMENTS

Sen. Seneta: Mr. Speaker, Sir, I beg to give notice of the following Motion.

THAT, the Senate adopts the report of the Standing Committee on Health on the special audit report on utilization of Covid-19 funds by 28 county governments, laid on the Table of the Senate on Wednesday 9th February 2022.

(Sen. Seneta laid the document on the Table)

STATEMENTS

INTERNATIONAL DAY FOR WOMEN AND GIRLS IN SCIENCE

Sen. (Dr.) Musuruve: Thank you, Mr. Speaker, Sir, for giving me the opportunity to make a Statement on the International Day of Women and Girls in Science.

I rise pursuant to Standing Order No.47 (1) to make a Statement on an issue of general topical concern namely, the International Day of Women and Girls in Science.

The world marks the international day of women and girls in science annually on the 11th February, every year. This was a result of a resolution of the United Nations General Assembly (UNGA) on 22nd December, 2015.

The day recognizes the critical role that women and girls play in science and technology. The days' purpose is to promote full and equal access to participation in science for women and girls.

Mr. Speaker, Sir, the world needs science and science needs women and girls. The theme for the day is equity, diversity and inclusion. That is what unites us.

As we mark this day, I would like to celebrate a world female scientist Marie Curie, a Polish born French physicist and chemist, best known for her contributions to radioactivity. She was the first woman to receive the Noble Price in Chemistry and also the first female scientist in the world, an ancient Egyptian physician, Merit Ptah, was described in an inscription as the chief physician.

It is notable that women and girls in science-oriented disciplines are a handful. Possible reasons attributed to this few female engineers include, the engineering culture. That is, there is the prevalence of values associated with the male gender role in the work place culture. Gender stereotypes, which is low rates of female engineering culture. These are factors that contribute to the current situation where men are dominant in the engineering fields.

A study in 1964, found that both women and men believed that engineering was masculine in nature. In the past few decades, women's representation in the work force in Science, Technology, Engineering and Mathematics (STEM) fields specifically engineering was significantly improved. In 1960, women made up around 1 per cent of all the engineers. By the year 2000, women made up 11 per cent of all engineers.

Mr. Speaker, Sir, in Kenya, we must endeavor to scale up the number of girls and women in STEM disciplines from an early age.

As we celebrate the international day of women and girls in science, I call upon the national Government in conjunction with the county governments to strengthen the Young Scientist of Kenya (YSK) initiative that accords young people across Kenya an opportunity to demonstrate innovation and showcase their scientific talents through a national science and technology competition.

I urge the Ministry of Education and Government of Higher Learning in conjunction with the Ministry of Labor and Social Welfare and other agencies to motivate girls who take the STEM path in academia by funding their courses and ensuring that they are given jobs in science related departments.

The YSK patron who is the President of the Republic of Kenya, can go a notch higher and see to it that women and girls who have attained certificates in science courses are given job placements and their skills in STEM related areas.

It is unfortunate that there are many women who are in science oriented courses and have certificates but have no jobs. I commend several universities and colleges nationwide that are attempting to decrease the gap between men and women in the engineering field by recruiting women in their programmes.

Women's exposure to STEM courses during high school, planting ideas of positivism in women regarding engineering and creating a more female friendly environment inside and outside the classroom are possible strategies that can be used to create desirable results.

In conclusion, I call upon universities to encourage women to enroll in their graduate programmes that offer STEM related courses. Institutions need to emphasize the importance of STEM education in the undergraduate level, offer financial aid and develop more efficient methods for recruiting women to their programmes.

Happy International Day of Women and Girls in Science to everyone.

The Speaker (Hon. Lusaka): Proceed, Sen. Farhiya.

Sen. Farhiya: Thank you, Mr. Speaker, Sir, I also wish to thank, Sen. (Dr.) Musuruve for bringing that Statement.

It is not that girls are not interested in the science space but many times they are misguided. Let me give an example of a girl who is well known to me and was in one of the best schools in the country. When they were about to select science subjects, she was advised by some ladies who were there that those were not good courses for her despite being among the top students in her class in that specific field of physics.

She was told that this is not a career for women and she should just drop it and because of that misguidance, the girl took a humanities course. Of course, she did not do that well. This is because everybody has their own orientation. She missed that career and ended up doing fairly well still but not as well as she would have done if she got the right guidance.

Mr. Speaker, Sir, there is a challenge facing girls in those spaces, for example, in engineering. I know a girl who did engineering, finished and qualified but could not get a job. She ended up doing a Masters Degree in Human Resource (HR) to be in the HR field instead of the engineering field that she was passionate about yet she studied and passed very well.

There is a lot of misconception about capacity and ability of girls and women for that matter. I join Sen. (Dr.) Musuruve by urging girls to pursue what they like and parents to encourage their girls in terms of the fields that they are good at not what they think they should be good at.

I also urge employers in the job market, especially the field which is predominantly male, to encourage girls to take up those opportunities. I have no doubt they can outperform their counterparts and excel in what they are encouraged to do.

Mr. Speaker, Sir, I am very familiar with the accounting field. If you give work to a female accountant and a male counterpart, ladies outperform the male because of their attention to detail. They bring data that is accurate and authentic. I urge the girls in school to go for those fields.

Even in the field of engineering, if you are among those doing the course and having your own business, then other ladies will want an opportunity to practise so as to excel in whatever they do.

Sen. Halake: Mr. Speaker, Sir, I rise to support this Statement and congratulate Sen. (Dr.) Musuruve for bringing it to our attention.

It is important to have women and girls in Science, Technology, Engineering and Mathematics (STEM). Barriers to women and girls to pursue courses in science and technology is something that this country needs to keep a spotlight on.

We know for a fact that women and girls are capable of pursuing courses in STEM just like boys. However, as we know, there are many barriers. Stories are told of people who have prerequisite degrees but are discriminated against because when interviewers look for people in STEM, they think that girls and women are not suitable.

A research was done across the globe and not just in Africa or Kenya. Even after pursuing courses in STEM, women still face many barriers to find meaningful jobs but when they find, they are paid much less than men of similar qualifications.

Sometime back, I read about a South Korean woman who is a biologist and was looking for a research job in a laboratory. When she was being interviewed she was taken around the laboratory to lift equipment instead of being asked what exactly she would research on in the laboratory. She believes that she was denied the job because she could not lift some of the equipment.

Such is the discrimination that women in science and technology face. Therefore, it is important that the United Nations (UN) and the international community have set aside 11th February as the day of putting a spotlight on women and girls pursuing courses in STEM.

As a country, we still have a long way to go. It is time we leapfrogged our girls and women to pursue STEM courses. We need to look at the barriers that have held our women and girls back with regard to careers in STEM.

Mr. Speaker, Sir, related to this, same barriers exist in politics. As we all know, for women and girls in our country, there are many barriers similar to those that women and girls pursuing STEM courses face that are also faced in the political field. Therefore, we need to look at this holistically.

In fact, I am going to ask the international community to make a day for women and girls in politics. We should put a spotlight on women and girls in politics because politics determines what many women do in many other sectors.

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

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

Madam Deputy Speaker, I support and look forward to a day when we will push through women and girls in politics and make political discrimination and violence against women in politics a thing of the past because we will have raised our voices against it.

The Deputy Speaker (Sen. (Prof.) Kamar): The next Statement is by Sen. Cherargei.

FAILURE BY HELB TO DISBURSE FUNDS TO STUDENTS
IN INSTITUTIONS OF HIGHER LEARNING

Sen. Cherargei: Thank you, Madam Deputy Speaker, for this opportunity to request for a Statement on failure by the Higher Education Loans Board (HELB) to disburse funds to students across the country's institutions of higher learning, colleges and many others.

Madam Deputy Speaker, I rise pursuant to Standing Order No.48 (1) to seek a Statement from the Standing Committee on Education on the failure by the HELB to disburse funds to students in institutions of higher learning and colleges.

In the Statement, the Committee should-

(1) Appraise the Senate on the financial status of HELB, stating whether the organisation is able to meet its financial obligations to students in institutions of higher learning.

(2) Provide a comprehensive report indicating the number of students who have received funding from the HELB in the past two years or two financial years, those waiting disbursement and the deficits the organisation is experiencing, giving reasons for the discrepancies.

(3) State the targeted interventions that the HELB is applying in alleviating the status of students awaiting loans disbursement, considering that majority of the students hail from poor families or are hustlers and require financial support for tuition and upkeep.

(4) State whether there are any arrangements between the HELB and institutions of higher learning to allow students to be admitted as they wait disbursement of funds considering that universities demand full payment before admission.

(5) State the measures, if any, that the HELB has put in place to mitigate the cash crunch situation brought by the defaulters of the HELB.

Madam Deputy Speaker, as I speak, those who were supposed to join are yet to join because the HELB is yet to disburse the funds. I hope this matter will be treated urgently by the Committee even if you give them a shorter time.

The Deputy Speaker (Sen. (Prof.) Kamar): Thank you Sen. Cherargei. Let us now listen to Sen. Halake.

Sen. Halake: Madam Deputy Speaker, the issue of education is very dear to me, especially coming from Isiolo county which has disparities when it comes to education levels.

Just a few months ago, I learnt that many issues facing education are not taken seriously or prioritised. For example, we had a problem with the School Feeding Programme but we thank the Government for having rectified that after we shouted.

The HELB has been helping many students. In the Northern Kenya counties, the number of students accessing higher education is so low. None of them has received any disbursement and that is escalating a situation that is already very bad.

As it is, because of the disparities in levels, quality, access to education and historical injustices, it has caused Northern Kenya, and especially Isiolo county to have very low numbers of students going to universities. The problem of not having finances and delayed disbursement of higher education funding has been a double stroke for them.

I would like to congratulate Sen. Cherargei for highlighting this issue. This is an issue that affects us in the ASAL counties especially because when you have, say 50 students only going to institutions of higher learning and they cannot access education, then our counties are being left behind. As it is, we are hard to reach. Education is also becoming another tool of exclusion for the people of Northern Kenya.

Madam Deputy Speaker, I am very saddened to note that some of the things that keep our children in school are finances, school feeding programmes and others that help vulnerable communities to have a chance to participate in the socio-economic activities of our country are now becoming a tool of exclusion.

Madam Deputy Speaker, I would like to appeal to Kenyans who have not paid the Higher Education Loans Board (HELB) to please pay up. If they have not paid up, a system or a mechanism must be put in place to ensure the students who have nothing to do with it are not punished for it.

A few months ago, when we were looking at the requirements for running for office and others, one of them was to make sure that you have a certificate from HELB. What came out very clearly was that some of the students who had taken the loans have never been able to access employment. So, it is a vicious cycle because if you do not have a job, how are you expected to pay?

In fact, the CDF or youth funds can be used to offset some of the loans that the youth have taken but cannot access employment so that the incoming students are not punished for the misfortunes of our unemployed youth because these are the same youth that cannot even pay. The vicious cycle continues to disadvantage the people that need it most.

Madam Deputy Speaker, I support this and appeal to the Government, through the Treasury to act on it as a short term measure or on a long-term basis, other mechanisms should be put in place so that we do not wait for unemployed youth to pay up yet there is no way they can do so.

I support.

Sen. Omogeni: Madam Deputy Speaker, I want to thank Sen. Cherargei for bringing this matter to the attention of the House, save for that statement he made. This is not a matter for the hustlers; it is a matter of the children of Kenya.

Those days when we went to university and when the Government cared for some of us from poor backgrounds, the Government made sure that we went to university. They paid fees and waited for us to finish and then pay the loans. Some of us who were privileged to go through university, we have since paid the HELB loans that were extended to us to finish our university education, and we are forever grateful.

Madam Deputy Speaker, this country is now getting everything wrong. Bright students from very poor backgrounds are no longer guaranteed higher education. We have made the bureaucracy of applying for these loans so difficult. The criteria of identifying who should benefit is a problem. It is no longer something that is geared towards helping children from poor backgrounds. Let us call a spade a spade, HELB has not done well on this matter.

Personally, where I come from, in Nyamira, day in day out, I receive requests to assist students from poor backgrounds who are trying to raise funds to go to university. We always keep telling our students that education is the key to success. How will it ever be a key to success if we are not making it possible for our children from poor

backgrounds to access higher education? It is not right and we as the representatives of the people must remind the Government that it has an obligation to help the poor and the vulnerable to access higher education.

I like the proposal by Sen. Cherargei that if the Government has undertaken to extend a loan to students, then they should be allowed to report to university and then the Government gives an undertaking that it will pay fees for these students.

Any country must care for the poor and the vulnerable in society because there is no country that comprises of just the rich. Nobody chooses to be born in poverty. Circumstances lead some people being born into poverty. There are people who are operating *boda boda*. It is not that they have not gone to school; they have gone to school but we, as a country have not been able to provide jobs for these people.

This is an important matter that Sen. Cherargei has raised before the House. Let us remind the Government that Kenyans expect that assistance to be extended to poor children as they aspire to gain higher education.

The CDF has even made matters worse because nowadays we lie to our people that we will avail money through CDF. I do not know about the constituencies where you come from but in Nyamira where I come from, some students apply for loans from CDF then they are given Kshs5,000. Is Kshs5,000 transport from Nyamira to Nairobi or it is fees to be paid to the University of Nairobi?

It is a shame telling someone to come, pick forms, apply for a loan then you give them Kshs5,000. The fare from Nyamira to Nairobi is Kshs1,000 and going back is another Kshs1,000. In which university can you pay fees of Kshs3,000? It is a big joke. Let us have a policy where the Government pays full fees for our students then we have in place mechanisms of recovering the loan that is extended to the students.

I support.

Sen. (Dr.) Musuruve: Thank you, Madam Deputy Speaker, for this opportunity. Allow me to kindly congratulate Sen. Cherargei for coming up with this Statement. It must be noted that education is important and it develops a person individually, their societies and communities.

When you look at the origin of HELB, it was born to help children from disadvantaged families, poor families so that they can be able to get an education in order to decrease the disparity that is there between the haves and have-nots.

You will find that there are some children who come from very poor families and they can only make a difference in their families and themselves if they go through education because education is an equalizer. There is need for HELB to come on board and really tell the Senate the number of children that they have sponsored from poor families.

I know that there are statistics and empirical evidence that shows that some children from poor families are very bright but are unable to go to high school and complete with ease, they are unable to go to colleges and universities because they lack money.

What Sen. Cherargei is asking is very important; that there is need for these children from poor families to be admitted to university once they have passed so that they can be waiting for the HELB loans to be brought on board.

The HELB should be very candid in ensuring that they are bridging the gap between children from poor families and children who have parents who are able to pay

fees for them. Sometimes you will find HELB concentrating on children who are able and are studying in private universities. I am not saying it is bad to help private universities but there is need to look at that common child from a poor Kenyan family who is bright, but the parents are not able to provide university fees for him.

Just recently, last week but one, I was helping to clear fees for a bright child who was unable to get his certificate simply because he did form four but the parents were not able to afford his fees. So, so he cannot get a job simply because he does not have his papers.

We must feel the pain of children who are bright and come from poor families. When you help these children, they end up becoming very good leaders and they can make decisions that will help in elevating children from such families. Also our socio-economic level and the Gross Domestic Product (GDP) will also go up if we invest in poor bright students.

It is the onus of HELB to ensure that it is coming in to support children from such places. I support this Statement and it needs to be treated with the seriousness that it deserves.

I thank you.

The Deputy Speaker (Sen. (Prof.) Kamar): Hon. Senators, we have three more Members and six minutes remaining. Please take two minutes each. I am sorry your names came in a bit late, so I was generous with the first ones thinking I was winding up.

Sen. (Dr.) Zani.

Sen. (Dr.) Zani: Thank you, Madam Deputy Speaker. I will be brief. This is the most important statement on how to deal with inequalities and dealing with the issue that they are those who are able to pay for themselves and the ones who are the most vulnerable rely on Higher Education Loans Board (HELB).

Madam Deputy Speaker, you will remember that in our time, we had 'boom' which enabled people to take their younger children and siblings to school and feed families. Every system finds ways to support its own during university time. In many developed countries, this is a loan given and should be paid back. We want to infuse in this Statement that we should find innovative ways of repaying that money. We should find innovative ways of enhancing business opportunities and reducing the amount paid or giving them more time. One way or another, some sort of cyclic funding has to be found.

Madam Deputy Speaker, I do not want to repeat the questions because I have only one minute but they are apt. They are asking how much the fund is. What is its performance? What strategy they have for mitigation for more funds? We have seen parastatals being given money to stay afloat. If we do not keep our students afloat, then we will not have an economy relying on these same young people.

I support this Statement and look forward to getting the answers from the relevant authorities.

The Deputy Speaker (Sen. (Prof.) Kamar): Thank you Sen. (Dr.) Zani. Proceed, Sen. Madzayo. You have two minutes.

Sen. Madzayo: Asante Bi. Naibu Spika, kwa kunipa nafasi hii. Kwanza, namshukuru yule ndugu yangu Seneta mshupavu wa Kaunti ya Nandi, Sen. Cherargei. Hili jambo aliloleta ni la maana sana. Kwa sababu hili bodi la kutoa mikopo ya elimu ya

juu lina shida. Ni lazima tukubali lina shida ama wale wako pale wanazembea katika zile kazi zao.

Utaona ya kwamba ni zaidi ya miezi thalathini na sita ilhali haijulikani ni kazi gani, ni mikopo mingapi wamepeana kwa wanafunzi, ni wanafunzi wangapi au wanafunzi hao wametoka sehemu gani? Zamani, bodi hiyo inayotoa mikopo ya elimu ya juu ilikua inatangaza na kuweka kwa magazeti. Sasa imekua ni siri yao.

Wakenya wanasema kwamba ni wakati wa kuona kila kitu kikiwekwa kinagaubaga ili kila Mkenya aweze kujua ni sehemu gani inapokea fedha hizo kwa wingi, wanafunzi wangapi na ni pesa ngapi imepeanwa ili tuweze kujua faida ya shirika hilo la kutoa mikopo ya elimu ya juu.

Bi. Naibu Spika, mwisho, jopo hili linafanya kazi inayostahili kupewa sifa, lakini kwa sababu ya utepetevu kama huu; najiunga na ndugu yangu nikisema ya kwamba wakati ni sasa wafungue milango yao ya kupeana mikopo na wachapishe ilie tuone waziwazi vile wanavyopeana hii mikopo, inaenda namna gani, ni kina nani wanapata kwani sehemu zote za Kenya ni sawa ndani ya Jamhuri yetu ya Kenya.

Asante, Bi. Naibu Spika.

The Deputy Speaker (Sen. (Prof.) Kamar): Finally, the Chair of the Committee, Sen. Milgo.

Sen. (Dr.) Milgo Thank you, Madam Deputy Speaker. This Statement will still be brought to our Committee. I am sure we shall interrogate it further and go to the root cause of all this. A country is as good as its education just like we say education is an equalizer in life.

The HELB was created to provide funding for the needy students in our various universities. I remember in our time; I would receive what we called 'boom' which was not only used in learning. We would go to the extent of taking some of the reminder back home. However, right now it has become a nightmare to even access funding for our needy students from this Institution.

Madam Deputy Speaker, I agree with my colleagues that it is a challenge and without a clear policy, this shall continue becoming worse over the years. We have been talking about 100 per cent transition. We have already achieved the second level of education. In a short while, we shall have 100 per cent transition to our various universities and HELB might be overwhelmed in ensuring that they retain the very needy students.

My colleagues have said that in most cases in the villages, every weekend there are *harambees* being conducted for needy students to enable them complete their university education. It is quite a challenge. You wonder where we are going with such funding.

Right now, people are faced with life challenges like high cost of living. Items have become very expensive. Fuel, transport and food have become expensive. Therefore, many students in institutions of higher learning have been forced to drop out let alone completing their various courses.

Madam Deputy Speaker, when such needy students drop out of higher education, we do not get back the money. Thus, the revolving fund cannot be accessed by other students on tertiary education in the coming future. We are calling upon the HELB management to pull up their socks and ensure that they design better methods of managing this particular Board.

The Deputy Speaker (Sen. (Prof.) Kamar): Madam Chairperson, we are expecting you to bring your conclusions when you come. Please wind up.

Sen. (Dr.) Milgo: Madam Deputy Speaker, I would like to point out that there is a lot of cry about this particular Board. As a Committee, we are going to look into this and without a doubt and we will come up with very tangible answers to this. I think we shall also be able explain this further.

Thank you.

The Deputy Speaker (Sen. (Prof.) Kamar): Thank you, Chairperson of the Committee on Education.

Hon. Senators, the Statement now stands committed to the Committee on Education and we expect a response within 14 days.

Next Order please.

PROCEDURAL MOTION

LIMITATION OF DEBATE ON MOTIONS

The Senate Majority Leader (Sen. Poghisio): Madam Deputy Speaker, I beg to move-

THAT, pursuant to Standing Order No.106(1), the Senate resolves that debate on a Motion not sponsored by the majority or minority party or a Committee shall be limited in the following manner – a maximum of three hours with not more than 20 minutes for the Mover, 20 minutes for the majority party official responder, 20 minutes for the minority party official responder and 15 minutes for each other Senator speaking and that 15 minutes before the time expires, the Mover shall be called upon to reply.

Madam Deputy Speaker, this is a very straightforward Procedural Motion. I expect this House to just in quick succession agree to this and we move on. We have many procedural motions that we must do at the beginning of each Session and this is one of them. I request that Members consider it without much debate.

I move and ask Sen. Madzayo to second.

The Deputy Speaker (Sen. (Prof.) Kamar): Sen. Madzayo.

Sen. Madzayo: Madam Deputy Speaker, I second.

(Question proposed)

The Deputy Speaker (Sen. (Prof.) Kamar): Hon. Senators I see no requests.

(Question put and agreed to)

LIMITATION OF DEBATE ON ADJOURNMENT MOTION

The Deputy Speaker (Sen. (Prof.) Kamar): Senate Majority Leader, please, proceed.

The Senate Majority Leader (Sen. Poghishio): Madam Deputy Speaker, I beg to move-

THAT, notwithstanding the provision of standing order 106(1) the debate on any motion and any Motion for the adjournment of the Senate to a day other the next normal sitting day in accordance with the calendar of the Senate, shall be limited to a maximum of two hours with not more than 15 minutes for each Senator speaking after which the Senate shall adjourn without question put; provided that when the period of recess proposed by any such Motion does not exceed nine calendar days the debate shall be limited to a maximum of 30 minutes and shall be confined to the question of adjournment.

Madam Deputy Speaker, I beg to move and ask Sen. Madzayo to second.

Sen. Madzayo: Madam Deputy Speaker, I second.

(Question proposed)

Sen. (Dr.) Zani: Thank you, Madam Deputy Speaker. I support this Procedural Motion. We realise that it very important that we set these procedures and boundaries for ourselves especially on limitations of Debate.

We have had such Adjournment Motions to go for Senate *Mashinani* and then we do not come back as required or something has happened that makes the calendar, as we have projected, change.

It is good that we do this so that we can quickly catch with the calendar of events of the Senate and proceed and that this Motion is given adequate time for Debate so that various Members can give their own views, pros and cons before a decision is made.

I support this Procedural Motion. It is something we do in this House.

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

(Question put and agreed to)

LIMITATION OF DEBATE ON MOTION ON
THE ADDRESS BY H.E. THE PRESIDENT

The Deputy Speaker (Sen. (Prof.) Kamar): Senate Majority Leader, please, proceed.

The Senate Majority Leader (Sen. Poghishio): Madam Deputy Speaker, I beg to move-

THAT, pursuant to Standing Order No.106 (1), the Senate resolves that the debate on the Motion on the Presidential Address shall be limited to a maximum of three sitting days with not more than fifteen minutes for each Senator speaking, excluding the Mover in moving and replying who shall be limited to thirty minutes in either case and that the Senate

Majority Leader and the Senate Minority Leader shall be limited to thirty minutes each.

Madam Deputy Speaker, this is again procedural. I ask Members to support it and we move quickly on to the next one.

I beg to move and ask Sen. Madzayo to second.

Sen. Madzayo: Madam Deputy Speaker, I second.

(Question proposed)

Sen. (Dr.) Zani: Thank you, Madam Deputy Speaker. I support this Procedural Motion. The allocation of 15 minutes gives ample time for each Senator to adequately express themselves over three days. This also enables various Senators stepping in at different times to make their contribution.

Madam Deputy Speaker, the President's Speech is usually a speech on policy and development issues and captures many of the aspirations of Kenyans as a country and as a nation. This debate is critical, it has been given adequate time and procedurally it has helped us get to the policy and development issues and map a way forward in terms of the interpretation of the speech.

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

Sen. Cherargei, proceed.

Sen. Cherargei: Madam Deputy Speaker, I agree with the Motion. Looking at the heavy agenda and business of the House and for efficiency, I think 15 minutes is sufficient for somebody to put their issues and thoughts in order. Limitation of time is also important because it will allow us to move efficiently. I thank the Senate Majority Leader for this.

Madam Deputy Speaker, you appreciate the fact that most of our colleagues will be up and about campaigning here and there. It is important and I can see the next governor for Makeni County, Sen. Mutula Kilonzo Jnr., is nodding in agreement with me. Let us limit and be efficient. That is enough time for us to debate on either Motions or Bills.

This is the first time I am supporting the Senate Majority Leader.

The Deputy Speaker (Sen. (Prof.) Kamar): For that reason, the Senate Majority Leader will have a right to respond because of the two contributions that have taken place.

Senate Majority Leader, proceed.

The Senate Majority Leader (Sen. Poghio): Madam Deputy Speaker, I thank those who are sensitive to this matter. The House has been very sensitive that we set out our parameters early, so that when we come to the business of the House regarding debates, we know exactly our limitations.

I thank those who have made comments. I beg to reply.

(Question put and agreed to)

The Deputy Speaker (Sen. (Prof.) Kamar): Next Order.

MOTIONAPPROVAL OF THE SENATE CALENDAR
FOR THE SIXTH SESSION

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

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

The Senate Majority Leader (Sen. Poghisio): Mr. Temporary Speaker, Sir, I beg to move the following Motion -

THAT, pursuant to Standing Order 29(1), this House approves the Senate Calendar (Regular Sessions) for the Sixth Session (February to June, 2022), laid on the Table of the House on Wednesday, 9th February, 2022.

This is our own Calendar approved by the Senate Business Committee. This is the much time we have, whatever we do, to bring all business to bear; debate and conclude all business in the House. We know the limits of our time and that is why we want this approved by the Members in their own particular time at the beginning of the Session, so that we can follow.

Mr. Temporary Speaker, I beg to move and ask my colleague, Sen. Madzayo, to second.

Sen. Madzayo: Mhe. Spika wa Muda, naunga mkono.

(Question proposed)

The Temporary Speaker (Sen. Kinyua): Sen. (Dr.) Zani

Sen. (Dr.) Zani: Thank you, Mr. Temporary Speaker, Sir. It is the Sixth Session. When we started five years ago, the Sixth Session looked the furthest possibility time wise. We are here now.

As the Senate, it is a good time for reflection about our achievements and planning, especially our Bills. We have talked about this many times. There are very many Bills that are almost becoming Acts. I wish that during this Sixth Session, we can strategic and try to push.

Those that need mediation can be mediated on and we can quickly move them out, so that they can become Acts. These laws have been formulated with a lot of time and input at the committee and individual level.

We have done quite a lot in this House. It is important that we are able to put all these gains together. As we begin this Sixth Session, starting with the Order Paper today, we can see that we are trying to proceed with the Committee of the Whole for some of the legislatives agendas that we were not able to cover in the Fifth Session.

We are in the Sixth Session, and that we should be able to expedite and finish our business in this House.

I support.

The Temporary Speaker (Sen. Kinyua): Sen. Farhiya.

Sen. Farhiya: Thank you, Mr. Temporary Speaker Sir, for giving me this opportunity to contribute to this Motion. There is a lot of hard work that goes into making Bills and proposing Motions. All the work that goes on; in terms of the thorough details and work that Senators put in to ensure that some of these things are handled carefully.

Committees spend a lot of time in terms of deliberating, getting stakeholders view and coming up with the best bills, motions, statements and everything to move forward. With all that, and because we delay voting for bills, if the life of this Senate will lapse without us finishing all these, it is not only a tragedy for the Senators who have sponsored those bills, but also the legacy of this House.

You can appreciate that once we pass any Bill here, we do not have the luxury like the National Assembly. When they pass a Bill, if it does not concern counties, it goes through directly. For us all, our Bills have to go through the other House.

Given that there are so many bills still outstanding and it takes a lot of time for the other House to pass our Bills, it is imperative on us to ensure that at least we pass all the Bills on our side, so that we feel we have done something. Even if it lapses while it is in the other House, at least we would have done our role.

This is one of the few opportunities that COVID-19 brought. You do not have to be in the House physically. You can log in online and vote. There is no reason we should not be able to raise 24 County Delegations to pass Bills.

Let us fast-track whatever that is now for the Committee of the Whole and Division. Let us finish so that we give more time to the other House to complete our Bills. The remaining time before March, let us give a lot of seriousness to these bills, so that we can finalize.

The Temporary Speaker (Sen. Kinyua): Sen. Dr. Musuruve.

Sen. (Dr.) Musuruve: Thank you, Mr. Temporary Speaker Sir, for giving me this opportunity to give my thoughts on this Motion. This is a very good Motion, that we have a Calendar for the Sixth Session.

Our work is almost coming to an end. A good end is better than a good start. I believe that when you end whatever work you had started on a good note; you end up leaving a legacy. As the Senate, we need to ensure that we are leaving the right legacy by ensuring that we finish all the work in our in-tray instead of the work going to the next Senate that will be constituted in August.

Coming up with a Calendar is a good roadmap. It will help us be better organized to ensure that the petitions that have come before the Floor of this House are concluded in a neat way. Kenyans are listening. Some of them have brought petitions into this House because they believe that this House will help them in the cries that we have. If we are able to conclude with the people's petitions, it will be a plus for us, as the Senate.

Also, there are some Statements that have come to the Floor of this House that are really pertinent on people's issues. We must ensure that when it comes to people's issues, we address them as the Senate. This is because we are honourable and highly regarded. Everybody knows that we are performers.

Mr. Temporary Speaker, Sir, apart from the Statements, there are quite a number of Bills that are in this House and have not been concluded. Having a calendar will be good enough for us to ensure that we conclude some of the Bills that are pending by June.

These Bills will become law of the land. Some Bills, for example, the Kenya Sign Language Bill affects people, and so, they are eager to see whether it will become law. I

know that they are waiting. They are also waiting for the one that Sen. (Dr.) Mwaura and Sen. Cheruiyot came up with regarding Persons with Disabilities (PwDs). If they are fast-tracked so that they go through the procedure and are assented to by His Excellency the President, it will be a plus for us since we will not leave work pending.

Mr. Temporary Speaker, Sir, there are Motions that have come before us, and some that have not been worked on. They are still in the process. We have to ensure that we have a neat finishing, so that we leave behind a good legacy. Anybody reading the HANSARD will see that this Senate really worked up to the end of the day and we had a neat conclusion.

Mr. Speaker, Sir, I support this Motion on the Senate Calendar for this Sixth Session.

The Temporary Speaker (Sen. Kinyua): Senate Majority Leader, go ahead.

The Senate Majority Leader (Sen. Poghio): Thank you, Mr. Temporary Speaker, Sir. I beg to reply. I thank the Members who have made contributions to this Procedural Motion.

I also thank those who did not get a chance to say something. I know that they all agree that the sooner we finish with the Procedural Motion, the better for us, so that we can move on to the other business that is listed.

It is important that everybody is on board.

I beg to reply.

(Loud consultations)

The Temporary Speaker (Sen. Kinyua): Order, Members!

(Question put and agreed to)

The Temporary Speaker (Sen. Kinyua): Next Order!

MOTION

APPROVAL OF SITTINGS ON WEDNESDAY MORNING WITH RESPECT TO PART 1 OF THE SENATE CALENDAR

The Senate Majority Leader (Sen. Poghio): Mr. Temporary Speaker, Sir, I beg to move the following Motion -

THAT, pursuant to Standing Order No.31(3), the Senate resolves to hold Sittings on Wednesday mornings with effect from 16th February, 2022 to 9th March, 2022; and that the Sittings shall commence at 10.00 a.m. and end at 12.30 p.m.

Mr. Temporary Speaker, Sir, this is in response to the concerns of Members that there is so much business left and yet, very little time. The Speaker has said that this is going to be the shortest Session.

(There was a technical hitch)

We are introducing a morning sitting on Wednesdays, so that it can help Members especially those who will be introducing their Bills. It will also be a good time for us to set in motion a specific time for Divisions and bring to conclusion Third Readings, and so on.

This is a good move and suggestion that I would like to ask Members to support, so that we move on knowing that we have morning sittings from 16th February.

Mr. Temporary Speaker, Sir, I beg to move and ask Sen. Madzayo to second.

Sen. Madzayo: Asante Mhe. Spika wa Muda. Naunga Mkono.

(Question proposed)

The Temporary Speaker (Sen. Kinyua): Sen. (Dr.) Milgo, proceed.

Sen. (Dr.) Milgo: Thank you, Mr. Temporary Speaker, Sir. I rise to support this Motion. More specifically, there is a lot of in-tray. There are many Bills and Petitions that are still before us, yet we have a short while to go before the end of this Parliament. I have a Bill---

(There was a technical hitch)

On the next session, we shall bring into conclusion some of those Bills. It is quite unfortunate and discouraging to come with Bills that end up lapsing. It will look like we have not been working.

Mr. Temporary Speaker, Sir, I support this increase in sitting time.

The Temporary Speaker (Sen. Kinyua): Sen. Halake, proceed.

Sen. Halake: Thank you, Mr. Temporary Speaker, Sir. I also rise to support this Motion. As you know, a lot of the legislative work of this House had been impacted negatively by the court cases around the concurrence.

So, we are behind time with regards to the number of Bills and the legislative work outcomes we had sought in the Twelfth Parliament. Therefore, this additional time will help us to fast-track some of the things that have been on the backburner pending the court case and concurrence issues.

I support that we give ourselves more time to transact a lot of the work that was supposed to have been done way back and leapfrog a little bit of the work that we have done.

I know that many Members have individual and Committee Bills as well as other Government framework that needs to be finalised. Therefore, this additional time will give some of us time to finalise some of the good work that has been done since 2017.

Mr. Temporary Speaker, Sir, I support.

The Temporary Speaker (Sen. Kinyua): Sen. (Dr.) Musuruve, proceed.

Sen. (Dr.) Musuruve: Mr. Temporary Speaker, Sir, I stand to support this Motion by the Senate Majority Leader, of having extra time to do our legislative business.

It is very clear that since we constituted in 2017, there is a lot of work that we have done, but is still pending. The joy of any legislator is that when you start a legislative work, it has to come to conclusion and eventually become law of the land.

Having extra time will help us see to it that all the Bills that are pending go through public participation, consensus and eventually become law of the land. It is usually gratifying to see somebody beginning work and concluding it neatly.

Mr. Temporary Speaker, Sir, when we leave this House, our work will be seen in the HANSARD, Papers and the Bills that will become law. Therefore, it is a good move to have extra time to continue doing legislative work.

We are mandated to do that as the Senate. Kenyans also want to see how we come up with laws that help alleviate the suffering of Kenyans, so that they become productive members of this country.

I would like to tell Kenyans that we will not rest on our laurels. We will work until the end of our term to ensure that Bills that we come up with are concluded in a neat way. We will not get tired because this is a job we committed ourselves to serve Kenyans and we will not stop.

Mr. Temporary Speaker, Sir, this is a well-meaning move to give us extra time to continue doing the work that Kenyans have mandated us to do.

I thank you and support.

The Temporary Speaker (Sen. Kinyua): The Senate Majority Leader, please, proceed.

The Senate Majority Leader (Sen. Pogishio): Mr. Temporary Speaker, Sir, I beg to reply. In replying, I wish to thank everybody who had a chance to speak. This is a simple and straightforward Procedural Motion. Therefore, we thank those who have enriched it.

I beg to reply so that we finish up with this matter and proceed.

(Question put and agreed to)

Hon. Senators, I defer Order Nos.13, 14, 15 and 16 because it seems we do not have numbers for Division.

COMMITTEE OF THE WHOLE

THE HERITAGE AND MUSEUMS BILL
(SENATE BILLS NO.22 OF 2021)

(Committee of the Whole deferred)

COMMITTEE OF THE WHOLE

THE COUNTY OVERSIGHT AND ACCOUNTABILITY BILL
(SENATE BILLS NO.17 OF 2021)

(Committee of the Whole deferred)

COMMITTEE OF THE WHOLE

THE COUNTY GOVERNMENTS (AMENDMENT)
BILL (SENATE BILLS NO.38 OF 2021)

(Committee of the Whole deferred)

COMMITTEE OF THE WHOLE

THE INTERGOVERNMENTAL RELATIONS (AMENDMENT)
BILL (SENATE BILLS NO.37 OF 2021)

(Committee of the Whole deferred)

The Temporary Speaker (Sen. Kinyua): Let us go to the next Order.

BILL

Second Reading

THE ELECTION CAMPAIGN FINANCING (AMENDMENT)
BILL (SENATE BILLS NO.51 OF 2021)

The Temporary Speaker (Sen.Kinyua): Sen. Olekina is not here. Therefore, we will drop it.

(Bill dropped)

The Temporary Speaker (Sen. Kinyua): Let us go to the next Order.

BILL

Second Reading

THE POLITICAL PARTY PRIMARIES BILL
(SENATE BILLS NO.35 OF 2020)

The Temporary Speaker (Sen. Kinyua): It seems Sen. Mwaura is not here. Therefore, we will drop it.

(Bill dropped)

The Temporary Speaker (Sen. Kinyua): Let us go to the next Order.

BILL*Second Reading*THE NATIONAL COHESION AND PEACE BUILDING
BILL (SENATE BILLS NO.19 OF 2021)

The Temporary Speaker (Sen. Kinyua): Sen. Pareno is not there. Therefore, we will drop it.

(Bill dropped)

The Temporary Speaker (Sen. Kinyua): Let us go to the next Order.

BILL*Second Reading*THE PRESERVATION OF HUMAN DIGNITY AND PROTECTION
OF ECONOMIC AND SOCIAL RIGHTS BILL
(SENATE BILLS NO.21 OF 2021)

Sen. Halake: Mr. Temporary Speaker, Sir, this is a Bill that this House has dealt with before but got caught up in the concurrence issues. I am grateful to move it once more in the Second Reading.

Mr. Temporary Speaker, Sir, I beg to move that The Preservation of Human Dignity and Enforcement of Economic and Social Rights (Senate Bills No.21 of 2021) - a Bill for an Act of Parliament to establish a framework for preservation of human dignity for the promotion, monitoring and enforcement of economic and social rights to establish mechanisms to monitor and promote adherence, by county governments, to Article 43 of the Constitution and for connected purposes - be now read a Second Time.

Mr. Temporary Speaker, Sir, I move this Bill for the Second Time after almost having concluded it because it had reached Division. Now that it is back to the House, I would like to get your indulgence that Members contribute to this Bill in a manner that suggests that it had been dealt with already, even as they propose other changes.

This Act may be cited as the Preservation of Human Dignity and Enforcement of Economic and Social Rights Act, 2021. In this Bill, unless the context otherwise requires interpretation of access in relation to economic and social rights, it means the physical, economic and social access by a person or household to goods and services through production, purchase and programmes implemented by the national and county governments, to ensure that the economic and social rights of every person, including persons in need, are actualised.

Where we talk about the Cabinet Secretary, they are the ones responsible for matters related to planning. 'Commission' here means the Kenya National Commission on Human Rights (KNCHR) established under Section 3 of the Kenya National Commission on Human Rights.

When we talk of Council of Governors (CoG), it is quite straightforward. It means the CoG established under Section 18 of the Intergovernmental Relations Technical Committee (IGRTC). The county executive is straightforward.

Mr. Temporary Speaker, Sir, I do not wish to dwell on the interpretation and definitions because those are quite straightforward and are standard across most of our Bills. Please, allow me to delve directly into the economic and social rights of Kenyans and the provisions of both our laws and international laws that we, as a country, have ratified as well as our Constitution and the rights thereof.

The national and county governments shall, to the extent of the constitutional mandate, respect, protect, promote and fulfil the rights and fundamental freedoms set out under Articles 43(1) and 53(1)(c) of the Constitution and in particular shall formulate and implement such policies and legislation strategies and put in place mechanisms for the realization of economic and social rights; establish such mechanisms as shall consider necessary for the enforcement of economic rights, ensure the availability, accessibility, adaptability and acceptability of services that would facilitate realization of economic and social rights; and put in place adequate infrastructure that would be necessary to meet the obligations in realizing the economic and social rights; put in place measures that target marginalised and vulnerable persons in ensuring that the economic and social rights are realised and they have access to good services that are of an acceptable standard.

This Bill is conceptualised because our laws are as good or as bad as the implementation. This law seeks to translate our Constitution and rights both at national, international and sub-national levels into what we do on a daily basis, to realize the rights of the most vulnerable and push services to the frontlines of our most deserving citizens.

I know that everybody is saying that the law is very clear. How clear is the law that is not implemented? This Bill tries to go beyond just saying that the law is very clear; to spelling out and clarifying actions because the most basic leadership is about action. It is not about laws and legalities that cannot be understood.

When Mama Fatuma of Bulabesa Village in Isiolo wants to know the rights and how they are translated by our legislators, so that our national and county governments and our international obligations reflect those rights--- Those rights should be enforceable, so that the dignity of human beings in our country is upheld.

Mr. Temporary Speaker, Sir, we are now entering the electioneering period. We will start seeing our youth running after politicians. We go to our villages and see the deplorable conditions in which our people live, but we still say that our laws are clear. If our laws are clear on the rights, the needs for education and the need for health of our people for universal health coverage, then why have we not implemented them?

This Bill, therefore, is conceptualized and born of the need for us, as legislators, to break down high level laws, including international, constitutional and our statutory laws into what we as legislators and the Executive do on a daily to ensure universal health coverage, universal education and the dignity of our people is restored.

We should not just leave it in this lofty documentation but we should break it down and this is what this law is about. It is about breaking down the rights our people have been guaranteed in our Constitution. It is about breaking down the rights that our people have been guaranteed internationally in relation to what we implement on a daily basis, to ensure the dignity of human beings who live in our counties and villages is upheld, but beyond that, we implement these rights.

Mr. Temporary Speaker, Sir, the national Government and county governments shall pursuant to sub-section (1) take measures to create the opportunities and environment in which the economic and social rights are realized.

Why is this Bill so big on economic and social rights? It is because the economics ensure other rights. Once you have the dignity of paying school fees for your child or the dignity of paying for your own Panadol, we would have then gone that far in translating Section 43(1) of our Constitution to the coverage of universal health.

I do not believe that our people enjoy being given handouts. I do not believe that our people enjoy not being able to pay school fees for their children or asking for the most basic of things for their children from others. I know that we have very proud and dignified individuals and citizens who do this because they do not have any other option.

One of the things this Bill does is to put accountability where it should be. Those of us who have the opportunity to enforce our laws; responsibility to ensure that the rights and dignity of our people are restored should do just that and stop playing lip service to it. If this Bill provides the framework, the day-to-day actions, implementation road map and game plan to our county and countries, then this is what this Bill is about.

We need to prioritize the allocation of resources to ensure that the economic and social rights are realized, while taking into account the special needs of marginalized and vulnerable persons within the counties. This House had such a debate and huge fight over the one-man-one-Shilling and resource allocation issue. Going back to look at some of our far-flung areas, I could not help but wonder how anybody could have stood in the way of more resources reaching vulnerable communities, especially in northern Kenya.

This Bill is made for everybody, but it is more for the vulnerable and poor people of this country. I have worked for the Red Cross for a long time and come face to face with the shame of poverty or a mother not being able to feed her child. That shame should not only be on the mother, but also be on this House. That shame should be shared by the Executive, legislators of this country and all; and not only the ones who are faced with poverty.

There are people who say that there are people in this country who are chasing legislators. Stories are told of us tinting our cars and changing our phone numbers as soon as we get elected into office. Those stories are not just stories; they are reality. Why do we do this? It is because we probably cannot handle the number of people running after us with heart-wrenching stories of children dying in hospital, mothers dying during child-birth because there is not even a generator in some of these places. We are told that the worst place to give birth in the world is in a county in northern Kenya called Mandera. How do we live with ourselves? We can run, tint and change numbers, but it is about time we took action that restores the dignity of our people.

Mr. Temporary Speaker, Sir, we will probably not have to tint our cars or change our phone numbers if this Bill is implemented, the dignity of our people is upheld, the socioeconomic rights are guaranteed and framework for implementing these rights are put in place. I do not believe that Kenyans would just do that for fun. They are doing it because they have been rendered helpless and hopeless.

What have we done? We have made Kenyans learn to not even think outside the box. It is not their fault. It is perhaps by design that the rights or the laws that we say are so clear have not been broken down to what everybody should do to uphold the rights of our people and ensure that the dignity of our communities are upheld.

This Bill, therefore, sets out corrective measures for the purpose of identifying factors and preventing the causes that impede the realization of economic and social rights. This Bill will help us invest and promote investments that will facilitate realization of economic and social rights.

Mr. Temporary Speaker, Sir, in consultation with the Cabinet Secretary and other stakeholders, it will set out the minimum standards the national Government and county governments are required to meet in carrying out their obligations. I do not want to go into that conferment of the commission on oversight role, but the Bill is very clear. It is very prescriptive because we are done saying that it is just clear. It is clear for who, and if it is so clear, why have we not done it? I know that the number one thing and opening statement for us is that the law is clear. If it is clear for us, it must---

The Temporary Speaker (Sen. Kinyua): Sen. Halake, maybe the people who keep saying that the law is very clear are lawyers. Maybe it is very clear to them.

Sen. Halake: Mr. Temporary Speaker, Sir, I do not think it is clear to them either because if it was clear to them, they could have clarified it for the rest of us. It is not only lawyers; I know we all say that. However, laws are clear only if they have been broken down and clarified for all of us.

The onus is on legislators because if it is so clear for us, what have we done to break it down to what we need to do, so that we can hold our Executive accountable in measurable terms? This is what this Bill seeks to do by conferring an oversight commission that will be held responsible by ourselves; by conferring to the commission specific measurable actions. It is about time we stop defining the laws in terms of just high-level things that are probably not clear to anybody. Things cannot be clear because we say so; they are clear because they are.

Mr. Temporary Speaker, county strategic plans for the realization of economic and social rights must also be put in place because our counties are no longer new entities. They have come of age and must be held accountable. If there is one person to hold it accountable, it is this House.

I know that under Article 96 of the Constitution, we are the people responsible for the county governments and county legislation. Therefore, it is about time we cascaded or we broke down the statute legislations and provisions in our Constitution and even international laws to ensure our counties do what they must do.

We fight on this Floor for more resources to the counties. We must now start fighting for more functions, clarity of rights, clarity of functions and strategies that the counties should put in place.

Therefore, each county within the provisions of this Bill shall prepare a county strategic plan for the realization of economic and social rights of residents within their respective counties and a county government shall set out in its county strategic plan the following information: Variables and specific actions required to undertake for the realization of economic and social rights within the county integrated development plans; programs and projects aimed at realization of economic and social rights; programs and policies aimed at social protection and promotion of economic rights of marginalized groups within the county; objectives that would facilitate the availability, accessibility and adaptability of good and services relevant to the realization of socio-economic rights.

Every county must put in place a framework for the implementation of such projects and programs including timelines, targets, expected outcomes in the realization

of economic rights. This is what we need to put in place. This is what this law intends to do; to break down the issues of rights and emphasis of economic rights is by design because it is what will ensure all other rights. If you do not have the dignity of being able to pay for your child, then you will not realize your education rights. If you do not have the dignity as a mother to feed your child the right to a healthy child or environment is taken away from you. That is why this Bill is big on economic because it is what ensures all other rights.

To ensure the collaboration of various department agencies and institutions in the relevant county, the implementations of development plans will ensure that there are allocated funds; that we adopt plans that respond to the unique needs and issues affecting the respective county, which hamper the realization. Our counties are not homogenous. This Bill seek to look at and hold every county accountable for that which would have the most impact on its economic and social rights, on the dignity and preservation of human dignity in that county because counties are at different levels.

Mr. Temporary Speaker, Sir, there are those counties that certain basics have been met while there are those counties where poverty is near universal. We thank our Constitution for pushing devolution, which has help. However, corruption, pilferage, and waste that are prevalent in our counties must start to be questioned and everybody responsible for the rights of our individuals held accountable. Some counties get so much money when others do not. Other counties have few people and for the amount they get they should report better results than they are. They could say that they do not know what to do or that they do not have a framework in place to break down things and serve their people. This is the answer to that and this will hold them accountable.

I do not want to go into the objectives of the county strategic plans, they are there and the principles of the objectives, as well as the baselines surveys that need to be done. This Bill is very prescriptive for a reason because it breaks down things and moves from just saying it is clear to proving it is clear and to demonstrating clarity. It gives tools to our counties and our national government executives on what they need to do. Time for playing lip service is up.

Time is running out for us in the 12th Parliament, but what we started must be continued. We know that this Bill gives us the tool for us to make sure that our people dignity is upheld. In terms of approval and reports, this Bill is very prescriptive because what is not checked and measured will never be implemented. I will go back to the fact that leadership however smart you are, visionary or strategic you think you are, if you have not actioned it, it does not count.

I will quickly look at what the respective county governor shall do within the 14 days of the pressure of the county strategic plan. The governor is expected to submit to the clerk of the assembly a copy of the plan for Tabling before and approval by the county assembly. The county governor shall, once the county strategic plan is approved, circulate and publicize the strategic plan. The national Government and each county government shall not later than 30th September each year submit to the Commission and the Senate a report on the progress made in the realization of economic and social rights.

The gap of people not checking on how the counties have served and upheld Article 43 of the Constitution, how the counties have ensured the rights of its citizens have been upheld and how the dignity of the people in the counties have been upheld, is going to put in a framework that will allow this House to move beyond saying we protect

counties to saying: this is how we protect counties, implement and oversight counties by providing the right frameworks for which this will happen.

This Bill goes into much details as to the recommendations and implementation of the report, actions of no adherence or non-reporting, remedies, budget statements and measures of socio-economic rights, and provisions on delegate legislation. We have left nothing to chance because we are trying to move from saying things are clear to making sure they really are and with ways of referring to each part and make sure what we say is implemented regarding our rights and dignity of our people.

In this Bill, are miscellaneous provisions with regard to economic and social rights index. The commission that has been assigned this responsibility in addition to observation made under Section 13(2) will prepare economic and social rights index with respect to the economic and social rights by every county government. In preparing the index under Section (1) set out the criteria used to gauge the realization of economic and social rights within the county and then to the extent to which a county government has realized economic rights of residents within the respective county.

I will jump to the public participation part of this. Each county shall in preparing its county strategic plans and carry out public participation with the residents of respective counties. I have read numerous plans for this country, manifestos for many political parties, strategic plans of many parties and ministries. What struck me the most is the fact that we list the international obligations, Vision 2030, but what is always missing is our engagement with the people we purport to make this documentation for.

None of these documents have looked at the people we purport to be doing these documents for, be it laws, strategic plans, blueprints, sessional papers or party manifestos. Usually, such documents are done in record time in boardrooms without engaging the people for whom we say we make this laws or manifestos for. How is it that we can do these things for people without them? That is the highest arrogance of we the political class.

It is about time and that is why our Constitution conceived public participation. How do we then purport to make laws or strategies that have excluded the people whom we say we are making these strategies for? Being in politics is to come face to face to the arrogance of power. This law tries to challenge that and hold everybody that has been given power by the people to be held accountable for holding and implementing the laws that would provide the dignity and economic wellbeing of our people. This Bill is big on public participation because the needs of the people, what we expect from each other, and they tell us they need is more important than what we think we know however much we say everything is clear.

We must inform residents of the respective counties about the intended preparations of the strategic plans by their county governments. It should also be ensured that residents of the county have access to such information as may be necessary for them to make an informed decision. It is also important to identify the relevant stakeholders representing the relevant sectors. More importantly is to ensure citizen participation.

One of the things that are very disturbing as we confront the arrogance of power, is the fact that there is no time we account to our citizens. In the humanitarian sector, even though we were serving very poor people, at the end of the session of service, we would go back and conduct accountability to beneficiaries. The beneficiaries were always grateful, but we still owed them an accountability framework.

In the political space, it is about time we went back to the people and be accountable to the citizens of this country, who have employed us. It is only in politics that the employer is treated – let me not say it – with contempt. It is about time that stops.

The Temporary Speaker (Sen. Kinyua): Sen. Halake, I thought this is the year of accountability, where you go and account. If they think you have not performed to the level of their expectation, they do not re-elect you.

Sen. Halake: Mr. Temporary Speaker, Sir, you and I know that accountability has been bought or compromised. The person with the most shillings gets to be the most accountable. I would urge voters to start holding every leader accountable no matter what exchanges hands.

I know for a fact that on paper, there are accountability frameworks. However, in the face of great need and below optimal mechanisms for implementation of accountability frameworks; that too has been captured. For now, all we can do is encourage our citizens.

Where you have been denied your right to ask for accountability; where the process has disenfranchised our people to the point the political system has denied them the right to speech; the right to hold anybody accountable or the dignity; with the power dynamics, how does a woman in Merti in Isiolo County hold the Executive in Nairobi City, accountable? How does this person hold the governor accountable? How do they hold us accountable? We must give them the tools to hold us accountable by truthfully presenting a framework to help them.

Mr. Temporary Speaker, Sir, this Bill, while not perfect, is a first attempt at ensuring that there are things for which they can hold us accountable.

As I move on, one of the requirements says that every County Government Integrated Development Plan (CGIDP), which took effect prior to the commencement of this Act, shall within six months after the commencement of this Act, amend its County Integrated Development Plan to bring it into conformity with this Act.

We cannot have county plans that only list roads, markets, irrigation schemes that never take off or dams that are just on paper and forget the people facing items that would help bring dignity to the mother in Isiolo, Makueni, Wajir, Nyatike and all the mothers in this country.

Almost 60 years or so after Independence, we are still speaking of 53 per cent of our country's population living below poverty line. This is what is informing this Bill. We are regressing. We were at 38 per cent not so long ago, but as we speak, the figure has jumped to 53 per cent.

How do we continue business as usual? What are we presiding over as leaders? Are we lords of poverty? Is that where we want to be, where more than half the population is poor? The disparities get worse when you come to youth and more disturbing when it comes to women of this country. If you look at demographics such as women and youth, I am sure it is much higher than the 53 per cent.

As we seek political office, let us bear in mind that we may just be looking to be lords of poverty, indignity and shame of poverty over which we will be presiding.

This Bill is an attempt at ensuring that we do our part and action certain frameworks that ensure the realization of the beautiful provisions within our Constitution.

Mr. Temporary Speaker, Sir, Schedule 7 of the Bill sets out the criteria for realization of social and economic rights. It also sets the indicators for the assessment by

the Commission; whether or not it has allocated tasks and responsibilities to different levels of Government; ensured that sufficient human and financial resources are available for its implementation; capable of facilitating and realizing the rights question; and, whether or not its plan or programme is reasonable in its conception and implementation.

Further, it sets out the indicators for assessment by the Commission on whether or not the plan for programme is balanced and flexible enough to among other things, respond to unforeseeable circumstances; inclusive or excludes a significant segment of the population leading to unfair discrimination. It balances short, medium and long-term needs; it has sufficient safety net such as cash transfers; and, whether or not it plans for programme response to the needs of the vulnerable and those in crisis situations.

Mr. Temporary Speaker, Sir, I know that these are prescriptive items for measurements, but this is needed for us to move into action. Leadership demands it and is defined by action.

In conclusion, the principle object of this Bill is to give effect to Article 43 of the Constitution in order to ensure the preservation of human dignity as set out under Article 19 of the Constitution. Article 43 of the Constitution guarantees economic and social rights for all persons. This includes the rights of every person to the highest attainable standards of health, which includes the right to healthcare services including reproductive healthcare; and accessibility to and adequate housing to reasonable standards and sanitation. It also ensures that our citizens are free from hunger; food of acceptable quality; clean and safe water; social security; and, education.

Mr. Temporary Speaker, Sir, Article 21 of the Constitution imposes an obligation on the State to ensure the realization of rights and fundamental freedoms as mentioned earlier. It states that:

“(1) It is a fundamental duty of the State and every State organ to observe, respect, protect, promote and fulfil the rights and fundamental freedoms in the Bill of Rights.

(2) The State shall take legislative, policy and other measures, including the setting of standards, to achieve the progressive realisation of the rights guaranteed under Article 43.”

This is precisely the *raison d'etre* of this Bill.

Let me jump to the last part on the statement of delegated legislation, powers and limitation of fundamental rights and freedom. Section 22 of the Bill delegates legislative powers to the Cabinet Secretary (CS), who is required to make regulations for the better carrying out for the purpose and provisions of the Act. This is in consultation with the CS responsible for Finance. However, the Bill does not limit fundamental rights and freedoms.

With regard to the statement on how the Bill concerns county governments, it imposes obligations on the national and county governments to put in place mechanisms for the realization of economic and social right as set out under Article 43 of the Constitution of Kenya.

The Bill also imposes an obligation on the county governments to prepare the county strategic plan which will provide the county with a framework for the implementation of the economic and social rights. The framework will ensure that these rights are tied to the functions and powers of county governments conferred on them under Part 2 of the Fourth Schedule of the Constitution. These include - agriculture,

county health service, county planning and development; provision of preprimary and vocational education and public works including water and sanitation services.

It is in the efficient and effective carrying out of these functions that the county governments will work towards ensuring the realization of the economic and social rights set out under Article 43 of our Constitution. The Bill therefore concerns county governments in terms of Article 110(1) (a) of the Constitution.

With regard to statement that the Bill is not a Money Bill within the meaning of Article 114 of the Constitution, the principal objective of the Bill is to provide a framework through which county governments will realize the economic and social rights conferred on every person as set out under Article 43 of the Constitution. In doing so, it compels county governments to adhere to Article 204 of the Constitution with regards to the use to which conditional grants appropriated by the national Government are put to use. The Bill is therefore, not a money Bill within the meaning of Article 114 of the Constitution.

Mr. Speaker, Sir, I beg to move with those long remarks and ask Sen. Mutula Kilonzo Jnr., who is very familiar with this Bill to second for me. He has helped quite in the conceptualization of this Bill and Public Participation within the Justice Legal Affairs Committee (JLAC). He is in his own rights a human rights advocate and a lawyer of great repute

I thank you.

The Temporary Speaker (Sen. Kinyua): Sen. Kilonzo Jnr. I know the law is very clear.

Sen. Mutula Kilonzo Jnr.: Thank you, Mr. Speaker, Sir. I wish I was looking for a job because Sen. Halake would have definitely got me the job.

I rise to second this Bill and to correct a certain impression. This Bill actually was initially drafted by Sen. Omar and I was involved in its drafting. It gives me some nostalgia that we are still debating this Bill long after we conceptualized it. I hope that it will see the light of the day.

Mr. Temporary Speaker, Sir, it might not even occur to us that this Bill speaks to fundamental rights. There is an article in the Constitution which is rarely referred to by anybody. It is Article 28. It says -

“Every person has an inherent dignity and the right to have that dignity respected and protected.”

This Bill is reiterating Article 43 of the Constitution and by reading Article 43. By just reading that Article, I am afraid that we as leaders and government have failed Kenyans. This is because the persons who drafted this article had the best in mind.

“Every person has a right to highest attainable standard of health which includes the right to health care services including reproductive health care.”

Our good friend and writer, Prof. Ken Walibora, died at Kenyatta National Hospital (KNH) and many people are dying in the hands of doctors in violation of these rights. There is a reason I am raising these concerns because fundamental rights under Chapter Five are enforceable.

It is time that Kenyans and through the activists and people who work with Sen. Halake fundamentally look at these rights and ask the Government through court petitions to make sure they are enforced. Article 43 (b) says -

b) to accessible and to adequate housing and reasonable standard of sanitation.”

Just the other day, Kenyans were evicted from Mukuru kwa Njenga. Kenyans have been evicted from slums during a pandemic. They are evicted at night, thrown out of their properties irrespective of whether they own the properties or not. Kenyans have been evicted from Nakuru, Kisumu, *et cetera* again in violation of these rights which is the right under the Constitution and it is enforceable.

c) “to be free from hunger and to have adequate food of acceptable quality.”

Not just food. you cannot just give Kenyans any food. It must be of acceptable quality.

d) to clean and safe water in adequate quantities.

There is a sort of money that residents of various places in counties are paying for 20 liters of water. It is unacceptable, unconstitutional, unconscionable and a completely dereliction of duty at national and county level.

e) to social security; and

f) to education.

How many people receive these sorts of rights?

2) A person shall not be denied emergency medical treatment.

These are the kind of rights that Sen. Halake is talking about. That if you go to a hospital and they do not know who you are because you have been in an accident like Ken Walibora, they do not need to ask who you are, they treat you. By the time you regain your consciousness, you can then get alternative medical care if necessary.

Is this happening? No. people are dying in triage, in KNH and all over the country because you are required to pay Kshs200,000 Kshs300,000 or Kshs400, 000 to get medical care in any hospital, particularly in Nairobi. It is a shame.

3)the state shall provide appropriate social security to persons who are unable to support themselves and their dependents.”

All these things bother me and I do not know why we have not raised this concern. This is because under the social protection law, these people receive their money bi-annually. It means those people who are entitled to the two thousand shillings every month receive them after six months. What are these people supposed to do in between?

Considering first that your airtime is not Kshs2000 but Kshs15, 000. This person is receiving Kshs2000 to spend for a whole month and even this is given after six months. It is a shame. In other jurisdictions for example, in the Republic of India the Government has been sued for these violations. It is a violation because somebody has worked hard, have retired, are 70 years, and poor, yet, they cannot receive their money. They cannot receive medical care. We do not offer National Hospital Insurance Fund (NHIF) to the older generation.

Therefore, I think that if we are going to make sense those of us who have chosen the path to leave this Senate to go and work in counties, I must give my pledge that Article 43 will be at the center point of my manifesto to ensure that people can receive the most basic things.

In fact, these are the most basic things. The famous case of a supreme court, says “the right to life is not mere animal existence.” It is not walking and existing but living

well and eating well. The government should ensure that people eat well and have adequate food in good quantities, quality water, *et cetera*.

Some of our competitors are going around the country telling people that they are going to offer them money or give them money, somewhere at the bottom of something. The fundamental question is; why have we not enforced Article 43 of the Constitution?

It is a simple thing. You do not need to promise Kenyans money. You do not need to tell Kenyans that you are going to give them Kshs6000 or that you are going to create something called “bottom-up”. What for?

Article 43 of the Constitution states that every Kenyan should have as a basic requirement. That is quality and adequate food and water, *et cetera*. Now, people are being promised National Hospital Insurance Fund (NHIF) cards. What are they promising people and the Constitution guarantees that you are supposed to have an NHIF card?

The Constitution guarantees that if you get injured anywhere, you should walk or be driven to a hospital and get medical care. We just need to say that this country cares. I am looking for a government that cares for people, so that we do not say that the law is clear because sometimes it is not even when it is clear.

If the law is clear that every person is entitled to emergency treatment, how come Ken Walibora died at Kenyatta National Hospital (KNH)? Somebody should have been sued for that. The law is clear yet it is not. The people of Kibera, Mathare and Kawangware slums are living hopeless lives.

When I was a young man, as the President of Rotary Club of Kenya, I had the privilege to get a USD300,000 grant to build 10 sanitation blocks in a place called Silanga in Kibera. “Silanga” in Kikamba means “dam”. I came face to face with atrocities. I had to clear garbage that was as high as this building in order for those toilets to be built.

When I started that project, I could not even pass a wheelbarrow between two houses. That garbage was carried on the backs of men and women for three months. Kibera is just across.

I got another grant of USD15,000 to rehabilitate toilet blocks in Mathare. At that time, Hon. Margret Wanjiru was an MP. Now she wants to be a governor. The minute we got that grant, she demolished one of the toilet blocks.

Those toilets in Mathare do not have doors. Women walk into those toilets and cover their eyes. They do so because they want to use that sanitation block but they do not want people to see them. They do not want to suffer the indignity of being seen while using those sanitation blocks.

When we talk about indignity, that is what I mean. Kenyans are living bad lives because they do not have dignity. They do not have sanitation blocks in markets. Our counties have not ensured that women who go to markets can do the simplest thing of having a sanitation block or a place where they can dress their children. It is just a simple *crèche*. Even the one in Parliament is absolutely ridiculous. It is amazingly ridiculous that we allowed such a thing to happen here.

I went to the Republic of Australia and the *crèche* was just next. In fact, ladies could walk across the Chamber to the *crèche*. They could bring their children to Parliament. That is what you do when you care. If you go to Nairobi Baptist Church, you will see children in a *crèche* just behind the church. That is what you do when you want people to live with dignity.

We should believe in this Constitution. We ought to empower Kenyans because Article 43 talks about economic and social rights. Let us make sure that people can live without hunger and cannot be denied such basic things.

When I was in the Republic of Germany, I realised that they have a social welfare. We have to think about it. They have done their mathematics well. For every four young people, they know that their salaries and taxes can take care of one or two elderly people.

They can afford to give the older generation above 60 years cards to use public transport for free and go to shops and buy food to whatever quantities. How much food can a 70-year old eat anyway? They cannot eat a kilogramme of meat. They are also given cards to access medical facilities. That is the social need that is considered here and that is what is in the Bill.

Therefore, I hope this Bill will see the light of day. For me, it is not about the Bill coming into law, because the Constitution is supposed to speak for itself. The Constitution is a live document. Without even this proposed law by Sen. Halake seeking to enforce the rights of Kenyans under Article 43 to live well and not evicted, or thrown out of slums, or have their properties burnt like they do in Gikomba Market because somebody has been given a title deed. Therefore, they have to move the people in phases.

They burn places so that people can move and they continue burning. The fires are created or contrived. You may find a company being given a title deed for land in Mukuru kwa Njenga. Are those not Kenyans?

I remember when the road was being constructed near the roundabout next to Galleria towards the Bomas of Kenya, it was halted for several months because they had to negotiate with a billionaire who owns property next to the road. They had to negotiate where to build the road because it was going to pass through their compound. They had to plead with them.

If that was a poor Kenyan, they would have demolished that building and answered questions later. That is what it means when a government does not care. A government that does not care is not a government.

I do not know whether I have told the Mover this. I have prescribed a book written by a gentleman called Steve Hilton, who was the advisor to David Cameron. After David Cameron left office, Steve wondered what was wrong with the government.

He analyzed the policies and the work of David Cameron as the Prime Minister and he wrote a book called *“More Human: Designing a World”*, where a government thinks about human beings, feels, has a heart, and you consider human beings in every policy you come up with.

That is what Article 43 is talking about. When you build a hospital, you should consider the physically challenged. When you have a new building, think about how the physically challenged will get in and out.

I saw buses in New York City that can be lowered, so that if somebody is physically challenged, they can get out without any problem. Our buses are not compliant because we never think that there are people who are disabled.

When I was a young man, I did a project in Ndia. That is why I have a lot of time for the physically challenged people. I gave out a wheelchair when I was in Rotary Club which I am still a member. However, people took off with it. When I asked why they

were running away, I was told that most people donate wheelchairs, take pictures and then go back with them.

In Kirinyaga, when people go to farm, the disabled are locked in dog kennels and such places. That informed my decision to keep wheelchairs in my office throughout because every other time when I travel to the counties, I know I will find somebody who is in need of a wheelchair. By giving them a wheelchair, I give them a little dignity and life to move.

When you are like me, you appreciate your hands and legs because you can work and walk.

You work hard and you walk, but when you find somebody who cannot walk or use their hands, you make sure that that person gets a wheelchair. A simple little gadget that does not cost much but yet for those people, it is like looking for a needle in haystack.

On the right to dignity, I hope this law comes to pass and I hope Sen. Halake you can use your good offices and all of us to find a way; a little way in whatever form to give dignity to the people we serve. Love the people you come across even if you cannot give them money.

You spoke about money. You do not have to give money. Money cannot do everything. Money cannot buy you sleep but you can make them happy by showing them that they are still human beings even if they are poor. That is what is called human dignity.

We do not need to preserve it. We just need to respect it, to recognize it and practise it. Unfortunately, this is a country where 60 per cent or 80 per cent proclaim Christianity and yet we preach water, drink wine and everything else that is in between.

I support.

(Question proposed)

Sen. (Dr.) Musuruve: Thank you, Mr. Temporary Speaker, Sir, for giving me an opportunity to speak on this important Bill that has come on the Floor of this House. I congratulate Sen. Halake for coming up with this Bill and I hope that the Bill will not lapse and it will see light at the end of the tunnel because I know that we have very few months remaining.

As I look at this Bill that has been brought by Sen. Halake, I see it being a conclusion of our work as Senators because it touches on Article 43 which is very core with regards to service delivery and working for Kenyans.

Mr. Temporary Speaker, Sir, it is very clear that Kenya as a State has signed quite a number of International laws that touch on this article. Kenya has signed the Abuja Declaration that touches on health; the Maputo Declaration that touches on agriculture; the international law that deals with children and education and the international law that deals with persons with disabilities. So, there are very many international laws that Kenya has signed meaning that it is bound by international laws and that it really needs to perform because signing an agreement with other State parties saying that, yes, we are going to cater for health, it needs to be executed.

I want to say on the Floor of this House that this Bill speaks to issues of health. Article 43 talks about the highest attainable standards of health which is very important

for all Kenyans. Article 43 also talks about matters of education and education cannot be compromised. We all know the role that education plays in the life of an individual, society and the country at large.

It also talks about issues of water - and water is very important - that every Kenyan has a right to access water and not only water but also clean water. Part two of Article 43 talks about issues of social protection. When you are talking of social protection, you will find that there are some people that are not even able to protect themselves and yet they have families and children. This Article demands that even those who were not able to provide protection for themselves and their significant others, then the State should come in and ensure that it protects these Kenyans.

Without a doubt, implementation of this Bill is very important because all these things we are talking about social economic rights, they are actually enshrined in the law in Article 43. However, the onus is on the Government, the leaders and the county governments to ensure that they implement Article 43 of our Constitution.

This Bill that Sen. Halake has brought on the Floor of this House is a Bill that is going to ensure deliverable for Kenyans and that Article 43 of the Constitution is implemented. Actually, if we are here as a Senate and the National Assembly is there and we are not executing this Article 43, it is a very unfair and unfortunate situation for the Kenyans that we are leading.

We have to see to it that this Bill sees the light of the day for the purpose of ensuring implementation of Article 43. If these socio-economic rights are implemented, then we will also be addressing the Sustainable Developmental Goals (SDGS) because we will be talking of no hunger at all; we will be talking of wellbeing and health of our people. These are the issues we need to implement and oversight to ensure that they are addressed.

One of the issues that is very core right from the national Government up to the county governments is the issue of health. Health is an issue that cannot be compromised because when you are talking of health, it is a constitutional requirement that every Kenyan has a right to the highest attainable standards of health.

I want to commend the President for opening the Cancer Centre recently and I hope that the Cancer Centre is going to help very many Kenyans because there are many people who are dying out there simply because they are not able to afford healthcare and healthcare services are very important.

This Bill will see to it that when you are talking about Healthcare, it is not just about treating people. Healthcare has to do with providing the right equipment for health and training personnel. It is unfortunate that even as we talk about issues of cancer, we are giving equipment, we are opening centres and all that but there are personnel like oncologists that need to be trained. It is unfortunate that you will find that we do not have adequate number of oncologists in this country. I dare say, as a cancer survivor that there are so many Kenyans suffering out there simply because of the lack of oncologists who are trained specifically for their cancer types.

We do not only need to train oncologists but also other medical personnel. We need to train our own instead of now having medical tourism. I know that a number of Kenyans are languishing in poverty in India and many other countries. Some of them are even blackmailed to sell the only property they have for their family because they are trying to survive. Kenya needs to invest; the national Government and the county

governments need to invest in our doctors. It should not only invest by training them but they should be well paid because of the core role that they play.

Mr. Temporary Speaker, Sir, when I look back in the county, I have seen a number of gaps in education. I want to give an example which I am not shy to say on the Floor of this House. Just two weeks ago, when I paid a courtesy call at Lumakanda Primary Township School to see the education infrastructure and all that, what I saw there was very painful. I want you to imagine that there is one classroom and in that classroom, there are children with different disabilities. In that one classroom, there are different levels of students learning there. One teacher is using a section of the blackboard and another teacher is using another section of the blackboard.

About four teachers in a classroom are using the same board because there are no classrooms for children with disability. Is this the dignity we are talking about as Kenyans?

Mr. Temporary Speaker, Sir, this morning, I was forced to visit the National Funds for the disabled to find out how can they arrest such a situation. It is fair that the Government opens its ears to the sentiments we are making on the Floor of this House. If sentiments come to the Floor of this House and there is empirical evidence, they should not be ignored.

I saw a painful situation on the ground, where there is no classroom for children with disabilities; children with autism, those who are deaf or albinism. As long as you have a disability, you are all heaped in one class even though they are at different levels; some who are five years, others who were 16 years or eight years old. That is the indignity that this Bill wants to arrest.

In another school, I found children with disabilities without a classroom, yet they are supposed to get education. They were completely secluded from the rest. They were heaped in one room, and nobody was addressing them. This House must be serious about issues of dignity and education. As we talk about issues of education for the national level, let it cascade to the county level. If there are any organizations that are mandated and are given money to deal with issues of disability, they must perform their roles. It is wrong before God to subject children with disabilities to no classroom at all. It is like some of them are in a sheep pen. There is need for dignity in educating children with disabilities.

Mr. Temporary Speaker Sir, as we talk about matters of education, it is very clear that water is very important. It is an essential commodity; we cannot do without water. But, for sure, I can tell you that there are some counties where people do not see water, yet a government should sink boreholes for such places because it is in the Constitution. All Kenyans must have access to clean water. As we are talking about North Eastern that may not have water, there are many 'North Eastern' within the counties where people have never accessed water.

It is the mandate of the national Government and county governments to ensure that they are implementing Article 43 of the Constitution. There is beauty in Clause 13 of this Bill which speaks clearly, that every September, the national Government, and the county governments should report to the Senate about the status of the country. What have they done about Article 43? They should come and address the Senate and tell us what they have done concerning Article 43. There is money for education, health, security but the issue at hand is that where does the money go?

As a Senator, there is no need of getting paperwork of how many billions or trillions of shillings have been disbursed to the counties for different projects. There is need for an oversight of the projects because we must have indicators of performance. When talking about implementing projects, there is need for the Senate to be strengthened in the next Parliament, and I hope the Government is going to do that. I hope that the next Government is going to strengthen the Senate so that it can oversight the paperwork that is brought here. How many billions of shillings have been taken to the county for this and that?

Mr. Temporary Speaker, Sir, when you go to the counties, you will be shocked that the big money that we talk about does not corroborate what is on the ground. There is need for transparency and fairness because we are mandated to serve Kenyans. We cannot say that we are serving Kenyans if we cannot deliver and implement Article 43 of this constitution. It is a pity state that when you go to the counties, you will find health facilities in deplorable state. Sometimes, renovation is not done to the existing health centres. Sometimes, there are no health centers that have been built. To add salt to the injury, there is no medicine in those health centres.

Sometimes, patients go to hospitals, and they are told to buy medicine over the counter because they do not have them. We cannot lie to ourselves; we cannot lie to Kenyans. We have a duty to ensure the wellbeing of Kenyans. We can only do that by ensuring that Article 43 on attainable standards of health is met. Pegged on Clause 13 of this Bill, the national Government and the county governments need to report to the Senate.

In instances where there is no medicine at all in hospitals, then the county government must tell the Senate what they have done with all the money. Medicines such as Panadol or Aspirin could cost as little as just Kshs20. Why should there be lack of medicine in hospitals? This is something that the Senate must investigate. The next House must be serious on oversight. The next Government must also ensure that it is serious about service delivery to Kenyans by giving money for oversight to Senators so that they can oversee and bring tangible reports and solutions to the Floor of the Senate so that there is service delivery.

We have talked of 35 per cent of money going to the counties. It is unfortunate that money goes to the counties but does not reach the intended person. This Bill is very important. There is need for this Bill to be fast tracked so that it sees light at the end of the tunnel. County governments and the national Government must be sanctioned if they do not deliver Article 43 of the Constitution.

The next Government that is coming needs to deliver and defend the Constitution. Those are neither my words nor of fellow Senators; it is in the Constitution. As Kenyans, we must defend the Constitution. Defending the Constitution means implementing, overseeing and bringing a report to the House on what has been done. I am happy because when the President delivers his annual state of the nation address, he talks about Article 43 of the Constitution. The President is mandated to tell Kenyans what has been done about it since that is the gist and core mandate of our work. Whatever we do in this country, we have to look at Article 43, see how it can be implemented because it is already enshrined in the law. If it is implemented, then it becomes a bonus to us.

Wananchi are pained in some areas. We must have indicators of delivering to Kenyans provisions of Article 43 of this Constitution. We must have indicators that, as a

Senate, this is what we are doing, defending our Constitution, that we are giving social protection to our children. It is unfortunate that at times, we hear that children have been smuggled out of their homes, raped or burnt. That means that we are not giving children social protection. Cases of a mother delivering by the road side is a poor indicator of what you are supposed to deliver.

We have to put mechanisms in place to ensure service delivery right in the 47 counties. There must be service delivery in all the counties. When it comes to security, you go to some areas and find there is no security even among the residents themselves. There are so many attacks in the night and in some areas. There have been reports in Western, there attackers go to the kitchen at night, look for food, cook and eat. In some instances, they slaughter all the chicken in a homestead and go away afterwards. Where is the security?

Mr. Temporary Speaker, Sir, we are just talking about enhancing security because in some areas, there are no security measures in place such that even police officers are very far away from you. Sometimes, police officers do not even have vehicles to go to wherever an attack has occurred. There is need for us to ensure that everything is put in place.

As we talk about Article 43 of the Constitution, we must do an oversight to ensure that all children go to school. There are so many children that do not go to school. Let me give an example of a street family who are Persons with Disabilities (PWDs). I presented their case to the National Fund for the Disabled (NFD) this morning. This couple and their children have no home and yet they have school going children. Such cases should be acted upon immediately. They do not need protocol.

Mr. Temporary Speaker, Sir, there are some PWDs who are unable to go through the protocol for various reasons. Some do not have bus fare to come to Nairobi City while others are not registered by the National Council for Persons with Disabilities (NCPWD). Charity and a humanitarian heart entails helping such families because they are emergency cases.

(Sen. (Dr.) Musuruve's microphone went off)

Mr. Temporary Speaker, Sir, kindly give me one minute.

The Temporary Speaker (Sen. Kinyua): One minute, Senator.

Sen. (Dr.) Musuruve: Mr. Temporary Speaker, Sir, from the little I earn, I decided to educate this boy. There are many organisations that get money on behalf of PWDs and are insensitive to such cases.

As I support this Bill, I hope it sees the light at the end of the tunnel and get implemented in order to enable us to deliver to Kenyans. As leaders, we have a duty to ensure that we deliver to Kenyans. This is a job that God and Kenyans have given us. Kenyans have entrusted their lives to us so, we must deliver to them.

The Temporary Speaker (Sen. Kinyua): Thank you. There being no other interest, I call upon the Mover to reply.

Sen. Halake: Thank you, Mr. Temporary Speaker, Sir. I take this opportunity to thank the contributors to this Bill, starting with the Seconder, who is very familiar with this Bill. He has confirmed that this Bill is timely and comes at a time when we need to action some of the laws which we have ratified internationally; and our own supreme law, the Constitution of Kenya, 2010.

Sen. Mutula Kilonzo Jnr. spoke of the unlawful evictions and the violations of the rights of individuals as enshrined and guaranteed in our Constitution with regard to quality food and social protection. He reminded me of a very disturbing issue of toilets where 60 or so years after Independence, citizens of this country still practice open defecation in the rural areas and flying toilets in parts of our informal settlements. He also spoke of women closing their eyes so that they do not “see you” but they can still be seen.

Mr. Temporary Speaker, Sir, this all points to criminalisation of poverty where if you are poor in this country, you are a criminal. If you are poor in this country, you are convicted but the real criminals run around, the ones who have caused that level of poverty are sometimes rewarded with office. The real criminals are those that have subverted or diverted resources and have neglected to implement the provisions of our Constitution, to give dignity and uphold the rights of our people.

I would like to say to Sen. Mutula Kilonzo Jnr. that I will read Steve Hilton’s book, *More Human*. I do not know if there is anything new to read from there because having dedicated most of my life to serving humanity in the lowest of the low areas, I am quite familiar with the need for us to be more human. What is lacking are the tools of trade to make our systems, institutions and ourselves more human. This law is an attempt towards that.

Mr. Temporary Speaker, Sir, I also thank Sen. (Dr.) Musuruve. She is a champion for the most vulnerable and PWDs. She is a champion too for the rights of women and girls, especially those afflicted with different disabilities. Being a PWD, she is familiar with the hardships and indignity of being disabled in this country.

Some of the brightest and most educated people we know are PWDs. When God takes something away or when something afflicts you, there are certain things that are given to you. Hence, some of the smartest people I know are PWDs. However, when they walk into an office to exercise their rights as human beings, there are people who throw them coins thinking they are there for coins. It is not true that PWDs need those kinds of handouts. They need the dignity to be treated equally, be recognized and be given opportunities that other people get.

Mr. Temporary Speaker, Sir, PWDs are disproportionately afflicted by violation and denial of rights as stipulated in our Constitution. This is what this law seeks to change. I am happy to have taken notes from Sen. (Dr.) Musuruve who is giving first-hand account of what it is and what it feels like to be a PWD and a leader in this country. Thank you, Sen. (Dr.) Musuruve.

I do not wish to belabour. I have put forth a case for how this Bill will help us implement our Constitution; and, give our people dignity in a measurable, accountable, understandable and implementable way.

As Sen. Mutula Kilonzo Jnr. said, this law has been in the pipeline for long, having been initially drafted in the 11th Parliament by Sen. Omar and others. It has changed a lot in its content to take into account the new realities, new thinking and new accountabilities assigned to ourselves as leaders as well as measurable content that we have included.

I wish to thank all the Senators that have contributed to this. As I said, it is not the first time we are debating this Bill. I hope that all we do for enforcement of social-

economic rights and preservation of human dignity for our country, will not end with your debate but with an assent by H.E. the President. If this happens, the 13th Parliament will at least have a tool for enforcement of social-economic rights and for preservation of human dignity as pertains to the provisions in our Constitution.

Mr. Temporary Speaker, Sir, I thank this House for prioritising this Bill in the Order Paper, having run into headwinds with concurrence issues. I look forward to the Division and passing of this Bill. I hope that H.E the President assents to it in good time so that by the time of constitution the 13th Parliament, we have a mechanism in place for ensuring that our laws have been translated into action.

Mr. Temporary Speaker, as I conclude and as we go forward, I am happy to be the sponsor of this Bill.

This Bill speaks to the values I hold and the Kenya I want and I am sure, most of us want a Kenya where to be poor is not to be criminal and where its leaders pride themselves in upholding the rights of its citizens and in ensuring the dignity of the people who put us in office is preserved; a Kenya where every Kenyan child, no matter the background or where they are born, has a chance and is not shamed by lack of education, food. That every mother in Kenya can feed her child, not so much because they are given things but because they are given opportunities to give themselves those things. That is why this Bill is big on economics.

Again, the women of this country are poor. The youth of this country are disproportionately poorer than the rest of the population yet they form the bulk. Together, in fact, they are the country.

We were told of the elderly not being given the social safety net. The mean age of our country is 19 years of age. Our elderly are very few but we neglect them. In other parts, we actually burn them to death. This is unacceptable in this day and age.

As a society we need to look at ourselves not just as government to ensure we each make the preservation of human dignity and enforcement of economic and social rights an individual responsibility for every Kenyan.

Mr. Temporary Speaker, I beg to reply and ask you to defer to putting off question pursuant to Standing Order 61(3) to the next available day for discussion or debate.

The Temporary Speaker (Sen. Kinyua): We will put the question tomorrow.

(Putting of the question on Bill deferred)

Second Reading

THE SPORTS (AMENDMENT) BILL (SENATE BILL
No. 40 OF 2021)

(Bill dropped)

On Order No. 22, the Mover is not in the House. So, I will defer it.

COMMITTEE OF THE WHOLE

THE STREET VENDORS PROTECTION OF LIVELIHOOD
BILL (SENATE BILLS NO. 7 OF 2021)

(Committee of the Whole deferred)

On Orders No. 23 and 24, I got communication from the Chair of the Senate Committee on Justice, Legal Affairs and Human Rights that the amendments are still being processed.

COMMITTEE OF THE WHOLE

THE LIFESTYLE AUDIT Bill
(SENATE BILLS NO. 36 OF 2021)

(Committee of the Whole deferred)

COMMITTEE OF THE WHOLE

THE LAW OF SUCCESSION (AMENDMENT) BILL
(SENATE BILLS NO. 15 OF 2021)

(Committee of the Whole deferred)

ADJOURNMENT

The Temporary Speaker (Sen. Kinyua): Honorable Senators, there being no other business on the Order Paper, the Senate, therefore, stands adjourned until tomorrow, Thursday, 10th February, 2022, at 2.30 p.m.

The Senate rose at 6.25p.m.