

**PARLIAMENT OF KENYA****THE SENATE****THE HANSARD****Wednesday, 20<sup>th</sup> September, 2023****Morning Sitting**

*The House met at the Senate Chamber,  
Parliament Buildings, at 9.30 a.m.*

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

**PRAYER****DETERMINATION OF QUORUM  
AT COMMENCEMENT OF SITTING**

**The Speaker** (Hon. Kingi): Clerk, do we have quorum?

*(The Clerk-at-the-Table consulted with the Speaker)*

**The Speaker** (Hon. Kingi): Serjeant-at-Arms, kindly ring the Quorum Bell for 10 minutes.

*(The Quorum Bell was rung)*

**The Speaker** (Hon. Kingi): Serjeant-at-Arms, ring the Quorum Bell for another 10 minutes, please.

*(Several Senators walked into the Chamber)*

Serjeant-at-Arms, I am informed that we have the quorum. Kindly stop the Bell. Clerk, proceed to call out the first Order please.

**COMMUNICATION FROM THE CHAIR****VISITING DELEGATION FROM THE  
FEDERAL PARLIAMENT OF SOMALIA**

**The Speaker** (Hon. Kingi): Hon. Senators, I would like to acknowledge the presence in the Speaker's Gallery this morning, of a visiting delegation from the Federal

Parliament of Somalia. The delegation is undertaking a benchmarking visit with their counterpart Committee in the Senate.

I request each Member of the delegation to stand when called out so that you may be acknowledged in the Senate tradition.

- |                                 |   |                                                         |
|---------------------------------|---|---------------------------------------------------------|
| 1. Sen. Ali Shaban Ibrahim      | - | Deputy Speaker                                          |
| 2. Sen. Zamzam Ibrahim Ali      | - | Chief Whip                                              |
| 3. Sen. Fartun Abdikadir Farah  | - | Deputy Chief Whip                                       |
| 4. Sen. Maryam Farah Kahiye     | - | Chairperson, Foreign Affairs Committee                  |
| 5. Sen. Sainab Ismail Mohamed   | - | Chairperson, Resource Committee                         |
| 6. Sen. Hassan Dahir Yarow      | - | Member of ROP Committee                                 |
| 7. Sen. Deka Hassan Hussein     | - | Chairperson, Internal Affairs Committee                 |
| 8. Sen. Said Abdi Hussein       | - | Secretary, Constitutional Oversight Committee           |
| 9. Sen. Saredo Mohamed Hassan   | - | Chairperson, Women Caucus                               |
| 10. Sen. Osman M. Mohamoud      | - | Chairperson, Social Affairs Committee                   |
| 11. Sen. Naima Hassan Mohamoud  | - | Chairperson, Justice Committee                          |
| 12. Sen. Aden Abdinasir Mohamed | - | Chairperson of the Defence and Security Committee.      |
| 13. Sen. Laila Ahmed Ismail     | - | Member of Finance Committee.                            |
| 14. Mr. Abdinasir Ibrahim Guled | - | Secretary General.                                      |
| 15. Mr. Daud Dahir Hassan       | - | Director of Plenary, Committees, Speakers and Protocol. |
| 16. Mr. Mohamed Salad Osman     | - | Senate Media Officer.                                   |
| 17. Ms. Muno Abdi Barre         | - | Standing Committee Secretariat.                         |

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

I will allow the Senate Majority Leader and the Senate Minority Whip, under one minute, to welcome the delegation from the Federal Republic of Somalia.

**The Senate Majority Leader** (Sen. Cheruiyot): Thank you, Mr. Speaker, Sir. I join you, on behalf of our colleagues in this House, in welcoming the visiting delegation from the Federal Republic of Somalia. They are our very good neighbours. We enjoy good neighbourliness despite the many challenges that exist, especially in our border towns and internally.

Somalia as a Republic has made great strides in the last few years in trying to advance a peaceful settlement of the previous dispute that existed in the country. Most of it has been negotiated here in Kenya.

It is my sincere hope that as they continue to learn and interact with the people of Kenya through their representatives here in Parliament and any other Government office, they will make the best of their visit, interact with us, get the best and get Somalia up and running.

Mr. Speaker, Sir, the boundaries that we speak about are simply colonial artefacts. We are one people, as the people of Africa, and many of these boundaries, in true significance means absolutely nothing.

Therefore, a thriving Somalia is good for Kenya. It is in our best interest, as their good neighbours to support them, work with them, trade together and have better relations for a better thriving East African Community (EAC) and Africa as a whole.

I welcome the delegation.

**Sen. Sifuna:** Mr. Speaker, Sir, allow me to join you, the House and the Senate Majority Leader in welcoming the delegation from Somalia. I welcome them to the City of Nairobi. I am the Senator for Nairobi.

I hope that you will learn a few things in your time in the City of Nairobi and in this Senate. Let us continue with our friendship. As you understand, our borders have allowed us to live together for a long time as people of Somali origin and Kenyans.

To add on, there are Kenyans of Somali origin and Somalis of Kenyan origin. We hope that we can continue that relationship as a people to build our two great nations.

I thank you.

**The Speaker** (Hon. Kingi): Next Order.

## QUESTIONS AND STATEMENTS

### QUESTIONS

Hon. Senators, we had three Questions scheduled for today. However, two of the scheduled Questions will have to be deferred. One of those Questions to be deferred is Question No.18 by the Senator for Turkana, Sen. James Lomenen.

This Question was directed to the Ministry of Foreign and Diaspora Affairs. The Cabinet Secretary has since written a letter to the Clerk. The letter was later made available to the Senate Business Committee (SBC) during its sitting yesterday. It indicated that the Cabinet Secretary will be unavailable for purposes of responding to these questions owing to the fact that he accompanied His Excellency the President to New York for the United Nations General Assembly (UNGA) meeting. Therefore, he will not be present today to respond to this Question.

*Question No. 018*

RELEASE OF TURKANA COUNTY PASTORALISTS  
ARRESTED IN UGANDA

*(Question deferred)*

The other Question that will be deferred is Question No. 019 by Sen. George Mbugua. It was directed to the Cabinet Secretary for Health. Again, during its sitting yesterday, SBC received a letter from the Cabinet Secretary in charge of Health. It indicated that she will not be present today for purposes of responding to these questions, owing to the fact that she is amongst the delegation that accompanied His Excellency the President to New York for the UNGA engagement.

*Question No. 019*

ACCESSIBILITY OF HEALTH SERVICES FOR  
PERSONS WITH DISABILITIES

*(Question deferred)*

Therefore, that leaves us with only one Question for the Question Time today. That is Question No. 020 to be asked by Sen. Mbugua. It is directed to the Cabinet Secretary for Labour and Social Protection.

Clerk, do we have an indication that the Cabinet Secretary is within the premises?

I am informed that the Cabinet Secretary for Labour and Social Protection is present. Therefore, before allowing the Senator to ask this Question, allow me to welcome the Cabinet Secretary for Labour and Social Protection to the Senate.

Hon. Cabinet Secretary, welcome to the Senate. We are honoured that you honoured the invitation from the Senate to come to respond to these very important Questions, that are going to be posed by Sen. Mbugua.

Hon. Cabinet Secretary, just to give you the procedure, after the Hon. Senator has asked the Question, I will be calling upon you to respond. Thereafter, all Senators present will be given an opportunity to ask supplementary questions arising from the primary questions.

After all the Senators have asked their supplementary questions, I will again call upon Sen. Mbugua to ask any supplementary question, if at all he has any. Thereafter, we will conclude your session and release you to go back to do the work that you are appointed to do.

Therefore, with that, let me now invite Sen. Mbugua to proceed to ask the Question.

*Question No. 020*

LEVEL OF COMPLIANCE WITH THE PERSONS  
WITH DISABILITIES ACT

**Sen. Mbugua:** Thank you, Mr. Speaker, Sir. I rise to ask Question No. 020 as follows -

(a) Could the Cabinet Secretary provide a report on all Persons with Disabilities (PWDs) employed in the public sector, and indicate the level of compliance with Section 13 of the Persons with Disabilities Act, No. 14 of 2003, which requires the reservation of

5 per cent of all casual, emergency and contractual positions for PWDs as stipulated in the Persons with Disabilities Act, No. 14 of 2003?

(b) The Cabinet Secretary should state what measures the Government has taken to ensure compliance with this legal provision both in the public and private sectors?

(c) State what measures the Government has taken to create public awareness to help combat stigma and ableism targeted at PWDs as required by the Act?

(d) What is the implementation status in Kenya of the Convention on Rights of Persons with Disabilities (CRPD) which requires the promotion of the full realization of all human rights for PWDs, which Kenya ratified in May, 2008?

**The Speaker** (Hon. Kingi): Hon. Cabinet Secretary, you may proceed to respond.

**The Cabinet Secretary for Labour and Social Protection** (Hon. Bore): Thank you, Mr. Speaker, Sir. I thank Sen. Mbugua and the Hon. Senators for the Questions.

I will go straight to Question A, where I have been asked to give a report on all the Persons with Disabilities (PWD) employed in the public sector. The employment of PWD is a critical measure of inclusion of PWD in Kenya. The Public Service Commission (PSC), in its status of compliance with values and Principles in Article 10 and 232 of the Constitution annual report of 2021/2022, found that only 1.4 per cent of PWDs are employed in public service.

The Commission surveyed various institutions for this report, including the constitutional commissions and independent offices; ministries and State departments, public universities, statutory commissions and authorities, state corporations and Semi-Autonomous Government Agency (SAGA) and Technical Vocational Education and Training (TVETs). The statistics of 1.4 per cent includes the status of PWD in county governments. The PWD Act No.14 of 2003 and its current provision is weak on enforcement of the 5 percent employment requirement.

However, the Ministry has developed the Persons with Disabilities Bill, 2023 that is currently before the National Assembly for deliberations. Under Section 73, the Bill proposes for appointment of an inspector who will ensure enforcement of the provisions of the Act in totality.

In addition, the Bill provides for establishment of disability mainstreaming units which are under Section 73(1)(b), in order to be able to carry out regular inspections to ensure implementation and compliance with the provisions of this Act.

Question B is with regard to the measures the Government is taking to ensure compliance with these legal provisions, both in public and private sectors. The Government has taken various measures to implement Section 13 of the PWD Act, No.14 of 2003. The measures are as explained below.

1. Incorporation of the Disability Mainstreaming Performance Indicator in the public performance management framework, under which all Ministries, Departments and Agencies (MDA)s are required to track and report on employment of PWD.

In the previous years, reports from MDAs were unable to generate the numbers of PWD employed. However, the report for Financial Year 2022/2023 will provide data on the total number of PWD employed during the period under review. However, it is important to note that this indicator has been retired in performance contracting; and will not be used in the coming year beginning this 20<sup>th</sup> June, 2023/2024.

2. The other measure is that as a result of the incorporation of the indicator in the public performance management framework, awareness of the requirement of Section 13

of the PWD Act No.14 of 2003 as far as the employment of PWD is concerned, has greatly increased.

3. The other measure is that the Government continues to track the number of PWDs employed in all the public institutions, to ensure that public institutions comply with the provisions of this law.

4. The Government, through the National Council for Persons with Disabilities (NCPWD) has developed a career portal to support PWDs to access information and employment opportunities; and connect with potential employers in both public and the private sector.

The Council career portal is an artificial intelligence driven portal, that matches registered jobseekers with disabilities to employment opportunities. It matches their qualifications, skills, experience and alerts them through their mobile telephones or emails, thus removing information access barriers.

Currently, the portal has registered 5,849 PWDs seeking employment and 431 employers. The employers consist of 378 employers from the public sector, 31 from the private sector and 22 from the civil societies organisations. So far, 322 PWDs have been employed through the portal. This portal was put in place in 2017.

5.) The other measure is that the Government is finalising on the development of the national policy for PWDs, to set out obligations by all employers in the public and private sectors. This is in regard to the employment of PWDs.

6.) Finally, on measures, in March, 2023, the Government through NCPWD, published the Annual Disability Mainstreaming Status Report. The report captures the milestones achieved by MDAs in implementing various parameters of the disability mainstreaming indicator. The report for the Financial Year 2021/2022 was prepared, launched and shared with stakeholders across the public service for the implementation of recommendations.

Question (c) was on the measures that the Government has taken to create public awareness to help combat stigma and ableism, targeted at PWD as required by the Act. The Government implements various measures aimed at increasing awareness on disability issues. This is with a view to combat stigma targeting persons with disabilities.

One of them is building the capacity of MDAs to effectively spearhead the implementation of measures to mainstream disability in public service. The NCPWD is training committees established to spearhead disability mainstreaming and sensitize senior management and staff of MDAs.

The Government is also observing various national and international disability events and days, in order to promote the rights of PWDs where communities and PWDs participate. These events are used as forums to educate the public on the inclusion of PWDs in the society. Some of the events include the International Day of PWDs, which is held every 3<sup>rd</sup> December. The last one was held in Narok County.

The Autism Awareness Day is held every 2<sup>nd</sup> April and the Albinism Awareness Day is held every 13<sup>th</sup> June. The International Deaf Awareness Day is marked every 23<sup>rd</sup> September and the International Wheelchair Day is marked every 1<sup>st</sup> March.

Finally, we also create awareness and educate the public on disability issues through various media channels. This includes holding talk shows in local television stations, where various professionals in the disability sector discuss topical issues on disability.

The Government also disseminates to the public, information of disability issues and services provided to Persons With Disabilities (PWDs) through various social media platforms such as twitter, Facebook pages and *YouTube*. The council has a page where we disseminate information to the public.

The Government has developed a disability awareness creation booklet to guide in creating awareness on disability with an aim of demystifying disability to reduce stigma and discrimination thus enhancing social inclusion of PWDs.

The management of the National Council for Persons with Disabilities participating in various forums, events and meetings during which participants are sensitized on the rights of PWDs. Also, informed on the various Government programmes targeting PWDs. Some of these include the Agricultural Society of Kenya Shows which are held in various counties, annual Devolution Conferences, County Assembly Forums among others. The Government through the Ministry of Labour and Social Protection also hold public *barazas* to sensitize the community on the rights of PWDs, services and programmes offered by various Government agencies.

This Financial Year the Ministry will be building the capacity of 200 social development officers to empower them to undertake awareness raising forums at the community level.

Question (d) is on the implementation status in Kenya of the Convention on the Rights of Persons with Disabilities (CRPD) which requires the promotion of the full realisation of all human rights for PWDs, which Kenya ratified in May 2008.

The United Nations CRPD aims to promote, protect and ensure all PWDs enjoy human rights and fundamental freedoms on an equal basis with others. It also aims to promote respect for the inherent dignity of PWDs. As a state party of the Convention, Kenya has the absolute responsibility to fulfil the obligation to implement the Convention and realize the rights of persons with disabilities.

Kenya has made great strides in policy reforms despite the challenges associated with legislative frameworks. The Government in partnership with organisations of and for PWDs and other stakeholders have continued to harmonize national policies and strategies to align them with the Convention on the Rights of Persons with Disabilities to promote, protect and ensure the realization of the rights of PWDs. Some of the key highlights in implementing the CRPD include –

(i) The Bill of Rights in the Constitution of Kenya 2010 broadly covers key areas which protects the economic, cultural and social rights of every citizen including persons with disabilities. Several sections of the constitution have been specifically designated to PWDs to ensure that specific privileges and rights are recognized for example Article 7(b), 21(3), 54, 81(c), 82 (2)(c)(i), 97(c), 98(d), 100(b), 177(i)(c).

(ii) The National Social Protection Policy is under review so as to ensure that the country develops programmes that address the current emerging issues affecting the PWDs.

The review will focus on the current situation analysis of National/county government structures, on-going presidential directives or initiatives and other global commitments.

(iii) The Persons with Disabilities Act 2003 is being reviewed to align it with CRPD and the Constitution. The Persons with Disability Bill 2023 was reintroduced to the National Assembly by the Leader of Majority.

(iv) Ratification of the Protocol to the African Charter on Human and Peoples Rights on Rights of PWDs in Africa. The protocol aims to promote, protect and ensure full and equal enjoyment of all human and people's rights by all PWDs and ensure respect for their inherent dignity. The National Assembly passed the charter for the ratification and the Ministry of Foreign affairs is to issue the instruments of ratification to the African Union.

(v) Finalization of the draft National Disabilities Policy 2006 to ensure that the country institute and develop mechanisms that will protect the rights of PWDs in the economic, social and cultural spheres.

(vi) Development of the Disability Mainstreaming Strategy to guide Ministries, Departments and Agencies (MDAs) and social protection practitioners in mainstreaming disability in all their policies, legislation and programmes.

Government has implemented various programmes that promote the rights of PWDs as well as empowering them to improve their wellbeing. Some of these include –

(i) Kenya is the first country in Africa to develop a Digital Accessibility Standard for PWDs. The standards provide guidelines for ensuring that products, services and opportunities are made accessible to all, including PWDs Kenya Standard KS 2952-1:2022: Accessibility — ICT Products and Services was prepared by the Joint Working Group on Accessibility of ICT Products and Services for PWDs under the guidance of the Standards Projects Committee. This is in accordance with the procedures of the Kenya Bureau of Standards. Technology is making it possible for people to accomplish many things more efficiently and independently. In order to accommodate all people in society, inclusive design, and universal design principles should be integrated in products and services.

(ii) To ensure that underrepresented groups of PWDs are reached, the Government is providing free legal aid and referrals for pro bono representation in cases involving violations of the rights of PWDs especially disability benefits, insurance claims, special education, gender-based violence among others.

(iii) On the Kenya sign language training programme, the Government is supporting public employees every financial year to receive basic sign language skills so as to ensure effective service delivery of public services to the deaf community.

(iv) The Government through the assistive devices support programme supports persons with disabilities purchase, requisition or import assistive devices and aids to improve mobility and independent living. These includes hearing aids, crutches, wheelchairs, tricycles, white canes and walking appliances.

(v) Educational support programme provides scholarships to learners with disabilities to pursue their education. The programmes also provide grants to schools to improve their infrastructure to ensure that they are accessible to learners with disabilities.

(vi) Economic empowerment programmes have been established to provide grants to self-help groups and individual members for economic empowerment. The Tools of Trade empowerment programme for PWDs provides start-up tool kits to enable employment and wealth creation opportunities in selected sectors such as catering, automotive engineering, agriculture and beauty.

(vii) implementation of the affirmative action on Access to Government Procurement Opportunities (AGPO) to ensure that PWDs access the 30 per cent quota



allocation of government tenders. The rationale for this was to ensure that the public procurement process was inclusive and competitive as possible.

viii) Government has also initiated specific support programmes targeting persons with autism and related developmental disability. Those with albinism who have unique special needs such as regular use of sunscreen lotion and regular use of sanitary pads and access to therapists, for those with autism and developmental related disabilities.

ix) Government has also adopted the Washington Group of Short Questions in the National Population and Housing Census 2019 to be able to capture information on PWDs. Government has also developed and launched the disability inclusive data charter action plan that aims to engage ministries, counties, departments, agencies and non-state actors to be coordinated in collection analysis and utilization of comprehensive integrated disability data;

x) In addition, Government has completed a support needs assessment for PWD and their primary caregivers that provide information and recommendations on the scope and level of support needed by diverse PWDs. The report will be launched on the 16<sup>th</sup> October, 2023;

xi) Government introduced a new registration system that captures and generates social economic data on PWDs for planning and research purposes by state and non-state actors. The system is based at the National Council for PWDs (NCPWDs) and is aimed at ensuring all PWDs are registered and captured in a database for purposes of planning and programme design.

xii) The last three is enhancing access to employment by PWDs through creation and implementation of the NCPWDs career portal that provides an interface that allows job seekers, employees with disabilities and employers to overcome barriers to employment for PWDs.

xiii) There is the adoption of Assistive Technology (AT) to ensure PWDs access products and services. A combination of accessible Information, Communication and Technology (ICT) and AT enhances function independence and overall wellbeing of PWDs. These standards specify requirements for ensuring that ICT products, services and opportunities are made available to all, including PWDs.

This standard is intended for use by policy makers, regulators, providers, procurers and users of ICT products of ICT services. The development of this standard is in response to the National Information, Communications and Technology Policy of Kenya 2019.

xiv) Last but not least is regular accessibility and usability audits of public buildings and services to improve accessibility by PWDs to physical environments and digital services.

Mr. Speaker, Sir, I submit the responses. Thank you.

**The Speaker** (Hon. Kingi): Thank you, Hon. Cabinet Secretary.

Sen. Mbugua, under Standing Order 51(7)(a), you may ask two supplementary questions. You may elect to ask them at once right now or you may elect to ask one then allow your colleagues to ask their supplementary questions thereafter, you will come in last.

**Sen. Mbugua:** Thank you, Mr. Speaker, Sir. I chose to allow my colleague Senators to come in first.

**The Speaker** (Hon. Kingi): Sen. Munyi Mundigi, you may have the Floor.

**Sen. Munyi Mundigi:** Asante, Bw. Spika. Tumesikia yale Waziri amezungumza kuhusu watoto ama watu wasiojiweza. Tumesikia mipango yake yote. Tunamshuru kwa yale yote amesema hapa. Tunajua alipatiwa hiyo kiti kwa sababu ilionekana atafanya kazi nzuri kwa sababu kuna wakati alikuwa Mbunge na pia tunajua atasaidia Serikali ya Kenya Kwanza.

Ametueleza mipango mizuri kwa wale wasiojiweza. Katika majimbo 47, kuna majimbo madogo kama Jimbo la Embu. Kuna Mavuria, Kiambere, Muminchi, Evulori na Mwea. Huko ni pahali hakuna maji au chochote. Kuna mipango yeyote ya kufikia hawa watu ili wawaze kusajiliwa? Hii ni kwa sababu tunajua ya kwamba, wazazi wa watoto wasiojiweza wana shida nyingi na hawafaidiki na chochote. Ningependa kujua kama kuna mipango ya kuungana na gavana, chifu na viongozi wa mtaa ili hao watu waweze kufikiwa na huduma hiyo.

Asante Waziri.

**The Speaker** (Hon. Kingi): Hon. Cabinet Secretary, you may respond.

**The Cabinet Secretary for Labour and Social Protection** (Hon. Bore): Thank you, Mr. Speaker, Sir. Thank you, Hon. Member for the question.

Wacha nijaribu kujibu kwa Kiswahili kwa vile Seneta ameuliza kwa lugha ya Kiswahili. Tuko na mipango ya kuwaweka wale wasiojiweza kwa mipango. Kwa sasa, tuna usajili wa watu wasiojiweza kwa kila eneo Bunge. Tulitoa mwelekezo kwa maafisa wetu kwamba wasajili wale watu wasiojiweza kwa kila kaunti. Kwa sasa hivi, tumeweza kusajili wengi sana. Huo usajili unaendelea kwa huu mwezi wa tisa kuanzia tarehe moja mpaka tarehe 30.

PWDs ambao wako kwa ratiba kwa sasa ni 38,141. Wale ambao tume *replace this financial year* ni 47,000. Kwa hivyo, tumeongeza karibu 10,000. Wale amabo tumesajili katika usajili unaoendelea sasa hivi ni 18,281. Kwa hivyo, tuko na mipango ya kuweza kuwasajili, tuwaweke kwa ule mpango wa Inua Jamii ili tuweze kuwalipa shilingi 2000 kila mmoja wao.

Swali lingine ambalo Sen. Munyi Mundigi aliuliza ni kama tunafanya kazi na serikali za kaunti na viongozi wanawakilisha wananchi. Tuko na mpango kupitia kwa huo mpango ya Inua Jamii kuweza kusaidiana kuwasaidia wale walemavu ili wawekwe katika mpango wa Serikali.

Asante, Bw. Spika.

**The Speaker** (Hon. Kingi): Sen. Chute, you may have the Floor.

**Sen. Chute:** Thank you, Mr. Speaker, Sir. I am really surprised by what the Cabinet Secretary is talking about. She says they are registering PWDs, the vulnerable and the elderly. Marsabit County; the largest county in this Republic, is experiencing a lot of problems. The people who are meant to be registered are being asked to provide fuel for Government vehicles. In some instances, there are no vehicles to even register people.

A place like Ileret is 400 kilometres from Marsabit and 200 kilometres from the nearest constituency which is North Horr. PWDs, with no food in their stomachs and no water to drink are suffering. Yet, the Cabinet Secretary is telling us that they have registered 18,000 people. How many people did you register in Marsabit County and why is this Government asking for fuel from vulnerable people? Why are you asking for transport from vulnerable people? Is this Government broke? What is happening?

Are you even aware of what is happening in Marsabit? Quoting the President, he said some Cabinet Secretaries are not even aware of what is happening in their dockets. Is the Cabinet Secretary aware of what is happening in her docket?

I thank you, Mr. Speaker, Sir.

**The Speaker** (Hon. Kingi): Hon. Cabinet Secretary?

**The Cabinet Secretary for Labour and Social Protection** (Hon. Bore): Thank you, Mr. Speaker, Sir. There is an ongoing registration across the country. However, we do not have enough staff, but we have not asked anybody to provide fuel. The registration is ongoing. We have officers in all the counties and our aim is to ensure that we bring on board all PWDs.

The Ministry is even going a step ahead after this registration, this month, to be able to verify the PWDs and bring on board people with severe disabilities. So far, we are registering 500,000 new beneficiaries. Of those 500,000 new beneficiaries, we have the elderly, PWDs and orphans.

On the *Inua Jami* Programme, we have vacancies that have been left by deceased persons to a tune of 190,000. That comes to a total of 690,000 vacancies that we are giving to this vulnerable group. The last registration in this country for vulnerable people was done in 2017. This Government is registering about 700,000 new beneficiaries from this year and from next month they will be paid Kshs2000.

My appeal is that because these vulnerable people may be in remote parts of this country, kindly lead us. Let us support them to ensure that they are registered.

We are working with the National Government Administrative Officers (NGAO) Team, including the Chiefs, the District County Commissioners (DCCs), and the County Commissioners (CCs) to ensure that this registration goes on in every county, constituency, location and sub-location.

Thank you, Mr. Speaker, Sir.

**Sen. Chute**: On a point of order, Mr. Speaker, Sir.

**The Speaker** (Hon. Kingi): Sen. Chute, you know that you cannot raise a point of order against the Cabinet Secretary. So, kindly allow her to respond to your question.

**Sen. Chute**: On a point of information, Mr. Speaker, Sir.

**The Speaker** (Hon. Kingi): How do you inform the Cabinet Secretary? She is the one who is here to inform us. Allow her to conclude her response, please.

**The Cabinet Secretary for Labour and Social Protection** (Hon. Bore): Thank you, Mr. Speaker, Sir. That registration is ongoing across the country in every county, constituency, location and sub-location. If there is an issue with your county, I will look into it.

I thank you, Mr. Speaker, Sir.

**The Speaker** (Hon. Kingi): Very well. You have got the invitation, Sen. Chute. In the event that your question has not been adequately and comprehensively responded to, the Cabinet Secretary is available to take up that specific county. So, kindly take advantage of that invitation.

Proceed Sen. Tabitha Mutinda.

**Sen. Tabitha Mutinda**: Thank you, Mr. Speaker, Sir. Mine is with regard to digital literacy as far as ICT matters are concerned. I am an advocate for digital literacy in this country. In our manifesto, we want to ensure that the Government offers different e-services for our Kenyans in different Government institutions.

In your response on the adoption of assistive technology, can you guide this House on what levels, analysis, or formulae and matrices are you using to assess if our people including the PWDs have the knowledge and the skills required as far as digital literacy is concerned?

I want you to understand it from the perspective that for most of the PWDs, movement is slowed. So, they need to be very highly equipped with digital skills so as to ensure that they get the Government services we are putting in place.

Consider that we moving from over 5,000 e-services for the Government to over 15,000 services. It is one thing to move to those numbers, but another for our people to have the requisite skills to access these services.

Lastly, the Hon. Cabinet Secretary is with regard with economic empowerment---

**The Speaker** (Hon. Kingi): Senator, you are only allowed under Standing Orders to ask one supplementary question which you have already asked.

**Sen. Tabitha Mutinda:** I am within the supplementary guideline, Mr. Speaker, Sir, for the PWDs in this country.

**The Speaker** (Hon. Kingi): No, hon. Senator. You just ask one supplementary question. Allow the Hon. Cabinet Secretary to respond to that supplementary question about digital literacy to the PWDs. It is on how they access Government services that are migrating from manual to e-services?

**Sen. Tabitha Mutinda:** Perfect, Mr. Speaker, Sir.

**The Speaker** (Hon. Kingi): Hon. Cabinet Secretary, kindly proceed to respond.

**The Cabinet Secretary for Labour and Social Protection** (Hon. Bore): Thank you, Mr. Speaker, Sir, and the Senator for asking this question on digital support for PWDs. My response is that assistive technology has been provided for the specific categories of PWDs. So, that is what the council has been able to do and the Chief Executive Officer (CEO) to give further guidance in case you need that support.

**The Speaker** (Hon. Kingi): Sen. Mariam Omar?

**Sen. Mariam Omar:** Thank you, Mr. Speaker, Sir for giving me this opportunity. I heard the Cabinet Secretary talking about a portal or page for PWD job seekers where she has employed 322. My question is this: From Mandera County, there is no network which the page needs. So, in that 322, how many are from marginalized communities, specifically Mandera County? If it is not there, what are the measures to support those who are not in your network?

**The Speaker** (Hon. Kingi): Hon. Cabinet Secretary, proceed to respond.

**The Cabinet Secretary for Labour and Social Protection** (Hon. Bore): Thank you, Mr. Speaker, Sir. Let me ask the CEO to answer that question. He comes from the Northern Kenya in Wajir---

**The Speaker** (Hon. Kingi): Hon. Cabinet Secretary, you cannot pass that opportunity to the CEO. He can only brief you and then you engage the Senator. This is an opportunity, you not the entire delegation, to respond to questions. So, you may consult. If not ready, we can take the other question as your team prepares a good response to the question by Sen. Mariam Omar.

**The Cabinet Secretary for Labour and Social Protection** (Hon. Bore): Well, guided Mr. Speaker, Sir. We would request for time to give further analysis of the report.

**The Speaker** (Hon. Kingi): So, we move to the next question and then we will come back. Well guided.

Sen. Miraj, you may proceed.

**Sen. Miraj:** Asante, Bw. Spika. Nimemfuatilia Waziri hapa. Amesema wanatoa vifaa ambavyo wale watoto walemavu wanahitaji na *support programs* kusaidia kuwalipia shule. Mimi ni mzazi wa mtoto mlemavu ambaye anasoma pale Ziwani School for the Deaf. Ni jambo la kusikitisha kwamba sisi wazazi tumeongezewa kima cha shilingi 3,500 kwa kila mwanafunzi. Hii ni kwa sababu hakuna pesa za kutosha zinazopelekwa katika shule hizi. Hata ilifikia wakati shule hizi zikaambiwa zitafungwa.

Kwa hivyo, ningependa utueleze ni kima gani cha pesa huenda katika hizi shule za walemavu? Pia ni kwa nini walimu pale shuleni hukataa kupokea vifaa vya watoto ambao baadhi ya wazazi tunaweza kuwanunulia wakihofia vitaibiwa na wale wengine ambao hawana.

Swali langu kati ya hili ni vifaa gani ambavyo mnawasaidia watoto walemavu kule shuleni ambavyo vinafanya wale wengine ambao tumewanunulia na fedha zetu kukataliwa kwa hofu ya kuwa vinaibiwa? Ni bayana ya kwamba hakuna vifaa ambavyo vinapeanwa kwa watoto ambao wanahitaji, haswa wale ambao wana shida ya kutosikia katika shule zetu za Serikali.

Bi. Waziri, ningependa utujulishe ni kima gani cha pesa kinaenda kwa shule hizi zinazotangazwa kila uchao kwamba zinafungwa. Hii ni kwa sababu hazipati fedha za kutosha za kuwabakisha watoto katika shule zao waweze kupata masomo kama watoto wengine katika taifa hili la Kenya.

Asante, Bw. Spika.

**The Speaker** (Hon. Kingi): Hon. Cabinet Secretary, you may proceed. If you choose to respond in Swahili, kindly strictly speak Swahili. If you think you will have problems, please stick to English, but do not mix the languages.

Proceed.

**The Cabinet Secretary for Labour and Social Protection** (Hon. Bore): Thank you, Mr. Speaker, Sir, and Senator for your question. On assistive devices, the support programme for this financial year we have been able to support 3,359 eligible persons with disabilities.

You will notice that we are only targeting the ones with severe disability. Secondly, the resources are not enough. Therefore, we are only able to support a few with those assistive devices.

Thirdly, as a Ministry, we are going to bring a Social Assistance Fund Bill which will bring donors on board once we pass it. So, my appeal is that once that Bill comes to the National Assembly and maybe to this House, kindly let us pass it, so that we can get more funding from donors who are very ready to support us to supplement the exchequer. Then we will be able to buy more devices for PWDs.

**The Speaker** (Hon. Kingi): Proceed, Sen. Mandago.

**Sen. Mandago:** Thank you very much, Mr. Speaker, Sir. This is my question to the Cabinet Secretary. In her submissions, she has said that the NCPWD are providing assistive devices and the Ministry is moving towards technology in terms of making sure that PWDs can access services.

I would like to know from the Cabinet Secretary, how much of Government services and information has been transformed to braille so that those who are visually impaired can access those services. Also, have digital devices with braille capability been

availed in various Ministry departments particularly Huduma Centres to make sure that people with visual impairment are able to access service.

Mr. Speaker, Sir, with that, we had a meeting with NCPWD. Their budget for assistive devices is a meagre Kshs48 million. I do not know how that will provide assistive devices for PWDs across the nation. It will be prudent to also lay your problems in Parliament so that during the budget-making process, adequate resources can be availed. This is because a nation can only be measured on how it takes care of its vulnerable.

**The Speaker** (Hon. Kingi): Proceed, Hon. Bore.

**The Cabinet Secretary for Labour and Social Protection** (Hon. Bore): Thank you, Sen. Mandago for your question and support to the vulnerable persons that we have in this country.

It is true that the resources are not enough. Currently, the council has a budget of Kshs259 million. Out of that Kshs259 million, they are only given about Kshs100 million. So, they are short of the funds that they are given. Giving services to these persons can a times be a challenge. I agree with you that some of them may not be able to get the devices they need when they need them.

My appeal also is for the leaders who are here to kindly support. I will also be asking the National Assembly to pass the budget for the NCPWD to support programmes for vulnerable persons.

As for the braille, we will be able to provide the numbers once we get the information.

**Sen. (Dr.) Khalwale**: Thank you, Mr. Speaker, Sir.

Madam Cabinet Secretary, congratulations on landing this highly coveted job. When I last checked, the reports were that only 6 per cent of the 2.4 million children aged between 6 and 21 years are in schools. What are you doing aggressively to ensure that these children who are at home are brought to schools before you ask Parliament to give you money?

**The Speaker** (Hon. Kingi): Proceed, Hon. Cabinet Secretary.

**The Cabinet Secretary for Labour and Social Protection** (Hon. Bore): Thank you, Sen. (Dr.) Khalwale for the question. Through the council as a Ministry, we have an education support programme where we give scholarships to learners. It is for eligible children and youth with disabilities in secondary and tertiary institutions. I presided over the giving out of these scholarships this year at the University of Nairobi grounds. Representatives of 2231 learners were able to get these scholarships.

Again, we are short of funds, but we give out the little that we have to PWDs beneficiaries.

**The Senate Majority Leader** (Sen. Cheruiyot): Thank you, Mr. Speaker, Sir, for giving me this chance. I welcome Hon. Bore to the Senate.

It is important to note that this is the only Cabinet Minister who votes for me. Another way to put it is that she comes from my County of Kericho. Therefore, I welcome her to respond to the issues that Members have with regard to her Ministry.

She knows well that Kenya's leading export to the world presently is no longer tea and coffee as it used to be back in the day. In fact, our premium earners as an economy is not even tourism. Foreign remittance from Kenyans that labour abroad has overtaken all those sectors. Therefore, it is a place that we must pay close attention to as a country.

Mr. Speaker, Sir, I would wish to know from the Cabinet Secretary, because if you read through the United Democratic Alliance (UDA) manifesto, of the Kenya Kwanza administration that she serves, we made a promise and commitment to the people of Kenya. It was that as an administration, we shall ensure that we secure upwards of a million jobs for our young people in various capitals of the world through the signing of bilateral labour agreements with other countries.

Mr. Speaker, Sir, we shall encourage those countries to move away from the traditional market of domestic workers and security personnel that we are known for. Our labour competes with the very best in the world and it has been confirmed by studies. When the President visited the Silicon Valley, he met Kenyans in every global company that he visited, from Apple to Google and many others.

We produce the best in labour and human capital. Can the Cabinet Secretary brief the House on the progress her Ministry has made with regard to signing bilateral labour agreements with the promised additional countries away from the traditional labour we are known for?

Mr. Speaker, Sir, there has been a big issue which is a matter of public interest and one that remains unresolved in this House. The Senate Committee on Labour and Social Services in the last term undertook a study and a visit to Saudi Arabia. Unfortunately, at the conclusion of the term of the House, that report had not been concluded on what the Government needs to do in the Gulf counties in order to secure Kenyans that work in those countries.

It was also meant to ensure that their rights are protected and that we send the right people so that we do not affect our country's image. I would appreciate if I could get those two commitments from the Cabinet Secretary. I thank you for the opportunity.

**The Speaker** (Hon. Kingi): Hon. Cabinet Secretary.

**The Cabinet Secretary for Labour and Social Protection** (Hon. Bore): Thank you, Mr. Speaker, Sir and the Senate Majority Leader for the questions. The Ministry has embarked on labour migration because the Government is focused on that. I have clear directions that enable me sign bilateral agreements with various countries in order to create job opportunities for Kenyans.

Currently, we are processing the bilateral labour agreements. I will mention a few countries like Oman, Saudi Arabia, Qatar and the United Arab Emirates (UAE). We have discussions with Austria and Germany. I cannot remember the other countries, but they are 15. The agreements are at advanced stage are with Oman, Kuwait, Saudi Arabia, Austria and Germany. We should be able to get job orders from these countries within this year.

Mr. Speaker, Sir, I am aware of jobless Kenyans, especially our youth. They are more than five million and they require those opportunities. We are progressing well and have the support of His Excellency the President towards that. From our end, we have already requested for the signing of those bilateral labour agreements. We are only waiting for feedback from the various countries.

**The Speaker** (Hon. Kingi): Give the Senator a microphone.

**Sen. (Prof.) Kamar:** Thank you, Mr. Speaker, Sir. I also thank the hon. Cabinet Secretary for the elaborate answers to the questions presented before this House.

I agree fully with the answer to Question (d) on the implementation status of the Convention on Rights of Persons with Disabilities (CRPD) as articulated by the Cabinet Secretary. However, I seek clarification on young learners.

The Committee on Education has been visiting schools for the disabled. There was one observation we made when we went to a school of mentally challenged children. We discovered that the ratio required between teachers and students was highly violated. Whereas a teacher is meant to handle one or two children, we found that the ratio of teachers to students was about 10 children. This was in Eldoret and Embu counties.

What is it that the Cabinet Secretary will do because we know that those children belong to her even though the Ministry of Education funds those schools? What will her Ministry and the Ministry of Education do to ensure that they receive proper education? Without a good foundation, these learners will not enjoy their rights all the way up the ladder. They will not be able to get proper education at the university level and they will not even reach secondary school and yet, the foundation is extremely important.

What will the Cabinet Secretary do to ensure that the ratios between the learners and the teachers is suitable even though the education sector is meant to facilitate them? This is in the name of rights of the PWDs which happens to be in your docket.

**The Cabinet Secretary for Labour and Social Protection** (Hon. Bore): Thank you, Mr. Speaker, Sir, and Sen. (Prof.) Kamar for that question. I appreciate what the Committee on Education has done because we have gone to some of these centres and seen the challenges the children with disability go through. They need our support.

I concur with Sen. (Prof.) Kamar because I visited the Tom Mboya School in Mombasa, it is for children with cerebral palsy. The first issue is that the teachers that take care of them are few. Secondly, the condition of these children should allow more teachers to support and teach them because some children require physical attention and get carried from one point to another.

I have engaged the Minister for Education so as to provide more teachers to these centres. The only challenge is that these teachers need more training so that they become available. This will not burden the few teachers found in these centres. I know there is a problem there because those few teachers cannot handle the many children that are in those centres.

Mr. Speaker, Sir, I will take it up with the Ministry of Education to ensure that they provide more teachers, better facilities and even more funding in order for these centres to support these children. I am happy that more parents are coming out, taking them to those centres and are not hiding them in the house. It tells you the awareness that is being created out there is now better than before.

**The Speaker** (Hon. Kingi): Sen. Mbugua, you may ask a supplementary question, but if you feel your concerns have adequately been addressed, you need not ask any question.

**Sen. Mbugua:** Thank you, Mr. Speaker, Sir. Madam Cabinet Secretary (CS), you have indicated very clearly that the Government has only achieved 1.4 per cent against the required 5 per cent in employment. You have also indicated that the Government has retired the disability mainstreaming indicator.

My question is: What involved the retirement of that indicator and what other tool are you going to use to ensure that the provisions of this Act are achieved?

**The Speaker** (Hon. Kingi): Hon. CS, please proceed.



**The Cabinet Secretary for Labour and Social Protection** (Hon. Bore): Mr. Speaker, Sir, we had discussions with the office of the Prime Cabinet Secretary on this issue of the retired indicator in the performance contracting on disability. It was one of the cross-cutting issues that most ministries, departments and agencies were not able to achieve and we are having discussions so that it is returned in the next financial year.

We appreciate the fact that disability mainstreaming in all ministries is very important. We will have discussions even at the committee level. We should be able to support this programme to be brought back into performance contracting.

**The Speaker** (Hon. Kingi): Sen. Maanzo, please proceed.

**Sen. Maanzo:** Mr. Speaker, Sir, I have been following the proceedings from elsewhere and there is a burning issue I would like to ask my colleague from the National Assembly. She used to be my colleague in the Ministry.

Recently, in the *Ad Hoc* Committee set up by this House to inquire into the 1998 bombing of the USA embassy in Kenya, we summoned the PWDs. They explained that they were totally unable to accommodate most people who became disabled out of the bombing due to low finances.

From the Minister, I want to know, there being a lot of complaints on that particular issue of 1998 bombing, have you taken special cognisance of the people who acquired disabilities out of that?

Secondly, there is a family in Makueni County, particularly Emali, who when they get to a certain age, become disabled due to an unknown disease. Everybody in that family is disabled. Recently, when the local MCA took that family to be registered, your officer, Mr. Masita in Emali, rejected this particular family. What can you do about that?

**The Speaker** (Hon. Kingi): Hon. CS, please proceed.

**The Cabinet Secretary for Labour and Social Protection** (Hon. Bore): Mr. Speaker, Sir,

*(Technical hitch)*

*(Another microphone was brought to the CS)*

On the second question on why a family was not registered, we will find out from our officers on the ground why they were not able to register them. However, the directions that we have for our officers is that they should register all PWDs. The council will later vet to have those with severe disabilities registered on the programme of *Inua Jamii*. We will take it up as council to be able to verify what could have happened.

Nevertheless, it is not a requirement for this registration that PWDs should have the card. All of them are registered despite having no card.

**The Speaker** (Hon. Kingi): Sen. Maanzo, you may want to make a follow up on that particular family so that it is fully taken care of.

Hon. CS, you said you will be appearing at 11.00 a.m. tomorrow to respond comprehensively on the bomb last issue. Are you referring to the appearance before the *Ad Hoc* Committee on the 1998 bombing?

**The Cabinet Secretary for Labour and Social Protection** (Hon. Bore): Yes. I will be appearing before the *Ad Hoc* Committee.

**The Speaker** (Hon. Kingi): Very well. Hon. Senators, we have come to the end of this session. Thank you, Hon. CS, for coming to respond to these questions shedding light on very important areas of your Ministry. You are now free to retire to your Ministry and continue doing the good work that you are doing.

Clerk, kindly call the next order.

### MOTIONS

**The Speaker** (Hon. Kingi): Proceed, Sen. Mumma.

*(Sen. Mumma was not in the Chamber)*

The Motion is dropped.

#### REGULATION OF ELECTRONIC CIGARETTES IN KENYA

THAT, AWARE THAT Section 68 (1) (b) of the Health Act, 2017 provides for interventions by the national government to reduce the use of tobacco and other addictive substances and to counter exposure of children and others to tobacco smoke, and Section 32 of the Tobacco Control Act, 2007 provides for the right of every person to a smoke free environment including the protection from exposure to second-hand smoke;

CONCERNED THAT, while the Tobacco Control Act, defines key terms and covers topics including, but not limited to, restrictions on public smoking, tobacco advertising, promotion and sponsorship, and packaging and labelling of tobacco products, Section 2 of the Act does not contemplate non tobacco products and therefore lacks restrictions on the use, advertising, promotion and sponsorship, or packaging and labelling of synthetic nicotine in the form of e-cigarettes resulting in the increase in popularity and consumption of e-cigarettes among the youth including minor children;

NOW THEREFORE, the Senate resolves that the Ministry of Health should urgently convene an all-inclusive stakeholder forum to:

1. Develop a national policy regulating e-cigarettes and all related elements, including vape pens, e-liquids, flavors and their marketing and advertising in mainstream media as well as social media; and
2. Establish rules to govern the production, sale, advertising and consumption of synthetic nicotine, and control the illicit trade of counterfeit products.

*(Motion dropped)*

Next Order, please.

**The Speaker** (Hon. Kingi): Proceed, Sen. Dullo.

*(Sen. Dullo was not in the Chamber)*

The Motion is dropped.

NOTING OF THE REPORT OF THE SENATE DELEGATION TO  
THE 67<sup>TH</sup> CSW SESSION ON THE STATUS OF WOMEN

THAT, the Senate notes the Report of the Senate Delegation to the 67th Session of the Commission on the Status of Women (CSW) held in New York, from 6th to 17th March, 2023, laid on the Table of the Senate on Thursday, 29th June, 2023.

*(Motion dropped)*

Next Order, please.  
Proceed, Sen. Kathuri.

*(Sen. Kathuri was not in the Chamber)*

The Motion is dropped.

NOTING OF THE REPORT OF THE 146<sup>TH</sup> IPU  
ASSEMBLY AND RELATED MEETINGS

THAT, the Senate notes the Report of the 146th Assembly of the Inter-Parliamentary Union (IPU) and Related Meetings, held in Manama, Kingdom of Bahrain, from 11th to 15th March, 2023, laid on the Table of the Senate on Tuesday 2nd May, 2023.

*(Motion dropped)*

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

*(Sen. Wamatinga was not in the Chamber)*

The Motion is dropped.

REPOSSESSION OF MOVABLE ASSETS BY LENDING  
INSTITUTIONS DUE TO NON-PERFORMING LOANS

THAT AWARE THAT the high unemployment rate in Kenya has pushed many Kenyans to seek loans from Saccos, Microfinance Institutions and Banks to start Small and Medium Enterprises (SMEs) to sustain their livelihoods;

NOTING THAT the youth in particular have invested in movable assets, including vehicles and motorcycles, to start business in the transport industry and most of them have signed up to the ride hailing apps including but not limited to Uber, Taxify, Bolt and Little cab;

COGNIZANT THAT the Banking Act 2015 CAP 488 does not provide for renegotiation on the loan repayment agreement whenever the business environment becomes unfavorable as a result of the high cost of living, lowered earnings from the App providers and high interest rates;

NOW THEREFORE the Senate urges the National Treasury and Economic Planning to come up with a policy framework to review the Banking Act in order to renegotiate the repayment terms of the loans and provide cushion for Kenyans with non-performing loans and prevent the loss of their movable assets.

*(Motion dropped)*

Next Order.

*(The Clerk-at-the-Table consulted the Speaker)*

Sen. Mumma, kindly approach the Chair.

*(Sen. Mumma consulted the Speaker)*

**The Speaker** (Hon. Kingi): Hon. Senator, Order No. 8 in today's Order Paper is the Motion on Regulation of Electronic Cigarettes in Kenya. It is a Motion by Sen. Mumma that had been dropped because, at the time it was called out, the Mover was not in the Chamber.

However, the Hon. Sen. Mumma has since approached the Chair and explained reasons why she was not in the Chamber when this particular Motion was called out, reasons which I consider valid. Therefore, that Motion is reinstated and I will allow the Senator to proceed to move the Motion.

#### REGULATION OF ELECTRONIC CIGARETTES IN KENYA

**Sen. Mumma:** Thank you, Mr. Speaker, Sir, and thank you so much for according me the opportunity. My sincere apologies for coming late into the House. I beg to move the following Motion-

THAT, AWARE THAT Section 68(i) (b) of the Health Act, 2017 provides for interventions by the national Government to reduce the use of tobacco and other addictive substances and to counter exposure of children and others to tobacco smoke, and Section 32 of the Tobacco Control Act, 2007 provides for the right of every person to a smoke-free environment including the protection from exposure to second-hand smoke;

CONCERNED THAT, while the Tobacco Control Act defines key terms and covers topics including, but not limited to, restrictions on public smoking, tobacco advertising, promotion, and sponsorship, and packaging and labelling of tobacco products. Section 2 of the Act does not contemplate non-tobacco products and therefore lacks restrictions on the use, advertising, promotion, sponsorship, or packaging and labelling of synthetic nicotine in the form of e-cigarettes resulting in

the increase in popularity and consumption of e-cigarettes among the youth including minor or children;

NOW THEREFORE, the Senate resolves that the Ministry of Health should urgently convene an all-inclusive stakeholder forum to:

1. Develop a national policy regulating e-cigarettes and all related elements, including vape pens, e-liquids, flavors and their marketing and advertising in mainstream media as well as social media; and

2. Establish rules to govern the production, sale, advertising, and consumption of synthetic nicotine, and control the illicit trade of counterfeit products.

Mr. Speaker, Sir, matters relating to e-cigarettes are now fashionable, particularly for younger children. There are several schools, at least I know a few in Nairobi that have had to issue circulars to parents to warn them about their children bringing to school or engaging in vaping and partaking of e-cigarettes.

Our social media is awash with advertising of these products and many children are inhaling and taking up e-cigarettes. Research around the world has shown that e-cigarettes cause a lot of health harm to many young people.

This Motion is here to bring our Ministry of Health and those involved including the Tobacco Control Board to take up this issue to address it.

As we get digital and get into new technologies, we need to be cognizant of the dangers that come with this kind of technology. We know that all of those who have been having harmful products will also innovatively take advantage of the new methods of advertising and technologies to ensure that they circumvent the law.

It is, therefore, important that we begin with a policy and the Ministry of Health needs to be vigilant enough to evaluate the impact of the technologies that we have; the digital age that we are in, and what they are putting in place; on whatever regulations that they have and on whatever controls that they want to have.

The use of e-cigarettes is one place to begin. It is an issue that all of us should embrace and I wish to request that the Senate supports the Ministry to be held to account and to deal with this issue very urgently. I therefore submit and wish to call up on my brother, Sen. (Dr.) Khalwale to second this Motion.

I thank you.

**Sen. (Dr.) Khalwale:** Thank you, Mr. Speaker, Sir. Allow me to congratulate and thank Sen. Mumma for allowing me to second this very important Motion which, in my mind, is a deliberate strategy to go and target our children.

Anything digital, anything sounding “e”, anything that looks like it is new is always attractive to the youth. Therefore, this Motion should quickly go through but more importantly, my sister, Sen. Mumma, let us transition it to a Bill so that proper research is done by ourselves with the support of the technical teams in the Senate for us to actualise the law.

There is now smoking and there is vaping. Smoking is what we are used to but now the youth are being exposed to vaping whereby they inhale vapour which is deliberately laced with these intoxicants that then give children addiction and they appear to enjoy the same nicotine and other five substances that cause addiction and intoxication.

Having struggled to explain this new idea, the nearest idea I can speak to vaping is; I do not know if it is this long smoke they call shisha. This is a real threat. I have a

little girl from my own family who was born out of wedlock out of my family. After finishing Form Four, this little girl disappeared and went to Mombasa.

I was shocked when I was given a photo of this girl. She was in a nightclub in Mombasa, smoking and engulfed in the smoke. It is pathetic. The girl is going through this because she is a child from a single parent and she is just an example of one of such girls.

Mr. Speaker, Sir, vaping is more dangerous than smoking. There is in the lining of blood vessels something we call in our lingua, the endometrial cells; the finer linings. So, these vapours are worse than smoking which hits the lungs. This one hits the lungs and also hits the blood vessels.

**The Speaker** (Hon. Kingi): Sen. (Dr.) Khalwale, would you wish to be informed by Sen. Tabitha Mutinda. Proceed, Senator.

**Sen. (Dr.) Khalwale:** Yes, I would wish to be informed.

**Sen. Tabitha Mutinda:** Thank you, Sen. (Dr.) Khalwale, for allowing me to inform you. This is in regards to your mention on single mothers. You mentioned that children born from single mothers tend to get into certain behaviours in this country. Not all of them. I am an example of one. I am from a single mother and I am here with you in the same House.

**Sen. (Dr.) Khalwale:** Thank you, Mr. Speaker, Sir. My sympathies if the distinguished Senator thought I was belittling single motherhood. However, I want to encourage you, my dear Senator, that always distinguish between the rule and the exception.

You might have escaped, but you might be one of the exceptional ones. If you go to Mukuru Kwa Njenga and the slums in Mathare, Kibera, and Malava in Kakamega, the children from those single-parent families truly face challenges, including, as we know, sexual harassment when they are being sent to the kiosk and being exposed to shisha.

As I was saying before she informed me, these vapes are worse because the lining of the blood vessels called the endothelium is then destroyed by these vapours. So, the lung substance is not only destroyed but the blood vessels are destroyed

I think I am now speaking from a medical field and I do not see any Molly Camp of Medical Training College in your Curriculum Vitae (CV) and therefore do not waste my time.

Mr. Speaker, Sir, these are very serious issues.

**The Speaker** (Hon. Kingi): Sen. (Dr.) Khalwale, would you wish to be informed?

**Sen. (Dr.) Khalwale:** I am politely asking her to restrain herself. I will embarrass her further by exposing her lack of medical knowledge.

**The Speaker** (Hon. Kingi): Would you wish to be informed or would you not?

**Sen. (Dr.) Khalwale:** I do not wish to be informed.

**The Speaker** (Hon. Kingi): Then proceed.

**Sen. (Dr.) Khalwale:** How can a doctor be informed by a layman, leave alone a quack?

Mr. Speaker, Sir, we must aggressively protect our children. As a firm believer in family and in the beauty of children, I am so proud that I am seconding this Bill.

These people of the so-called e-cigarettes have even added flavours, so that children who are even in kindergarten partake of it and little do they realise that these nice tasting things are slowly becoming addictive.

I congratulate the Senator and I wish to second the Motion as moved. Thank you, Mr. Speaker, Sir.

*(Question proposed)*

**The Speaker** (Hon. Kingi): Hon. Senators, you may now proceed to make your interventions and I will start with Sen. (Prof.) Kamar.

**Sen. (Prof.) Kamar:** Thank you, Mr. Speaker, Sir, for giving me an opportunity to contribute to this Motion by Sen. Mumma.

Mr. Speaker, Sir, when I read this Motion, I had to ask Sen. Mumma what she means by e-cigarettes because things are evolving so fast that some of us are not even catching up with what they are.

I want to start by agreeing with Sen. (Dr.) Khalwale, beyond the recommendations that we are being given, we should be going towards a Bill.

I want to encourage Sen. Mumma to quickly move towards developing a Bill, the reason being that the two recommendations she has given, are actually recommendations that bring in regulations and control.

Mr. Speaker, Sir, this is extremely important at this time and the only way we can control this is to have them in a Bill, so that we have a law that governs our conduct as far as these e-cigarettes are concerned.

We are in a generation that is very disturbing; a generation where we are losing many of our children. When I was in the 10<sup>th</sup> Parliament with you Mr. Speaker, I remember the Member of Parliament (MP) for Naivasha, bringing a plea on the issue of drugs and drinking.

At that time, Naivasha was leading and Limuru was almost on the death bed. We have lost youths to all sorts of drugs in the form of cigarettes that we are talking about, drinking and so forth.

At the time, all of us were waking up to the reality that it was not just those two constituencies he mentioned but actually, at the backyard of each one of us, we could see children who have completely lost direction because of this.

The current laws in the country are not able to sort out the mess that we are in as far as e-cigarettes are concerned.

Mr. Speaker, Sir, in fact, Sen. (Dr.) Khalwale was talking about children of single parents. We even know of children of pastors who have been raised in homes where you would have thought they would never have been involved in these things. They are involved and are completely out. They are the Shisha-smoking children of pastors. We know that the devil has arrived and is at large and we cannot run away from it. It is very important now that we regulate whoever is bringing it, what they are bringing, and the content of what is being sold.

Mr. Speaker, Sir, in our laws, we talk of the minimum age of 18 years. Has it made any impact? The highest concentration of use of the e-cigarettes- that I am learning the name today, is in the high schools. Our high schools have really become a den of drugs. Now we are trying to get other rules in the schools through the Boards of Management (BOM) to ensure that when children go to school, they are searched until they are almost searched naked to make sure that they are carrying nothing. What does it mean? It means even this age gap of 18 is not working. Although we are saying you

cannot sell to somebody who is not below 18 years old, it is not controlling anything. It means there are people who are doing business with the younger population.

It also implies that the main seller may be selling to somebody above 18 years but there is somebody else who is delivering the same goods to children in school. It has been very difficult to control because when we talk of visiting days, everybody is worried because they do not know whether it is the parents who bring these things. However, there are those people who sneak in alongside the parents. Can schools control the parents so that they can ensure that the parents are truly parents and they do not have any intruders coming in? It is difficult.

We also have watchmen in schools. My cry is for the young ones who are below 18 years old that we are losing. Our highest population is in that bracket right now. The highest concentration and the peak population in Kenya is around that bracket. If we lose, we are going to lose more than one generation.

I would like to support this Motion and really thank Sen. Mumma for coming up with it before this House. We need to go beyond that because what we have has not helped us nor improved the way we behave. We need to know what comes into the country and who is actually bringing it. We need to know each brand the way it is.

There was a regulation that was put by Parliament sometimes back. Even a cigarette company should label on the cigarette pack that it is dangerous for your health. Has it stopped people from smoking? No. So, there is something addictive about this and we need to tighten things more. You cannot tell me you are selling poison, and at the same time, say that this poison you are selling needs to be taken in small doses. What exactly is being communicated by those who are selling it if they are writing, that is dangerous for your health? They are still telling you that you can have a bit but do not have too much.

I want to encourage Sen. Mumma in the proposed Bill to regulate it properly. We must have a way of penalising anybody found with those drugs, particularly under 18 years old in schools. What kind of penalty can we give such people to the extent that others will be discouraged from destroying this generation? It cannot be allowed to continue as a business because the manufacturers are using the middlemen and the middlemen are able to reach any age set. It is easy to tell a grown-up to consume less, but our youth do not have control. Within no time, addiction comes in and we do not know what to do.

It is it is very pathetic because once they are addicted, it is like a disease. We cannot blame them. You cannot arrest a drunkard and get anything out of such a person. We just have to rehabilitate them. It is very, very important that we regulate this by law so that we know the penalties that go with it. We know even the penalties that go with the students who are found with e-cigarettes. I am glad that as I am talking, we have wonderful students in very nice uniforms sitting up in your Gallery. We want to tell our students that they are the future of this country.

They must desist from this kind of behavior because they are destroying themselves, their families and our society. We will lose a generation because of that. We want to tell our students, now that you came to the House when we were discussing drugs, please, run away from them. Even the Bible, which I believe says 'resist the devil and it will flee from you'. If you do not resist this thing, it will catch up with you. When you are fully addicted, it will be very difficult for you to get out of it.



We want to encourage our students. You have come here and heard our voices today. Please, run away from this. In the same law that we are hoping that Sen. Muma will come up with, we hope she will give responsibility to parents. How far can parents go and what do we expect of parents? We need to have a responsibility given to the schools so that the school rules and the BOM regulate what comes to school, how they come in, and how they go out.

We would like to see the responsibility given to the Government. What is the Government supposed to do? As the Motion has proposed, there is a need to restrict not only smoking areas, but also what people are smoking. Is there not a better way of relaxing or giving people things they can relax with? It is better than giving things that can destroy them because it only goes one way.

Mr. Speaker, Sir, I am very happy. I congratulate Sen. Mumma and we are telling her to move from this Motion straight to a Bill so that we have penalties put in place.

With those remarks, I support.

**The Speaker** (Hon. Kingi): Sen. Tabitha Mutinda proceed.

**Sen. Tabitha Mutinda:** Thank you, Mr. Speaker. Sir. I rise to support Sen. Mumma on this good Motion in regards to Regulation of the Electronic Cigarettes in Kenya.

As a leader and parent, I do highly support. I agree that in 2023, we are at a millennial stage whereby, our youths are so much into the lifestyle in terms of what is current and trending. They are trying to fit and out of influence, they are also trying to show their status that they are also understanding what is current because these kinds of gadgets that are in place are current.

In the 1980 and 1970s, we never used to have this. Over 90 percent of these electronic gadgets are with the youths not with the old people. However, this brings about the issue of lifestyle within our youths. Some of them are even in the working sector. This is trending in what in the public is known as luxurious points like the club. If you do not know how to use this gadget, then you are not a millennial. You are not up to the 2023 status, lifestyle, and class.

It is quite saddening. Sen. Mumma has talked about one of the issues in terms of restriction on the use of advertisements as guided. It should also stipulate those regulations in alcohol products whereby it should be for those above 18 years. When this is not put in place--- I have seen some of these gadgets, I have traveled and also seen them locally. They are with our youth so much both hidden and in public. The effects are very discouraging and quite sad putting in mind where we are, where issues like cancer have become so prone. It is brought about by some of these chemical components that are found in some of these electronic gadgets that are in place.

Cancer patients a while back used to be in the old age bracket, but now, sorry to say, the young people are succumbing to this disease. These diseases are brought by the modern gadgets. We should communicate to the youth, the side effects of these electronic modern gadgets. The youth should know that the use of these gadgets will affect them in the long run.

Parents have a role to play. However, when a youth is over 18 years, they are issued with National Identity Cards and should be responsible and cautious as independent citizens. Moving forward, the youth should be careful. As we advance, the e-cigarette technology is evolving.

I urge Sen. Mumma to convert this Motion to a Bill and stipulate regulations on control of the kind of tobacco imported into the country. As much as we support manufacturing, we should regulate tobacco because of the adverse health effects to our people.

Sen. Mumma mentioned that children visit the Senate regularly. I would like to take this opportunity to welcome them. We keep on saying that you are the next leaders. I do not want to tell you that you are the next leaders, as a youth, I am nominated to this House. It is our time. I would like you to start fighting battles in your institutions.

In school, is there a score given to a kind of lifestyle? I do not remember a subject in school that ranked students based on their lifestyle, such that when you are smoking these cigarettes, you are awarded higher marks. These are some of the things that will hold you back. Addiction to drugs is disheartening. The initial stages of smoking these cigarettes is not an issue. The issue is how you drop from the addiction. It is not easy because you want to sustain the lifestyle. You should embark on innovative issues that will be impactful within your environment and future spaces.

Your parents have done enough by giving you education that takes you to the next level. Your parents should not be dealing with luxuries and usage of drugs that you embark on. Most of the drug cases parents are dealing with are from the usage of these e-cigarettes.

As parents, we should note that what we showcase to our children matters. We cannot be enjoying these luxuries with our children while telling them to stop using them. We have a key role to play as role models to the children. Parents are now sitting down to wine, drink and smoke with the young generation stating that we are in 2023, which is a modern era. We are killing our youth. Later when the parents are not there and the children are old, they cannot be responsible.

Last week, we attended a wedding of our Colleague Sen. (Prof.) Kamar's daughter. I told her that the youth no longer want to have families. They are investing in their lifestyle and do not want to have responsibility. They do not want to invest and take care of families. The number of weddings and families that are formed are low because the investment is on the lifestyle of our youth. Nowadays, the way to solve domestic issues is get into alcoholism and drugs. However, this is not the best way to solve conflict. E-cigarettes need to be regulated.

I urge Sen. Mumma to sponsor a Bill. We will support you for the sake of our future generation.

Thank you, Mr. Speaker, Sir.

**The Speaker** (Hon. Kingi): Sen. Kibwana, proceed.

**Sen. Kibwana:** Asante Bw. Spika. Naomba kuchangia Hoja hii kuhusu uvutaji wa *e-cigarette* ama shisha. Hili ni janga kubwa kwa vijana wetu. Wamejiingiza kwenye uvutaji wa sigara. Wanapoanza kuvuta *e-cigarette*, *vape* na Shisha, wanajiingiza kwenye mambo mengi zaidi.

Hizi sigara zimeongezewa vitu vingine kama bangi za kuwapoteza watoto wetu. Hili ni tatizo kubwa kwa afya kwani zinasababisha matatizo ya moyo, *fungus* kwenye kifua na pia kifua kikuu. Wanawake waja wazito, wanazaa watoto wenye kilo kidogo. Pia uvutaji unasababisha *fungus* ya Ngozi. Watoto wetu pia wanakuwa na *addiction*. Uraibu wa *nicotine* unasababisha vijana kutumia pombe na *muguka*.

Ni kweli kuwa kama wazazi tumelegeza Kamba kwa ulezi wa watoto. Inafaa tuwaweke kwenye njia iliyonyooka wasiingie kwenye majaribio ya kutumia madawa ya kulevya. Tuna wanafunzi hapa leo na tunawasihi wasijiingize kwenye utumiaji wa madawa ya kulevya. Kuna msemu siku hizi, “*my cigarette my choice, my shisha my choice*. Tunawaomba wasijiingize kwenye hili janga kwani ni shida kujitoa.

Bw. Spika, inafaa pia tuwasaidie vijana wetu kuangalia *mental health*. Tunajiuliza kwa nini wanajiingiza kwenye mambo haya, na inaweza kuwa ni maswala ya *mental health*.

Ningependa kumjulisha Sen. (Dr.) Khalwale kwamba alivyosema si kweli. Alitaja kuwa wengi wa watoto wa *single mothers* wameingia kwenye utumiaji wa madawa. *Single mothers* ni wale ambao bwana ameo bibi wengi na kuwaacha. Watafanya nini? Si kweli, wamama hawa wanatekeleza majukumu yao na watoto wao wana nidhamu kuliko watoto walio na wazazi wawili. Nakataa hili jambo kwani utapata wazazi hawa wameshikilia nyumba zao.

Namshukuru Sen. Mumma kwa kuleta Hoja hii. Nakubaliana na Sen. Tabitha Mutinda kuwa iletwe kama Mswada ili tuweze kuizungumzia Zaidi. Hii ni *Challenge* kubwa kwa wazazi. Tunafaa kushikilia Watoto wetu wasiingie kwenye shimo la kuvuta *e-cigarette na shisha*. Kuna saratani ya kifua ambayo inasababishwa na uvutaji wa hizi sigara. Hili ni janga kubwa ambayo tunafaa kuangalia.

Bw. Spika, ni hayo tu kwa sasa, kwani mada hii ni pana sana. Naunga mkono Hoja hii iliyofadhiliwa na Sen. Mumma.

Asante.

**The Speaker** (Hon. Kingi): Sen. Cherarkey, you may have the Floor.

**Sen. Cherarkey:** Thank you, Mr. Speaker, Sir. I congratulate Sen. Mumma for this wonderful Motion. As we go into the future, there are many things that were not regulated and they are yet to be recognised.

Many years ago when we came up with the Tobacco Control Act Cap 245A, people knew the traditional smoking and buying the physical cigarette. That is why aspects such as smoking zones were designated. I think that debate was there when some of us were still very young.

I have interacted with a very senior person about these e-cigarettes. I do not want to divulge who he was. It was in New York at the United Nations General Assembly in 2017 and at that time, e-cigarettes had not become common. The cigarette was associated with the cool kids and people with means. We were in a small room in one of the seven-star hotels in Manhattan, New York. We did not find it unusual because we did not notice anything unusual until we were shown an e-cigarette. You do not see the smoke but you just see somebody getting drunk. We found it very interesting.

Mr. Speaker, Sir, this is a new phenomenon. These are small gadgets that have batteries and are charged. They then put in a substance called aerosol. According to the Center for Disease Control (CDC) Africa and the WHO, that substance has nicotine. There is a wrong perception that e-cigarettes do not have nicotine. They do. They have other substances such as thick metals like lead and tin that are carcinogenic. When you smoke, it goes right deep inside the lungs because of the small particles. That is why we have lung diseases among the smokers of e-cigarettes.

Therefore, the fact that nicotine is present as a substance, it also has an effect on growth. Young people grow until their mid-twenties according to research and the good

doctor is seated next to me. It stifles growth. By the way, the Food and Drugs Administration (FDA) and CDC are yet to give us conclusive aspects of the effect of e-cigarettes. It is not good for the youth. There is also a notion that the brains of pregnant people and youth who smoke e-cigarettes continue to shrink, thereby stunting growth and it is not good. It is just like a normal cigarette.

I am told Sen. Mumma is nursing some ambitions of leading some county. She will tell you that some of these substances that I have mentioned exist and they are carcinogenic. That is why I always see young people in places when they are *pigaring sherehe*, do it with passion and compassion at the same time. After five or 10 years, they put the slogan “Kenyans for Kenya” and a Safaricom pay bill number that they have to be flown to India because of cancer issues.

It is about lifestyle diseases. As a country, we must be honest and tell the young people – I being one of them – that the way you lead your life will have tremendous effects. You are enjoying yourself and abusing substances such as nicotine, cocaine, bhang and others. Five or 10 years later, you will be calling us for a *harambee* to raise money for you to go to India for cancer treatment. This is a conversation that we need to have.

Mr. Speaker, Sir, I request Sen. Mumma to start by amending the Tobacco Control Act, Cap 245A, which was revised in 2012. Bring an amendment to that Act so that we can see this new phenomenon of e-cigarette.

There is a wrong conception, especially for chronic smokers that smoking e-cigarette assists one to quit smoking. No, it does not. Research has shown that it is a wrong perception. I think we need to call out these companies. Sen. Mumma should even summon them here. This is because if they are selling in Kenya, it means they have premises and yet I know they are international companies. There is misleading information that when you smoke an e-cigarette, you quit the normal smoking of the cigarette.

We are headed to December and culturally, my people hold the rite of initiation of young people. It happens even in Western where my neighbour, Sen. Mumma, comes from. In as much as we are allowed to take some substances up to some level, it has not reached this level. We normally ask the Government to give us freedom in the month of December. However, those things that we indulge in, have not reached this level of causing cancer. That is the beauty of African tradition and our local cuisine and drinks. In fact, some of these drinks do not kill ‘transformers’.

I thank the Deputy President, His Excellency Hon. Gachagua, who has been at the fore front in fighting illicit brews. The effects that these substances – e-cigarettes, shisha, the normal cigarettes and bhang – have on the human body cannot be equated.

For us who are Christians, we have an obligation to fill the world in the Book of Genesis. I can see our Parliamentary Prayer Coordinator, Sen. Maanzo, who led the National Prayer Breakfast the other day. However, as my sister alluded to, after taking some of these substances, the ‘machines’ go silent at night when they are needed the most by young people. It undermines the growth of our population in this country. It is a multifaceted conversation that we must have.

As a Senator in Parliament, I ask us to take the lead. We need to engage health research institutes such as CDC and the Kenya Medical Research Institute (KEMRI), so that our people get the truth. Sen. Mumma should demand the makers of these e-

cigarettes to display and say that smoking of e-cigarette is harmful to your health. Just the way it is being done on the cigarettes.

Mr. Speaker, Sir, I have two final points so that my colleagues can also contribute. There is a new trend and I hope Sen. Mumma is noting. Under the Tobacco Control Act, they did not prohibit selling online. Many things are being sold online nowadays including some that I can mention and some that I cannot. For example, nowadays, you do not need to go to Toi Market or Gikomba to buy something. You just go online and buy it through Kilimali or any other online merchant. The same applies to even when you are traveling. Some of us have been travelling for long. Commissioner, Sen. Omogeni and some of us who have had the privilege of travelling before, know that you can sit in your hotel somewhere and just buy your tie and suit or clothes. I know the furthest some of us have traveled is to my village in Mosoriot and back to Nairobi City. I do not know if Sen. Wambua is a victim of only travelling to Kitui and back to Nairobi City.

Mr. Speaker, Sir, Sen. Mumma should amend the Tobacco Control Act and ensure that if they sell through the internet, they must be prohibited or they must display a caution or caveat. We must regulate the internet. That is why our young people can watch pornography on the internet. You even saw a child being rescued. Even paedophiles thrive on the internet.

I thank the Government and the President for having a meeting in Silicon Valley and with *TikTok* owners. After 1.00 a.m. to around 4.00 a.m. in the morning Kenyan time - I am not a night runner, but for some of us who do not sleep very early because of other duties - you would go to *TikTok* and find that it was embarrassing and shameful. I thank the President for taking the lead by ensuring that the Live App in *TikTok* was removed. It was killing our youth.

You have your son and daughter who cannot wake up before midday because they were on *TikTok* the whole night till early morning. That is what encouraged paedophile activities. There was even a girl who was rescued from going to Zambia to look for someone. That is why we must agree on the issue of online marketing. The amendment that Sen. Mumma will bring will be very important.

I urge Sen. Mumma to work hard because Wananchi notice such efforts. When your time comes, you will reap. They say you reap what you sow. I support this Motion and hope that it will translate into an amendment to the Bill or even come up with our own Bill together and put in all this substance.

I want to ask the Kenya Bureau of Standards and other agencies to continue the crackdown on issues of substance, so that our young people can be free, energetic and serve this nation to another level.

Thank you for giving me this opportunity and allowing me to add my voice by asking our young people to keep off drugs because they do not help in any way.

I thank you, Mr. Speaker, Sir.

**Sen. Maanzo:** Thank you, Mr. Speaker, Sir, for giving me an opportunity to contribute to this very important Motion. Cigarette smoking has walked a journey in history. Enough research has not been done and the problem was not certain.

I want to move a little bit from the way we have done this morning and do it by example. When I was in Lower Primary School, I boarded a bus and the tout was

smoking and I could smell the smoke. I found it so nice and thought it was very cool. I told myself that when I grow up, I will definitely smoke because it is a very good thing.

However, when I went to High School, I found Dr. Griffin, the then Director of Starehe Boys Centre, was struggling to stop smoking. He had used various methods and it was very difficult for him to get out of his addiction to nicotine. He had even engaged some experts from abroad to help him. He was even using filters. There was that myth that if you use the E-cigarette and smoke filters, you will eventually quit. It took him a long time to eventually quit smoking.

Later on when I grew up - and I had very strict parents - I learnt that cigarette smoking was harmful to health. There was also an advertisement that used to run on the radio because the law had not developed as it is today. The singing of the lady in that advertisement was so amazing that it kept ringing in my mind for many years even up to day. You see that is what advertising does.

Now, advertising has moved from radio and television to e-advertising and e-selling, and this is what Sen. Mumma is trying to address. If it is online, the wrong message will be passed that cigarette smoking is dangerous. This is written on some of the cigarettes and some pictures are drawn there about cancer and other defects. That message does not go more than the message of people getting to cigarette smoking, especially through advertisements on the internet.

One of the issues she wants to deal with is the definition, which is already in Section 2 of the current Act, which has to be defined to include the modern trends that have come up the cigarette smoking. Then, the age is 18 years.

So, what happens to secondary smokers? What do you do to parents who smoke and their children pick their habits or the nicotine has already got into them, like it happened in my case when I was in primary school? So, what is the age at which we should discourage cigarette smoking? That has to be reviewed from 18 years and then mixed up with e-marketing, where even children have access.

Then there is the issue of advertising, promotion, and sponsorship, which has been done by the companies that deal with that. The advertising has moved from radio and television to e-advertising. How do we deal with that? We will need a law. Right now, we do not have a law dealing with that.

A lot of products contain nicotine. Cigarette smoking has moved from cigarettes and now it is in products. You find that some products have nicotine, including chocolate flavouring. That has not been taken care of by a lot of laws in the world.

You have also health warnings. People do not know how dangerous this is until it gets into them or up to the moment families are breaking or someone has to go through very expensive treatment.

When you have cancer; a disease where you know that you are terminally ill, even if you are flown to India or taken anywhere, people are just fundraising to extend your life, but definitely, that person is going to die and they have brought upon themselves these deaths by smoking heavily. Also, when expectant mothers smoke, the nicotine stays in the body and affects pregnancies, then they give birth to unhealthy children.

We have really not gone into the details of this in terms of our law. Then there is the issue of taxation and pricing. Cigarette business should be so expensive to run. It should also be very expensive for an individual to entertain himself with a cigarette by

making sure that is the right place to tax, but not fuel. We should heavily tax that area to make sure that cigarette smoking is contained.

There is also the issue of smoking in public places like inside buses, *matatus* and hotels. Even in towns we now have a law designating this. Again, what is the role of the counties? We are just about to go for Senate *Mashinani*. This is a matter that is also devolved. It is both a national matter and a devolved matter. So, how do we go about that?

There are countries that Sen. Mumma has talked, but which have dealt with this scenario. They come from the Commonwealth jurisdiction. We share similarities in history and our law making. I believe that we should copy some of these good examples in the world so that we can fight cigarette smoking, especially e-marketing on smoking and everything that has now gone electronic, dealing with cigarette smoking. Regardless of the filtering, the final dangerous active reagent is nicotine. What do we do to make sure that it does not affect children or secondary smokers?

I do support and am willing to work with the very active Sen. Mumma whose husband was my lecturer at the University of Nairobi when I was a law student. It is a family that I admire very much and what they do to change the lives of people in many spheres of life. I will work with her to make sure that this transforms into a Bill. We can make strong laws to make sure children of this country and secondary smokers are assisted and those who smoke are made aware that they are killing themselves.

Thank you, Mr. Speaker, Sir. I support.

**The Speaker** (Hon. Kingi): Proceed, Sen. Korir.

**Sen. Korir:** Thank you, very much, Mr. Speaker, Sir. Allow me to thank Sen. Mumma for this Motion. I rise to support.

The E-cigarettes are hooking a new generation on nicotine, putting millions of children at risk and threatening the decades of progress in reducing youth tobacco use. It is a nationwide crisis of youth addiction fuelled by thousands of child-friendly flavours and massive doses of nicotine. The presents of flavoured nicotine make it easy for children to use without being noticed.

Currently, there is no law addressing the use of E-cigarettes in indoors, public places, work places and public transport. Therefore, the use of E-cigarettes seems allowed.

Nowadays, minors can easily access social media platforms. Sen. Cherarkey had put it well and elaborated widely. These social media platforms promote the various types of E-cigarettes. Some of the platforms are *Instagram* and *Tiktok*, among others platforms used nowadays.

Most of the teenagers feel as if the use of vape is a safer alternative to cigarettes. There was a ban in the use of nicotine popularly known as *Lyft* and *shisha*, which was affecting the youth and was widely used in a number of social places.

This ban had people seeking alternative ways to get the same effect, hence the increase of use of E-cigarettes. I know there was a lot of efforts by the Government to move round and check the social media platforms where this *shisha* and *Lyft* were being used. The youths opted for E-cigarettes, which is seriously affecting their lives.

The presence of delivery services has also made the E-cigarettes easily available to the minors. A vendor cannot verify if the buyer is an adult or a minor.

Nicotine can harm the developing adolescent brain. The brain keeps developing until about the age of 25. The E-cigarettes can also bring mental issues among the youth, especially with the counterfeit products that are being brought in by the sellers.

Therefore, this is a serious issue. It causes a lot of harm to our youth. I thank the Government for the effort they have put across in terms of trying to make sure the administration is moved closely to ensure this drug abuse affecting the youth is put to an end.

I support.

**The Speaker** (Hon. Kingi): Proceed, Sen. Omogeni.

**Sen. Omogeni:** Thank you, Mr. Speaker, Sir, for giving me an opportunity to also make my contribution. I will not belabour the point that hon. Senators have raised before the Floor on the dangers that are posed to our young people who engage in E-cigarettes smoking.

Most of us are parents who have nieces, neighbours and children. We know that it is almost becoming the in-thing for any young adult and even those who have not attained the age of 18 to think that it is very cool to engage in E-cigarettes smoking. These cigarettes are available in many of the outlets.

Mr. Speaker, Sir, this Motion is very timely because as a country, we need to respond to a crisis we are facing. When I project, 100 or maybe 50 years when some of us will maybe no longer be in this world, I do not know the kind of generation we are going to leave behind. It is a crisis that should worry all of us.

Our grandparents and parents use to care about how they will hand over to the next generation, but for us, it seems we are in a country that is in crisis. That is why we need to look deeply into this Motion and see what interventions the Government can put in place.

It is good to adopt best practices from the West, but they also come with a cost to us. When we were in school, we had strict rules. You knew that there were some things, which if you did, you would get serious caning from teachers. I know people like Sen. (Dr.) Khalwale may have been caned once or twice because teachers were not joking. They were serious, they wanted to mould generations for the future.

We have now come with another freedom where our young people can question teachers. They do not have the respect we had for teachers. In my days, if am walking and a teacher approaches, I would freeze and let the teacher pass before I do. If a teacher says there is no smoking in school, you knew it was business and the consequences were serious. If you were caught, it could begin with a suspension and ends with an expulsion.

We must urge the Government to come up with new policies in our schools, where those who are caught can also face serious consequences. I also feel that our principals and teachers are not doing enough to raise awareness.

In our days in 1984-1985 when we had the outbreak of Human Immunodeficiency Virus/Acquired Immunodeficiency Syndrome HIV/AIDS, there was a lot of effort from our teachers to educate us about what AIDS was all about, including the risks.

My Principal, the late Alex Chacha, was so graphic. He said, "young boys, if you joke--- the words he used were "if you put, you get it. If you get it, you are dead". It sank in. I remember the Ministry of Health (MoH) was brought to school to teach us about the symptoms of AIDs and it was so scary. So, before you tune a lady, we would remember



what we were told by MoH. Those days they would say that you would “go” within 6 months.

Currently, I do not think we have these kinds of programmes in our schools where we invite people to come talk to our young. If you want to make it “cool”, let us go to a situation where we even take our young to workshops and get their peers who can talk to them about the dangers of these things. This is something worth an investment from our Government.

Mr. Speaker, Sir, I am lucky not to have been a smoker, but I am told that if you put intervention early enough, you can save some of these children. Why can we not have a budget by the Government?

Sen. (Dr.) Khalwale is a doctor, he can tell us. I am told there are some substances if you are given as a smoker, it helps you quit. Before these young people get into full addiction, the Government can set aside money where they get treatment, so that we assist them.

Mr. Speaker, Sir, I am even worried of a serious problem of hard drugs. When we passed our Constitution in 2010, we committed a few mistakes. One of them is what we put in Chapter 4 of our Constitution that every offence is bailable. You get someone today offering drugs to young people even if 12-year-old, he goes to court where he is charged and freed the next day. He goes back to the market to sell the substance to even more children.

In some countries such as China, if you are caught with drugs, you can be sure that it is the end of your freedom until your case is heard and determined. We need to revisit. Every country in the world, you do an audit of your Constitution and see where you went wrong and where it is not serving you well. If I get a chance, even if it is the only one, this is one area where we can make it clear in our Constitution that anyone caught selling drugs to young people and is charged in a court of law should not be granted bail. This is so that we reduce the number of people roaming out here offering drugs to our children.

Mr. Speaker, Sir, I do not know why we fear amending the Constitution. It took the Americans two years after 1787 for them to relook at their constitution and propose amendments. The Bill of Rights was not in the American Constitution when it was enacted in 1787. Within the first five years, they had amended 10 articles out of the first proposal of seven articles.

To deny Kenyans the Bill of Rights, I know we will say it needs to go for a referendum, but why do we fear referendums if we are doing it in the best interests of our children? The other day, I was watching news that the French people went into referendum to kick out bicycles from Paris. They went into a referendum, the people voted and made a decision.

Mr. Speaker, Sir, Australia will have a referendum in November on an issue that touches on the rights of the Aborigines. A referendum is a regular thing. Ever since they enacted their constitution in 1900, Australians have had 44 referendums. Out of these 44, only eight have gone through. The rest have been rejected. I urge the leaders to one time have this conversation. If this issue of drugs has reached the levels it has reached, then it is causing a crisis to our youth. Therefore, let us revisit our Constitution, 2010 and if it needs us to amend the Constitution to deny those selling narcotics and other drugs to our young people, then let us do it. Here in Kenya, the Akashas would go to court today and

the following week, they would be free. The moment they left this country and went to America, they have never seen freedom to date.

Mr. Speaker, Sir, that is how you deal with hard drugs because it is not a matter to joke with and that is why many countries take it seriously. I urge our colleagues to have a serious conversation and elevate the Motion that has been brought here by Sen. Mumma to a holistic approach where we look at not only e-cigarettes, but also the dangers that our young people face from the addiction of those cigarettes and other hard drugs.

I support this Motion with those remarks and hope that we can elevate this to another level in order to save our future generations.

I thank you, Mr. Speaker, Sir.

**The Speaker** (Hon. Kingi): Sen. Wambua.

**Sen. Wambua:** Thank you, Mr. Speaker, Sir, for giving me this opportunity to also add my voice to this important Motion by our colleague, Sen. Mumma. I support this Motion and my colleagues who have urged the promoter of the Motion to consider to move fast and propose several amendments to the Tobacco Control Act, 2007. When the Tobacco Control Act was being enacted, e-cigarettes were not an issue in this country and the access to e-cigarettes was perhaps limited to a very insignificant population. Today, e-cigarettes have become the in-thing to many young people; that young people in social places want to be seen walking around with the e-sticks and doing their thing.

Mr. Speaker, Sir, what Sen. Mumma has done in this Motion is to trigger the need to consider a real national dialogue on tobacco and substances abuse. We may not want to admit it, but the fact is that the country is losing an entire generation to drugs and substances abuse. We are all to blame for this because parents have become too busy.

I am a parent and these days, majority of parents struggle to create time to parent or squeeze time for their families because they are busy doing other things, including attending to the Senate official business. The net effect is that our young people have been left to the mercies of the internet. The worst thing about our situation is that there are no regulations in this country to control access to e-cigarettes through the internet and so, they can purchase them through the internet.

This country is bringing a regulation on the limitations on the maximum nicotine concentration of the e-cigarettes and there is no requirement to have warning on the product packaging. Smoking e-cigarettes in this country is permitted in public spaces, including in public transport. This is a lifestyle thing. It may look cool and trendy to our young people, but the leadership and the nation has a responsibility and duty of care to snatch our young people from the snare of e-cigarettes and substance abuse.

Mr. Speaker, Sir, I join my colleagues in congratulating Sen. Mumma for coming up with this Motion and also ask her to propose the necessary amendments, so that we give the public an opportunity to participate in enacting the laws that are relevant to our situation and country at such a time.

**The Speaker** (Hon. Kingi): Sen. Montet Betty.

**Sen. Montet Betty:** Thank you, Mr. Speaker, Sir. I also rise to support this important Motion brought by my colleague, Sen. Mumma, touching on an important part of our society – our youth and our future. I encourage her to elevate this Motion to the next level, so that we can have laws guiding the purchase, smoking and everything concerning the e-cigarette. It is sad that e-cigarettes have been abused by our youth. In most cases, very hard dangerous drugs are added into those cigarettes as they take them

in their social set ups and we end up having very saddening situations with so many of our youth in rehabilitation centres looking bad.

Mr. Speaker, Sir, because the law is not there to govern this issue on E-cigarettes, even the teachers in schools are finding it difficult to control the use. As it has been said by many of my colleagues, it has become the cool thing to be on E-cigarettes among our youth. The fact that most of our youth are able to access the internet at a very early age and with no controls has contributed a lot in promotion of abusing this substance.

I encourage that this should be looked into urgently because we are losing quite a number of our youth to a point that most of the time when they are being called for job interviews, most of them fail because they have substance in their blood. Parents would not know that they have been abusing these substances.

I support and encourage Sen. Mumma to move to the next level fast, so that we can have all these laws put in place and the controlled use of E-cigarettes.

**The Speaker** (Hon. Kingi): Sen. Mumma, you may proceed.

**Sen. Mumma:** Mr. Speaker, Sir, I rise to reply. First, I thank my colleagues who have contributed quite a lot. Sen. (Dr.) Khalwale seconded the Motion and added a lot of value in terms of what he understands and knows as a medical doctor. Sen. (Prof.) Kamar, Sen. Tabitha Mutinda, Sen. Kibwana, Sen. Cherarkey, Sen. Maanzo, Sen. Korir, Sen. Omogeni, Sen. Wambua and Sen. Montet Betty also contributed.

It seems as though even as I was researching on this Motion, colleagues had contemplated and thought through this issue. I say so because every one of them has added an issue that I had not thought through. I believe that this is a Motion that is not just moved by Sen. Mumma, but is a Motion that I believe this Senate would want to move to the next level.

Mr. Speaker, Sir, as I researched, I realised that we need to go where colleagues have asked me to go in terms of developing a Bill. I have in fact done a research paper that I will be forwarding to the legal team to help us draft that Bill. I call on everyone in the House to be ready to contribute to this Bill. It is our Bill; for Kenyans and the young people. Therefore, I wish to support, submit and thank the House for the entire support.

Mr. Speaker, Sir, I also thank you for sitting throughout. I know I was not able to relieve you because I was the Mover of the Motion. I appreciate that you were able to sit through the whole session.

**The Speaker** (Hon. Kingi): Hon. Senators, this matter does not affect counties and, therefore, I proceed to put the question

*(Question put and agreed to)*

## ADJOURNMENT

**The Speaker** (Hon. Kingi): Hon. Senators, there being no other business on the Order Paper, the Senate stands adjourned until, today, Wednesday 20<sup>th</sup>, September, 2023 at 2.30 p.m.

The Senate rose at 12.36 p.m.