

PARLIAMENT OF KENYA

THE SENATE

THE HANSARD

Wednesday, 14th February, 2024

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

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

PRAYER

DETERMINATION OF QUORUM AT COMMENCEMENT OF SITTING

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

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

Serjeant-at-Arms, kindly ring the Quorum Bell for 10 minutes.

(The Quorum Bell was rung)

The Speaker (Hon. Kingi): Serjeant-at-Arms, you may stop the Bell. I am informed that we now have quorum.

Clerk, proceed to call the first Order.

PETITION

DELAY IN COMPENSATION OF MR. ISAIAH OCHANDA

Hon. Senators, I hereby report that a Petition has been submitted to the Senate by Mr. Isaiah Oduor Ochanda, who is a former employee of the Department of Defence (DoD), presently known as the Ministry of Defence.

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

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

Now, hon. Senators, the salient issues raised in this petition are as follows-

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THAT, in 1987 the Petitioner sustained spinal cord injuries while in the cause of his duties, which left him paraplegic.

THAT, in 1995 the Petitioner was served with a discharge instruction letter on medical grounds that was to take effect from 13th April, 1995.

THAT, despite the Petitioner completing all the necessary clearance documents, he was not paid his lawful dues.

The Petitioner filed a case in the High Court of Kenya, Civil Case No.1051 of 1996, and a judgment was made on 2nd March, 2011.

THAT, the Petitioner be paid his dues and compensated accordingly.

THAT, the Ministry of Defence and the Office of the Attorney-General (AG), did not obey the court order despite the Petitioner making several follow-ups and appeals through various offices, including the Commission on Administrative Justice (CAJ), and the Kenya National Commission on Human Rights (KNCHR).

THAT, the Petitioner further went for judicial review, that is JR 148 of 2013 and the ruling was delivered on 14th July, 2023, compelling the Ministry of Defence and the Office of the Attorney-General to satisfy the decree in High Court Civil Case No.1051 of 1996 to the Petitioner, and to which also they did not take action.

THAT, after failure to comply with the judicial review Orders of *Mandamus*, the court issued a warrant of arrest which up to date has not been effected.

The Petitioner therefore prayed that the Senate intervenes in this matter to have him paid the decretal amount awarded by the court and his disability pension outstanding from 1996 to date.

Now, I am aware hon. Senators that pursuant to Standing Order No.237, I may allow intervention of this Petition for a period of more than 30 minutes. However, looking at the business ahead of us, I beseech hon. Senators, that we do not proceed with any intervention on this particular petition and, therefore, allow me to commit the same pursuant to Standing Order No.238.

Allow me to commit this Petition to the relevant Committee for consideration.

In this case, I direct that the Petition be committed to the Standing Committee on National Security, Defence and Foreign Relations.

(The Petition was committed to the Standing Committee on National Security, Defence and Foreign Relations)

In terms of Standing Order No. 238(2), the Committee is required in not more than 60 calendar days from the time of reading this prayer, which is today, to respond to the Petitioner by way of a report addressed to the Petitioner and laid on the Table of the Senate.

I thank you.

Next order, Clerk.

Proceed, Sen. (Dr.) Lelegwe Ltumbesi, on behalf of the Senate Majority Leader.

PAPERS LAIDDRAFT SENATE CALENDAR FOR THE THIRD SESSION
OF THE THIRTEENTH PARLIAMENT

Sen. (Dr.) Lelegwe Ltumbesi: Mr. Speaker, Sir, I beg to lay the following Paper on the Table of the Senate, today the 14th day of February, 2024 -
The Draft Senate Calendar for the Third Session of the Thirteenth Parliament.

(Sen. (Dr.) Lelegwe Ltumbesi laid the document on the Table)

The Speaker (Hon. Kingi): Next order.

NOTICE OF MOTIONAPPROVAL OF SENATE CALENDAR FOR
THE THIRD SESSION OF THE THIRTEENTH PARLIAMENT

Sen. (Dr.) Lelegwe Ltumbesi: Mr. Speaker, Sir, I beg to give notice of the following Motion-

THAT, pursuant to Standing Order No.32(1), the Senate approves the Calendar (Regular Sessions) for the Third Session of the Thirteenth Parliament (February to December, 2024), laid on the Table of the Senate on Wednesday, 14th February, 2024.

The Speaker (Hon. Kingi): Next Order.

BILLS*First Reading*THE CONFLICT OF INTEREST BILL (NATIONAL
ASSEMBLY BILLS NO.12 OF 2023)

(Order for First Reading – Read the First Time and Ordered to be Referred to the Relevant Senate Committee)

*First Reading*THE GAMBLING CONTROL BILL (NATIONAL
ASSEMBLY BILLS NO.70 OF 2023)

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(Order for First Reading – Read the First Time and Ordered to be Referred to the Relevant Senate Committee)

(Sen. Crystal Asige stood up in her place as the Clerk-at-the-Table was reading out the Orders)

The Speaker (Hon. Kingi): Sen. Crystal Asige, you have been here long enough. You only rise on a point of order when a colleague has the floor. Are you saying the Clerk is out of order? Is it on a point of order or it is an intervention you wish to raise? If it is a point of order, I am afraid I may not allow you.

Proceed, Senator.

**NOTICE OF MOTION OF ADJOURNMENT
UNDER STANDING ORDER NO.37**

INCREASE IN FEMICIDE CASES IN THE COUNTRY

Sen. Crystal Asige: Thank you very much, Mr. Speaker, Sir. I rise pursuant to Standing Order No.37, that the Senate do adjourn to discuss an urgent matter of national importance, namely the increased killings of women and girls recently witnessed in the country.

I thank you.

(Applause)

(Several Senators stood up in their places)

The Speaker (Hon. Kingi): Hon. Senators, the Motion having met the threshold with an overwhelming support, I do nominate that the same be prosecuted at 5.00 p.m. today.

(Loud consultations)

Sen. Orwoba, you are totally out of order and because this is the second day we are in the Chamber, I will not throw you out, but I am going to warn you.

(Sen. Osotsi approached the Dispatch Box)

Sen. Osotsi, kindly take your seat. I have a Communication to make.

COMMUNICATION FROM THE CHAIR

VISITING DELEGATION FROM PCEA
MITAHATO SECONDARY SCHOOL,
KIAMBU COUNTY

The Speaker (Hon. Kingi): Hon. Senators, in the Speaker's Gallery, we have 25 students accompanied by four teachers from PCEA Mitahato Secondary School in Kiambu County who are undertaking an educational visit in the Senate.

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

I do not see the Senator for Kiambu. Therefore I will call upon the Deputy Majority Whip to extend briefly words of welcome.

Sen. (Dr.) Lelegwe Ltumbesi: Mr. Speaker, Sir, I join you in welcoming the students and teachers from Kiambu to the Senate. I am sure they will learn a lot from us. This is a House of Parliament, the Senate of Kenya, which is involved with legislation and oversighting our counties. I wish them a fruitful visit.

Thank you.

The Speaker (Hon. Kingi): Next Order, Clerk.

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

Hon. Senators, allow me to reorganize the sequence of today's Order Paper. We are not going to prosecute Order No.10 all the way to Order No.17. That business is deferred.

BILL

Second Reading

THE TEA (AMENDMENT) BILL (SENATE
BILLS NO.1 OF 2023)

(Bill deferred)

COMMITTEE OF THE WHOLE

THE EQUALIZATION FUND APPROPRIATION BILL
(SENATE BILLS NO.30 OF 2023)

(Committee of the Whole deferred)

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COMMITTEE OF THE WHOLE

THE COUNTY LICENSING (UNIFORM PROCEDURE) BILL
(SENATE BILLS NO.9 OF 2022)

(Committee of the Whole deferred)

COMMITTEE OF THE WHOLE

THE AGRICULTURAL AND LIVESTOCK EXTENSION
SERVICES BILL (SENATE BILLS NO.12 OF 2022)

(Committee of the Whole deferred)

COMMITTEE OF THE WHOLE

THE MUNG BEANS BILL
(SENATE BILLS NO.13 OF 2022)

(Committee of the Whole deferred)

COMMITTEE OF THE WHOLE

THE START-UP BILL (SENATE BILLS NO.14 OF 2022)

(Committee of the Whole deferred)

COMMITTEE OF THE WHOLE

THE PERSONS WITH DISABILITIES BILL
(SENATE BILLS NO.7 OF 2023)

(Committee of the Whole deferred)

COMMITTEE OF THE WHOLE

THE KENYAN SIGN LANGUAGE BILL
(SENATE BILLS NO.9 OF 2023)

(Committee of the Whole deferred)

The Speaker (Hon. Kingi): We will proceed with Order No.18 going forward.
Clerk, kindly proceed to call that order.

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BILLS*Second Reading*THE COUNTY GOVERNMENTS (AMENDMENT) BILL
(SENATE BILLS NO.25 OF 2023)

The Speaker (Hon. Kingi): Sen. Cherarkey is not here?
That Order is deferred.

(Bill deferred)

Next Order, Clerk.

*Second Reading*THE PUBLIC HOLIDAYS (AMENDMENT) BILL
(SENATE BILLS NO.31 OF 2023)

The Speaker (Hon. Kingi): Sen. Thang'wa is not here.
That Order is deferred.

(Bill deferred)

Next Order, Clerk.

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

The Speaker (Hon. Kingi): Sen. Chute is not here.
That Order is deferred.

(Bill deferred)

Next Order, Clerk.

*Second Reading*THE REAL ESTATE REGULATION BILL
(SENATE BILLS NO.35 OF 2023)

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The Speaker (Hon. Kingi): Sen. Chesang is not here.
That Order is deferred.

(Bill deferred)

Next Order, Clerk.

Second Reading

THE PARLIAMENTARY POWERS AND PRIVILEGES
(AMENDMENT) BILL (SENATE BILLS NO.37 OF 2023)

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

Sen. Osotsi: Mr. Speaker, Sir, this is an ambush. I was not prepared, but I understand the Bill---

The Speaker (Hon. Kingi): Sen. Osotsi, we want you to do good work and justice to this Bill. If you are not prepared, there is always another time. We can never ambush you. That we cannot do.

Sen. Osotsi: Mr. Speaker, Sir, nevertheless, I will proceed because I understand the Bill very well. This particular Bill; the Parliamentary Powers and Privileges (Amendment) Bill is a very important Bill for this House and I encourage the Members to support the Bill. The Bill is borne out of---

The Speaker (Hon. Kingi): Hon. Sen. Osotsi, kindly move the Bill first.

Sen. Osotsi: Thank you, Mr. Speaker, Sir, for your guidance. I beg to move that the Parliamentary Powers and Privileges Amendment Bill (Senate Bills No.37 of 2023) be read a Second Time.

The Speaker (Hon. Kingi): Sen. Osotsi, I can see you are struggling with this particular matter. Would you wish to recollect yourself and then come back? That is not how I know Sen. Osotsi. This is a different Sen. Osotsi I am seeing today.

Sen. Osotsi: Mr. Speaker, Sir, you have guided me. I will proceed.

The Speaker (Hon. Kingi): Okay, proceed.

Sen. Osotsi: Mr. Speaker, Sir, I beg to move that the Parliamentary Powers and Privileges (Amendment) Bill, Senate Bill No.37 of 2023 be read a second time.

This Bill is borne out from the experience as the Chairperson of the County Public Investment and Special Funds Committee, where we have been having challenges with the witnesses appearing before us, particularly, county governors.

We have had occasion where our programming has been affected hugely because of non-appearance by witnesses and late requests to postpone. This has happened severally. Therefore, I decided to seek for this amendment so that we can try and resolve this problem.

Mr. Speaker, Sir, the Bill that I am presenting before this House seeks to enhance the oversight mandate of Parliament, as the representative of the people of Kenya, guided

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by Article One of the Constitution, on supremacy of the people of Kenya. That, Parliament has the powers to summon anyone to appear before it.

This Bill is also guided by Article 125 of the Constitution that gives Parliament powers to summon any person. The key word is “any person” in the exercise of its oversight role. This Bill is also guided by Article 50 of the Constitution that talks about fair hearing of the witnesses that appear before Parliament.

If I may go to the depth of the Bill, it seeks to amend Sections 19 and 33 of the Parliamentary Powers and Privileges Act, to provide a mechanism by which an order of arrest may be executed by Parliament itself. We have had scenarios where some witnesses summoned to appear before various Committees have decided not to appear.

A case in point is the governors in the last Senate, who never appeared before parliamentary committees. Parliament issued summons that were ignored and the police could not enforce them. That puts Parliament in a very dangerous situation. That, yes, our Standing Orders provides for the summoning of witnesses, but we do not have the powers to arrest. So, if the Inspector General (IG) of Police refuses to arrest, what does Parliament do?

Mr. Speaker, Sir, I remember, at some point, some Senators in the Third or Second Senate were forced to go to the office of the IG of police to find out what was happening. This is because, all the summons issued were not enforced by the police. Therefore, this Bill seeks to give Parliament the powers to arrest in a situation where the police are not able to do that for one reason or another.

Mr. Speaker, Sir, this Bill gives the IG of Police, who is also the Head of the National Police Service (NPS), the power to the specific provision to help in the arrest. It also goes ahead to say that a member of staff duly authorised by the Speaker or the Clerk can do that.

I know that in the last Parliament, there was a proposal to amend the Parliamentary Service Act so that we can have a police unit in this House. However, that has not been implemented. In this case, this Bill will give us the option that in the event the IG of police is not able to enforce our summon through arrest, then we can do it ourselves, through the direction of the Speaker or the Clerk.

This is important because, if you do not do that, we will reach a point where people will not come to our committees. We will issue summons and they will not come. They will collude with the police, and they will never come. That has happened before in this House. We will be a toothless House that cannot bite. So, this Bill gives us more teeth to follow the law, together with our Standing Orders, and arrest the people who do not appear.

I know issues have been raised about what happens after we arrest them. I think that is an issue that can be looked at administratively by this House. However, it is very important that we have the power to arrest.

Mr. Speaker, Sir, we usually charge those who fail to honor our summons a fine of Kshs500, 000. However, this Bill proposes that, that amount is too low we increase it to Kshs2 million. In the case of an individual who fails to appear before us, that money

should be paid by them and not the county government or the institution where the person heads. This will be a bigger pain to them.

Most of them have been easily paying the Kshs500,000. If we enhance the fine to Kshs2 million, that will be a heavy burden to them. The cost of not appearing before the Senate or National Assembly will be higher. So, people will be compelled to appear before us.

Mr. Speaker, Sir, although someone may argue that this Bill is too punitive, it provides that the process will be fair and the provisions of Article 50 will be followed.

We must appreciate one thing, that Article 125 of the Constitution gives this House immense powers to summon everyone under the sun, including the President, to appear before this House. We have the powers to go further and arrest that person if, for any reason, that person does not appear before us after several invitations and summons as per our Standing Orders and, if the police are unable to arrest them. We are going to have the powers to have a higher fine. In fact, some people told me that this Kshs2 million is still too low. We should have increased it to maybe Kshs5 million or Kshs10 million so that people can feel the pain.

Mr. Speaker, Sir, you will agree with me that the basis of this amendment is to protect the supremacy of Parliament. It is very disappointing that our committees work so hard, invite witnesses who decide to stay at home and not appear before us.

Sen. (Dr.) Khalwale: On a point of order, Mr. Speaker, Sir.

The Speaker (Hon. Kingi): Yes, what is your point of order?

Sen. (Dr.) Khalwale: Senator, if you could yield.

Mr. Speaker, Sir, I rise under Standing Order No.105. The Senator is articulating a very important issue. He has told us that if the police refuse to arrest them, we arrest them ourselves. Could he substantiate, so that we understand what he means? Is it that the Serjeant-at-Arms or Members of the Committee or their Chairman will go and arrest? We want to be clear as we support you because we need these people to come before us.

The Speaker (Hon. Kingi): Sen. (Dr.) Khalwale, Sen. Osotsi is yet to conclude his moving remarks. If you could be a little bit patient, maybe those concerns will be addressed before he concludes.

Senator, kindly proceed.

Sen. Osotsi: Mr. Speaker, Sir, my good brother, Sen. (Dr.) Khalwale, knows that even citizens have powers to arrest. That is why we have citizens' arrests. However, in this case, I kindly ask him to read the Bill because it proposes that the Clerk or the Speaker may cause the arrest of these witnesses. It is in the Bill. He should read the Bill to get more details.

The Powers and Privileges Act is an important instrument for this House because it helps us perform our duties. If we want to enhance the powers of this House, then we need to go back to the Act and make amendments.

I am aware that Sen. Mungatana has proposed amendments to this Act as well in order to make sure that the resolutions we make in this House are implemented by relevant agencies. This particular amendment is going to enhance our powers. We are not

the ones who will arrest, but the institution of Parliament is going to do that under the Speaker or the Clerk as per the Act.

I do not want to belabour this issue. All I want is to ask Members to support this Bill because it will make our work here productive because the current scenario is annoying, frustrating and demeaning to this House. Witnesses get invited and refuse to come. If the police do not take action, we are incapacitated and therefore we cannot do much.

Mr. Speaker, Sir, I beg to move and request my good friend, the Senator for Nairobi City, Hon. Sifuna, to second.

Sen. Sifuna: Mr. Speaker, Sir, I rise to second the Bill. I am privileged to serve in three powerful committees of this House. One of them is the Committee on Energy.

Following the incident at Mradi in Embakasi East a few days ago, the Committee Members determined that we needed to speak to those responsible for licensing of installations such as those that caused the tragedy in Embakasi East. We started by inviting the Cabinet Secretary for Energy and Petroleum, Hon. Davis Chirchir, to appear before our committee this morning.

Needless to say, I arrived at the venue of the meeting on time, together with my colleagues and the Chairperson, Sen. Wamatinga, who represents Nyeri, as well as the Member of Parliament (MP) for Embakasi East, Hon. Babu Owino. We were shocked to be notified that a letter was dispatched to the Committee last night, 13th February, 2024, that the Cabinet Secretary was out of the country. That is all we were told.

Even though invitations were extended to the Energy and Petroleum Regulatory Authority (EPRA), there was no mention of whether they were in the country or whether they even received our communication or anything. There was no one from the EPRA or the County Government of Nairobi City. So, we were seated there looking like people who do not have work to do, with no witnesses to appear before us.

I also serve in the Committee on Roads, Transportation and Housing chaired by the Senator for Kiambu. This thing called affordable housing is all the rage in the country right now. Currently, there is no county in Kenya where there are more proposed housing developments than in Nairobi. In this county, we have earmarked 13 county government estates for re-development. These are the old City Council estates.

You would expect in this county where projects of such magnitude are happening, robust conversation is had with the County Government of Nairobi City and citizens or residents of the affected areas, so that when a project is done, I do not have to come here and seek a Statement similar to the one that our committee read on the Buxton Project in Mombasa.

Would you believe that even after writing invitations and summons to the County Governor of Nairobi City, Hon. Sakaja on five different instances, he has refused, failed and or neglected to appear before the Committee on Roads, Transportation and Housing?

The residents of these estates come early to our committees because the committees offer hope and a channel for them to be heard. If you listen to the leadership of Ofafa Jericho, one of the estates, you will know that they have never been listened to by the county government.

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In the view of the residents of Ofafa Jericho, what the county government calls public participation is not. They have never been consulted on this project, yet they are the ones meant to cede their land; land they have lived on for years even before some of us were born for this project to go ahead. However, when we summon the county governor, he does not appear. What are we supposed to do as Members of the Committee and Senators in this House? That is why I strongly urge our colleagues in this House. This is a frustration we all go through in our committees and even in this House.

Mr. Speaker, Sir, I also serve in the Senate Business Committee (SBC). We receive Questions for Cabinet Secretaries from our colleagues and sometimes we are at pains to schedule Questions. At times, many Cabinet Secretaries send word to the Speaker a day before they are scheduled to appear before this House that they will not appear.

I was looking at the schedule of Questions yesterday. Some of the Questions relate to matters that are long gone. Even if the Cabinet Secretary appeared now, it would not be a current conversation to have in the Republic today. What is this House supposed to do? Given my short experience that I have been the Senator for Nairobi City, I strongly suggest and urge Members of this House to support these amendments.

Mr. Speaker, Sir, there was one incident I have never forgotten, where one of the committees imposed a fine that is currently in the books. That is Kshs500,000. The governor asked our committee clerk if the committee has a pay bill or till number. This is because the amount imposed is very minimal and can fit in your Mpesa account.

For them, money is not a problem. They would rather ignore summons of the House and committees and ask who their treasurer is, where to send the money or the Mpesa number. Sen. Osotsi's proposal that this fine be enhanced to at least Kshs2 million is welcome, and we must all support it.

We have also struggled with this question of arrests. I heard Sen. (Dr.) Khalwale ask how we should facilitate these arrests. For as long as this House or the institution of Parliament relies on any other Government agency or institution to make sure that its business goes on, it will never happen.

We need this institution to have the powers to arrest people and present witnesses before the committees. I am in full support of the proposition by Sen. Osotsi to give this House those powers.

Mr. Speaker, Sir, I know you will exercise these powers judiciously. You will not be doing the *kamata kamata* Friday that we have seen other agencies do. This will be specifically---

(Loud consultations)

Mr. Speaker, Sir, protect me.

The Speaker (Hon. Kingi): Order, Senators. Proceed Senator.

Sen. Sifuna: Mr. Speaker, Sir, I trust that the House will exercise these powers judiciously and that it will only be for purposes of making sure that people appear before our committees especially where we have failed to secure that attendance.

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Mr. Speaker, Sir, there is also a very interesting proposal here. If you look at Clause 4(vii), I think Sen. Osotsi wanted this institution of Parliament to also have its own holding cells.

Clause 7A states that-

“A person arrested under subsection 3 shall be held at such a place as specified in the National Police Service Act or as shall be designated by the clerk for purposes of holding such persons”.

Therefore, you can find a nice place with tea and mandazi for them to chill there as they wait to appear before the committee. However, they will at least be within the possession of the institution of Parliament.

Lastly, I want to speak to the fine that has been proposed to be imposed under subclause 5 of the amendment and enhance the fine to Kshs2 million for specific conduct during the appearance of a witness before the committee.

Mr. Speaker, Sir, Members of the County Public Accounts Committee (CPAC) can bear me witness that there was one time a governor appeared before us and when our Chairman, the most honourable Senator for Homabay, Moses Kajwang asked the governor to take an oath, he had the audacity to ask the committee “Under which law are you asking me to take an oath?” That was before we went ahead to educate him that is a constitutional requirement when you are appearing before this House or before a Committee of Parliament.

Mr. Speaker, Sir, Sen. Osotsi has gone further than the Constitution to impose a fine to those who refuse to take oath before committees. We have seen attempts and even others refusing to take oath for whatever reason. We would want the evidence that is given to the House or to the committee to be evidence under oath.

Number two, he has proposed a fine for those who refuse to remain until the end because these people are always busier than Parliament. They will appear before us and tell the chairman “I only have an hour. I have a flight to South Africa because it is my birthday.”

The sort of contempt that we are being subjected to in the committees must stop. With this clause, Sen. Osotsi as the Chairperson of the County Public Investments and Special Funds Committee (PIC) will be able to hold those witnesses there until they have answered all the questions they have been asked to appear to answer.

Number three, there are those who give dodgy answers. You would ask a question and you can see the governor or the entity is dodging the question. What we must do is to fine these people who want to reduce the institution of Parliament to something of a joke. Lastly, there is an amendment---

I do not know if there is a problem with the Air Conditioner (AC) in the House because I can see my lady colleagues--- I do not know if it is me or it is because it is Ash Wednesday. I think it is because---

(Loud Consultations)

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The Speaker (Hon. Kingi): Order, Senators. Certainly, Sen. Orwoba is uncomfortable. Kindly switch on the AC.

Sen. Sifuna: Mr. Speaker, Sir, I think it is because it is Ash Wednesday, a very important day on the calendar. I am not aware of any other.

(Loud Consultations)

The Speaker (Hon. Kingi): Order, Sen. Orwoba.

Sen. Sifuna: Mr. Speaker, Sir, lastly, is on witnesses who fail to produce documents. We have had instances before CPAC where the accounting officer of an entity would show up to a committee and just refuse to produce documentation that has already been requested formally and way ahead of time.

As I second and finish, I hope our colleagues see that these are not frustrations that are shared only on the Minority Side because we are all in these committees. We have experienced all these things and there is no other way to give this House teeth and ensure that we are able to execute our mandate and to tie up these loose ends that will ensure that we are able to do our jobs effectively.

I second.

The Speaker (Hon. Kingi): Hon. Senators, I will proceed to propose the question.

(Question proposed)

At this juncture, I will allow intervention from Senators. If you are interested in contributing, you would need to key in.

Proceed, Sen. Maanzo.

Sen. Maanzo: Mr. Speaker, Sir, thank you for giving me an opportunity to contribute to this very important Bill. Article 125 of the Constitution gives the House powers equivalent to that of the High Court. What happens in the High Court?

First, there can be contempt of court at the High Court and when you are contemptuous of the High Court, the judge has powers to order the orderlies who are there within the court to arrest you or be sought by police and be brought before the court. If they do not purge the contempt, then they are committed for either six months or as the judge decides.

When we compare that with this House in terms of our production of documents and how to issue permission or requests to examine witnesses abroad. That can still be done by this House.

Mr. Speaker, Sir, the difficulty we are confronted with is one whereby the police are not willing to do their job or are unable to find this particular person to present them before the House. If they find them, we do not have enough teeth to bite. I believe this is what Hon. Osotsi is seeking.

The enhancement of the fines is good, but we need to have more teeth than just fines, now that we are equivalent to the High Court in terms of the powers the committees of this House exercise.

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Although this may not exactly fall under this particular Act that we are trying to amend, it is probably under the Parliamentary Service Commission Act. For this particular purpose and now that we are dealing with the devolution and serious money involved and most probably from the recommendations of Parliament, a governor or an officer in the county government can be prosecuted. In my own opinion, if Sen. Osotsi or any of us finds it good, we can amend it further to enhance the powers we have. The security wing that we have can also be enhanced in a way that the speaker can order our own police so that either Serjeant-at-Arms or the police officers who work with us.

Of course, if it is a police officer, it goes directly to the Inspector General of Police whom we could also summon. One of the things the House can do is to move proceedings against that officer, including impeachment. However, impeachment goes into a different realm of the Constitution. Probably the Constitution is tied to this.

These are some of the proposals we need to have so that if a governor is contemptuous of this House, it is equivalent to them being contemptuous of their own duties in their respective counties. Something akin to impeachment could be useful so that a governor knows if he is summoned and is not cooperating, but becomes a hostile witness, this House can find him not fit to hold office. The House can probably convene itself on a trial within a trial and impeachment proceedings ensue for this governor. Whether they have been found by the police or not, this House could pass such a sentence. I think it is in such a way that we have teeth enough to bite. However, that probably means an amendment of the Constitution and other Acts like the Parliamentary Service Commission (PSC), so that we have a police wing under the command of the Speaker of the Senate or Speaker of the National Assembly. That then gives us direct power to be able to deal with the matter. So, this could be good in the next amendment of the Constitution but for now, for the purposes of this debate and what we have before us, the fine is appropriate.

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

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

We need to have powers to be able to commit some contempt just like the High Court. That can only be in the direction of impeachment proceedings or something like that. Otherwise, we will keep on summoning people, they will keep on appearing and become uncooperative. The committee will be as good as useless if it cannot extract enough information to be able to propose the prosecution of that officer.

Prosecution is also good because if a governor is sent to jail, then they automatically have to vacate office depending on the number of years they have been jailed and their absence from office. I believe from the Constitution we made in 2010, there is a lot more that we can do, so as to make devolution effective, and especially the discipline of governors.

Additionally, any other process of dealing with the governors is much longer and frustrating, and the sure way is if this House has more teeth to bite other than what we

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have in Article 125. In future considerations of the amendment of the Constitution, we could make Article 125 more effective and effect, what is similar to contempt of the House or contempt of Court in accordance with Article 125.

I do support Sen. Osotsi. We need to make further amendments to add more teeth, so that this House can be effective. Consequently, when we summon a governor, he would appear even 15 minutes before the appointed time, for fear of what may happen the moment they appear before the House. I support and recommend that we should be working on further amendments at the Third Reading.

I thank you, Madam Temporary Speaker.

The Temporary Speaker (Sen. Mumma): Sen. Cherarkey?

Sen. Cherarkey: Thank you, Madam Temporary Speaker, and Happy New Year. It is good to have you back on the seat. I congratulate Sen. Osotsi. He is starting the year with a bang. I agree with him. You know him, being the Chairperson of County Investment Public Committees (CIPC), he is proposing very important - and it will spur accountability committees.

Sen. Osotsi being the Chairperson of CPIC and my neighbor where we come from, this is a good and nonpartisan proposal. I think that all of us should support. It will make our work easier and efficient.

I have met Sen. Osotsi chairing one of his committee sessions. On a lighter touch, the Senator is proposing tough questions, but when clients appear before him, he is always very kind. However, that is a story we can always have a conversation with him. This amendment is very important. I think all of us agree that Parliament enjoys the same status as High Court because of *quasi* judiciary powers that we have in Article 125, to ensure that we have effectiveness.

On the issue of raising fines for any person who violates Powers and Privileges Act or fails to appear as a witness before any Committee, I think Kshs.2 million is very little money. In the economic times that we are facing, we should be upgrading it to Kshs5 million, so that people can feel the pain.

(Applause)

Our agenda is to inflict the pain, to ensure that it becomes so painful that when you hear that you need to appear before a Committee of the Parliament of the Republic of Kenya, you shudder with morbid fear and appear. That is the love we should share with people who do not want to appear before Parliament. Therefore, when it comes for the Third Reading, we need to enhance.

I propose, because I know the Powers and Privileges Committee has already elaborated, we recover. You must prove that is from your own resources. In fact, we should have an affidavit to that effect to say that if witness "X" is paying Kshs5 million, it should be proven that it is from your own personal money. We know that in this country there is an appetite towards misuse and abuse of public resources.

When you are fined by the Committee, it must be shown that the Kshs2 million or 5 Kshs million that you paid before the Committee through our Clerk, you own each and every cent. This will fight corruption where it matters.

My only concern is on Clause 3. We should also propose - I do not know what we can tinker with this. If we have an urgency, like the case of Embakasi gas explosion that happened, should we wait for seven days for the witness to appear? If there is something that is urgent like Corona Virus Disease (COVID) 19 Pandemic, should we wait for seven days for that person? Why do we not make a provision when it comes to the Third Reading, where we create an exception that when an emergency happens in a country, for example, floods and other things that cannot be intervened, the witness should appear as soon as possible?

Where you are Madam Temporary Speaker, you can order a House to go to recess and invite that witness to appear immediately if there is a matter that becomes urgent. I propose that we also create our own Parliamentary Police Unit, just like Anti Stock Theft Police Unit (ATPU). It deals with cattle rustlers and bandits. We must in equal measure deal with these bandits of the law.

I am therefore proposing, and it is good that the Commissioner is here in the House. My eyes have seen one of the Senior Counsels, Sen. Omogeni, who is here. We can under the Judicial Service Commission (JSC) and in partnership with the National Police Service Commission (NPSC), create a Parliamentary Police Unit (PPU), such that the Clerk and the Speaker can direct our own police unit to go and frog-match those people who are violating the Constitution. We will create a Committee to oversee. I will propose at that point to be chairperson of that committee because it is like working in Traffic Police Department in National Police Service (NPS).

What we are proposing is that let us have a police unit that is only domiciled within the Parliament of the Republic of Kenya. The other day, I saw the Cabinet Secretary (CS) form a police unit to fight against coffee or was it rice theft and some other things. These are issues that we can discuss so that our Clerk and the Speaker can give directions to such officers to go and frog-match.

The third point I want to make which has been indicated as a civil debt, we need to ensure - I agree with Senator for Nairobi City as one of powerful Vice-Chairperson of County Public Accounts, we have had ragging with some of the witnesses who come and refuse to talk, do not want to produce documents and become condescending. I remember a governor, whom I do not want to name because he comes from my side of coalition, made condescending remarks against our esteemed God-fearing Chairman, and it was embarrassing. To make the matter worse, he is a former Member of this House.

Sometimes we find it cantankerous and unfortunate that people come to committees and do not want to produce documents, do not want to be civil and patient. There is one Governor, and I hope the Orange Democratic Movement (ODM) Secretary General (SG) is listening. I do not want to name him, but he wanted us to quickly summarize the appearance because he was flying to India.

Those are some of the challenges that we are facing as a Committee. I am happy that the Senate Minority Leader, Sen. Madzayo, who is also a retired Judge, should be

aware that these are the problems we are facing in committees. When we tell a witness to produce a document, we are not doing it for the sake of the Senate. Maybe we want to see the expenditure of voucher of Dandora Stadium in Nairobi. We would want to know who has paid and what the company was. For example, what happened in Embakasi explosion, who did not do their job? Who derelicted their job? That is the future of the Kenya we want.

Fourthly, when we visit your county like Busia, Kakamega, Mandera, Kilifi or Kitui, it is good that the next Governor of Kitui is here with us, *Mhe.* Enoch Wambua. When we decide to visit a project, there is always sabotage against our Committees. I would have expected Sen. Osotsi to add something because Governors and other agencies are mischievous. They will ensure when you want to visit a project, they will tell you that the road is not accessible and the security is not good.

Madam Temporary Speaker, I remember when the Standing Committee on Labour and Social Welfare wanted to meet the victims of First Choice fraud in Eldoret, they were called at Ahero-Awasi and told that “you cannot proceed to Eldoret because your security is not assured.” Where are we headed as a country?

We have seen cases where Parliament can visit even Ukraine, where the bombs are flying left, right and centre, but we are being told, “do not go to a certain place to investigate because security is not assured.”

I remember, and Sen. Chute can bear me witness, I do not know where he is, and a number of Members of the Committee on Trade, Industrialization and Tourism. Sen. Seki is here. They were visiting the Industrial and Commercial Development Corporation (ICDC) to check on the issue of edible oils. The Chief Executive Officer (CEO) decided not to cooperate at all. They ensured the Committee did not visit and see, yet it was a Committee that should have visited that place.

Madam Temporary Speaker, through Sen. Osotsi, I propose that when it comes to the Third Reading or when it reaches the amendment stage, we should say something about witnesses or entities who do not allow Parliament to access the premises to assess the situation.

For example, if the Standing Committee on Energy wants to visit Embakasi, we do not want any entity to prevent or become a stumbling block for our committee to function properly.

Let us not have a conversation on looking at the witness appearing before our committee. Let us also have a way. We should even say that if a witness, governor or anybody prevents a committee from accessing a site of interest of the committee in the course of committee work, we should also ensure that we fine them Kshs5 million. I think that would be very important.

Finally, we should also find a way of doing a mental assessment of some of the witnesses. I was sitting in another committee where the witness started wailing and Members started running away. So, we should also find a way of looking at the aptitude or the mental stability of some of the witnesses. I do not know what we can do because some witnesses can pledge lucid moments, or they were not aware of what was happening.

In all instances, this is a good Bill. Since it is a straightforward Bill, I do not want to belabour the points, and I know most of my colleagues want to say something. I am happy that my brother, Sen. (Dr.) Oburu, is here. Happy New Year. I am told you are still a young child; I heard him saying something like that. It is good to see him well, alive and smiling.

Let us process it quickly for our committees to function efficiently and effectively.

I support.

The Temporary Speaker (Sen. Mumma): Sen. Wambua, you have the Floor.

Sen. Wambua: Thank you, Madam Temporary Speaker. From the onset, I stand in full support of this Bill. Having said that, I would also seek your protection from my colleagues.

Yesterday in one of the committee meetings, I was told the Senator for Kisumu County addressed my Governor to the effect that he should prepare the books properly, so that when Sen. Wambua becomes the next governor, then things in Kitui will not be very bad. Today, you have had Sen. Cherarkey; my friend, referring to me as the next governor of Kitui County.

I want to go on record and say, in the fullness of God's timing, the people of Kitui County will decide what they want. When they make that decision, then we can only follow. Today, we are here to prosecute serious business, on a very serious matter. I thank my friend, the Senator from Vihiga County, Sen. Osotsi, for coming up with such a Bill.

I congratulate him because many of us are victims of great mischief. We have had experiences that border on gross impunity from both the National Executive and the Executives of our county governments.

I would want to narrate a situation that I found myself in when we came back to the Senate in the year 2022. It will be remembered that around October of 2022, this country was undergoing a serious drought. Around that time, I raised a Statement on the Floor of this House on the drought mitigation measures that the Ministry of Agriculture was undertaking to save our people from imminent death due to starvation.

One year down the line, up to around October, 2023, the Ministry of Agriculture declined invitations, and summons from the Standing Committee on Agriculture, Livestock and Fisheries. My Statement was still pending, awaiting a response from the Cabinet Secretary (CS) in November of 2023, at a time that we were experiencing serious rainfall across the country.

One day I was called and told that the CS was now coming to respond to my Statement one year later and the circumstances had completely changed. I said I was not going to aid the CS to insult my diligence and so, I dropped that Statement and withdrew my interest in it.

Madam Temporary Speaker, these are the things that are making Sen. Osotsi think through the pain and the tribulation that committees of the Senate have endured from the Executives, both at the national Government and at the county levels.

I like the proposal, though I saw a few of my colleagues smiling suggestively on this proposal, that the Speaker and the Clerk would effect the arrest. Come to think of it. In most cases, our police service has either been unwilling or unable to take firm decisions against senior members of the executive.

There is a proposal that has been brought to the Floor, and that is not the one I want to prosecute. Maybe it is high time that the Parliamentary Service Commission, through this Bill, thinks very seriously about the establishment of a Parliamentary Police Service.

The import of the arrest being proposed by Sen. Osotsi is not necessarily for the presentation of the arrested persons before courts. They are supposed to be arrested and presented either in plenary or in committees.

So, the power to arrest and present the arrested persons before committees of Parliament or in plenary should surely rest with a service that is answerable to Parliament, not answerable to the same executive that is being followed up.

Even as we talk about the power to arrest by the Parliamentary Police Unit that we are proposing, I would go further. Maybe you should propose these amendments in the Third Reading; that the security of Members should be provided for by officers from the Parliamentary Police Service. Having to beg the Executive, the National Police Service, to provide Members with security and they decide to withdraw them at will is not even sustainable.

So, if we had a Parliamentary Police Service, which is properly equipped and properly trained in public relations, I am seeing a situation where, for example, if they want to go and arrest the Governor of Nairobi City County my friend, Hon. Sakaja, and I am not saying that they should arrest him, they will use the demeanour of an elite squad in Kiswahili saying, “*Naomba nikushike.*”

They will be humane and know how to deal with VIPs as opposed to the current situation where the discretion of whether to be---

(Sen. Shakila Abdalla and Sen. Lemaletian consulted loudly)

Madam Temporary Speaker, I need your protection from Sen. Shakila.

The Temporary Speaker (Sen. Mumma): Order, Sen. Shakila Abdalla and Sen. Lemaletian. Can we listen, please?

Sen. Wambua: Madam Temporary Speaker, you would not even know whether Sen. Shakila Abdalla is rejoicing that the Senator is doing a good job on the Floor or she is discussing other things. However, I am happy for your protection.

In conclusion, there is an amendment that I will ask my brother to consider in Third Reading. That is in Clause 6 that-

“Where an order of arrest is to be effected by an officer of the House of Parliament, the Inspector-General of Police (IG) shall facilitate arrest as may be required by the Clerk.”

Remember in the first place the reason Parliament is effecting the arrest is because the IG is either unwilling or unable to effect that arrest. It should not be same

person that we resort to, to effect the arrest through Parliament. My proposal would be that we leave the IG of Police completely out of this arrangement and the arrest should be purposeful.

As I said we are not arresting governors, cabinet secretaries to present them before a court of law. We are arresting them to present them before committees of Parliament or the plenary of the Senate.

Madam Temporary Speaker, with those many remarks I do support.

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

Sen. Orwoba: Thank you, Madam Temporary Speaker. I rise to support this Bill by Sen. Osotsi. I have been in the Senate for about 17 months and I have seen how we struggle as legislators to play our role in oversight. I have seen how we are literally sent by the people who put us in these positions to hold accountable certain offices, yet we are unable.

The most we can do is prepare Statements, move a Bill or raise a Question. At the end of the day, even these offices which we are oversighting are unable to take us seriously because what is the worst that we can do as a House? Maybe we can propose something that should be implemented or create a Bill that will take another two years to be assented into law. Sometimes it is very frustrating.

Madam Temporary Speaker, at a time like now as women of this country we are wondering who we are going to cry to. We are wondering what we are going to do. People are asking us what we are doing in Parliament and what kind of laws we are pushing here. You cannot legislate good behavior if you do not have the tools to do this.

For instance, we have seen the cases of femicide rising because there are no repercussions. People think there is nothing that can be done. After all, if they are taken to remand, they will be given a cash bail. They will come out and prolong the process in the Judiciary together with all these tactics being used.

A clear example is where we call upon a certain State agency, an officer of the State department, a Cabinet Secretary or someone in authority who has the tools to actually make the changes that we need in that space to safeguard women yet they simply say they are unavailable.

I look forward to understanding this Bill further. I know Sen. Osotsi said that once this Bill passes and is assented to, we can make arrests. Regarding this issue of femicide that we are talking about, we had that man called Matara who had been reported severally. Three or four cases had been put out at the gender desk.

As a House that plays oversight, safeguards Kenyans, particularly women, we should be able to say at one point: We are writing a letter to ask the IG to come here so that we can ask him what the gender desk is all about.

We should reach a point where if we are not getting the proper answers and are not being told what is not happening in those departments, then we should be able to say as a House: Since there is no clarity on that matter and a certain officer who is required to give clarity is not available, by all means we should have the powers to arrest that person, bring them to account in this House and force that we get some explanation.

We should not just be raising Statements here, which are then forwarded to the committees who negotiate with the Ministries, State Departments and agencies. I am looking forward to the day when a Statement will be raised regarding a Ministry where someone is responsible as an accounting officer in government. You will be trembling because the Senate has summoned you to come and tell Kenyans what is happening.

Until that day comes, we are going to be talking and begging that the upper House be given powers and the impact of our work will be very minimal.

If I was a Member of the Committee on National Security, Defence and Foreign Relations, I would have summoned the IG. We cannot be allowing our women and girls to be demonstrating on the streets of Nairobi when as legislators we have no powers to summon those officers responsible and ask them what is happening.

Why are all these criminals who are killing our women not being arrested? Why are we not seeing any convictions or movement in terms of the change that we are legislating for in this House?

There should be a provision in this amendment Bill. I want to sit down with Sen. Osotsi after this session and ask him what happens when the person in question is the IG? Can we arrest him? What happens?

Madam Temporary Speaker, as women we are tired. We are knocking in every single office. We are going to this office and that Ministry and at the end of the day, people are looking at us in this House and wondering: Sen. Orwoba, we sent you there to fight for women.

Our women are dying and you are just giving us Statements, summoning people to the House and calling a committee. Kenyans do not care about the bureaucratic processes that we have here. They want to see us in action. I must support this Bill because at this point - and I do not want to sound drunk with power - I would really like to have powers to arrest these men who are killing our women and are finding all these legal loopholes to maneuver the judicial system.

I want to have powers as the Senator who was nominated to represent women to stand in this House and say that we must summon the IG and the head of the gender desk. If they are not interested to come and discuss those issues with us, then we must be able to arrest them.

I know Sen. Dullo is wondering whether we are discussing gender. We are discussing a Bill about empowering this upper House to effectively play the oversight role to an extent where people and the authorities that be tremble when they are being summoned to answer why Kenyans are dying. They will understand that we mean serious business.

Madam Temporary Speaker, I am very sad on this day. It is just that I am gathering all the courage to make sure that I represent the people who sent me here well.

We are tired of demonstrations, writing Statements and legislating further. How much longer will we legislate? If this legislation is being implemented, we will end up with the best laws, policies and human resource. Sixty seven Senators sitting in the 'Upper House' with neither tools nor power to tell an individual in a State agency that they are not doing what they are supposed to.'

As I support this Bill by Sen. Osotsi, I am asking him to think through it. This is because there are matters that are affecting women. We require this Bill to give us some sort of power or authority to arrest the Inspector General (IG) and Head of the gender department, if they are not willing to protect our women and implement the laws that are there.

We want this Bill to not only cover that we are arresting Cabinet Secretaries because they did not come to Committees but also reflect on the representation of people; particularly women out there.

Therefore, I support this Bill. It is a black Valentine's Day. We are in black and red and are very sad about everything that is happening to our women in Kenya.

As I support this Bill, let us work hard as legislators. The people might not understand the bureaucratic processes of playing oversight. So, this is an important tool that we require as the 'Upper House' to be able to have an impact down to the grassroot level.

Thank you.

The Temporary Speaker (Sen. Mumma): Hon. Members, I have a Communication.

(Interruption of debate on Bill)

COMMUNICATION FROM THE CHAIR

VISITING DELEGATION FROM OTHAYA
BOYS SCHOOL, NYERI COUNTY

Hon. Senators, in the Public Gallery, we have 52 students accompanied by three teachers from Othaya Boys in Nyeri County who are undertaking an education visit in the Senate.

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

(Applause)

I do not see the Senator for Nyeri County. I request Sen. Nyamu to welcome them in the Senate.

Sen. Nyamu: Thank you, Madam Temporary Speaker. I take this opportunity to welcome students from Othaya Boys in Nyeri County. My name is Sen. Nyamu from Nairobi City County.

Madam Temporary Speaker has given me the honours to give you a warm welcome here. May you fulfil the purpose that brought you here and learn as much as possible.

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Most importantly, may you get inspired to go for your dreams and challenge yourselves that one day you can also be in this House.

I wish your Senator was here, so that you can also get to hear from somebody from home. However, I would wish you to dream any dream. Anything is possible. Do not limit yourself, question or second guess a dream that you have or that comes to you.

We hope that this session will be inspiring to you as much as it will be a learning one.

Karibuni sana.

(Resumption of debate on Bill)

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

Sen. Olekina: Madam Temporary Speaker, in less than five minutes, I rise to support this amendment to the Parliamentary Powers and Privileges Act.

Respect to Parliament is paramount. In any attempt to disregard summons that is a constant thing for the Executive is a clear undermining of this Legislative Arm of Government.

The Senator from Vihiga County thought it wise. I remind him that this is a matter that must be supported by both sides of the divide. This is because even in the name of the Bill, it is Parliamentary Powers and Privileges.

If you look at Article 125 of the Constitution, it is quite clear. It gives the House of Parliament and Committees the same powers as a High Court.

I have heard my colleagues talk about giving Parliament the power to arrest, but I hold a different view. I believe that power to arrest has to remain with the police because that is what the Constitution defines.

The only thing that I would request my brother, Senator for Vihiga County, is to amend Section 19 (7) where he says-

“A person arrested under subsection (3) shall -

(a) be held at such a place as specified in the National Police Service Act or as shall be designated by the Clerk for purposes of holding such persons;”

I do not believe we should invite ourselves to the work of the police. The police should be able to do their work. There is a clear separation of powers between the three Arms of Government. Ours is to call for the respect of this August House.

Madam Temporary Speaker, the framers of the Constitution defined Article 125 because they clearly understood that once you are summoned to appear before this House as a witness and fail to do so, the Executive arm of Government which wants to enjoy a cordial relationship with this other Arm of Government, will facilitate to ensure that you are arrested and compelled to appear before that House.

One of the things that I support in this amendment is the fact that the fines are being increased from half a million to Kshs2 million. When I was a Member of the County Public Accounts and Investment Committee, we exercised Section 19 of the Parliamentary Powers and Privileges Act, which my brother is now seeking to amend. We compelled two Governors. I know the former Governor of Kitui County, Charity

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Ngilu, paid Kshs500,000. We also compelled the former Governor of Kwale County to pay Kshs200,000.

By then, it was very clear. I have seen the amendment here. I do not know whether it was mistyped or something. That these funds are not from the public but from the personal account. So, whether we want to reiterate that in this amendment, it is something for us to think about.

The most important thing that we have to put clear to the public is for them to know and understand that we do not want to have so many privileges. In fact, I do not understand what is privilege about this amendment. It is because we want to ensure a fiduciary duty.

Every citizen of this country has got the legal obligation to ensure that they respect the three Arms of Government.

We have been having a serious problem. This morning, while we were busy prosecuting other business here, we excused ourselves through the permission of the Speaker so as to go and interrogate the Cabinet Secretary (CS) of Energy and Petroleum on the recent occurrences in Embakasi. However, that CS failed to appear. He failed to appear because maybe the way our laws are drafted makes it easy for him to be invited. You could be invited where a letter is sent then you are invited again. The third time is when committee Members indicate that they have invited the witness three times without appearing and now summon them.

I am happy with the amendment proposed in this Bill. That is Clause 5(b). I wish my brother, the Senator from Nandi, was here. It states that –

"Despite subsection (5A), the relevant House or its committee may require a person to appear before it within a shorter period of time as it may determine taking into account the urgency of the matter before the House or Committee."

I beseech my brother to remove the word "may" and replace it with "shall."

Today, we had the MP for Embakasi East in the committee meeting. You could see that the gentleman was shaken, carrying the pain of the citizens of Embakasi. He stated that there were people in both public and private hospitals where bills were skyrocketing. However, the Cabinet Secretary decided to have their meetings and not to appear.

It is time we became our brothers' keepers. We need to ask ourselves how we will be remembered when our time in this world ends. It is time we, legislators and citizens of this country, and those in the Judiciary and the Executive arms remembered that whatever we do here, it is not for us to carry to our graves, but for us to leave this country a better place than we found it. The only way to do it is to ensure that we adhere to the rule of law.

I support the amendments and plead with my brother to ensure he corrects a few things. I would like to emphasise one thing on the subpoenas or summonses to witnesses. Whenever a witness receives them, they should understand that summonses or subpoenas are legal documents with severe consequences.

The Sponsor of the Bill should include a provision stating that if a witness fails to appear more than once and is forced to pay a fine, this House should also censure them. That is the only way this Parliament will be taken seriously.

Madam Temporary Speaker, I love how we have started business in this Session. I hope we will deal with issues in a bipartisan manner, so that we leave this country a better place than we found it.

I thank you.

The Temporary Speaker (Sen. Mumma): Sen. (Dr.) Khalwale, proceed.

Sen. (Dr.) Khalwale: Madam Temporary Speaker, I rise to support this amendment Bill strongly. I know what the Chairperson of the County Public Investments and Special Funds Committee is facing, like the Chairs of all oversight committees. There is a lot of frustration when witnesses are invited by committees and they do not appear.

As I support the amendment Bill, I would like to remind colleagues that one of the biggest frustrations is for us to legislate, the President gives assent, and when the Act is challenged in a court of law, it is declared unconstitutional. Be careful about this amendment.

Sen. Osotsi, I urge you to reflect on this amendment. Article 125 of the Constitution already gives what you are asking for. It states –

“(2) For the purposes of clause (1), a House of Parliament and any of its committees has the same powers as the High Court—

(a) to enforce the attendance of witnesses and examine them on oath, affirmation or otherwise;

(b) to compel the production of documents; and

(c) to issue a commission or request to examine witnesses abroad.”

The Constitution has given you more than what you are asking for. Sen. Osotsi, as I request you to reflect on your amendments, I would like to invite you to the Article on establishment of the security organs in this Constitution. Article 239 of the Constitution states that –

“(1) The national security organs are—

(a) the Kenya Defence Forces;

(b) the National Intelligence Service; and

(c) the National Police Service.”

As you reflect, this Constitution is telling you in Article 245 that—

“(4) The Cabinet secretary responsible for police services may lawfully give a direction to the Inspector-General with respect to any matter of policy for the National Police Service, but no person may give a direction to the Inspector-General with respect to -

(a) the investigation of any particular offence or offences;

(b) the enforcement of the law against any particular person or persons;

(c) the employment, assignment, promotion, suspension or dismissal of any member of the National Police Service.”

I am drawing your attention to this because several Members have proposed that we establish a Parliamentary Police Force like the Anti-Stock Theft Unit (ASTU). That will fall in the High Court because the Constitution does not anticipate that we can form a parallel police force in this Parliament.

In our Standing Orders, you can request the Inspector General to deploy police officers here. However, we cannot command them. That is in the Constitution.

Sen. Osotsi, you expect us to support you, but we will be embarrassed in court. We shall be reminded that we have no power to establish a parallel police force because that will be asking for too much. You need to reflect on that. We support you, but with due respect, you are walking a path that we shall not succeed.

There is wisdom in the amendment where we want to enhance the pain through fines. That is a route we can pursue. However, to pursue the possibility of creating a police force---

You are also saying that judges, upon being frustrated, should also establish a parallel police force for themselves. This is the kind of thing that this Constitution does not anticipate.

If the President and Cabinet Secretaries wanted a more efficient police force, for example, they can move away from the National Police Service and established their parallel police force. We will no longer have a Government with three arms or the doctrine of separation of powers.

That is the contribution I wanted to give with a lot of respect because I have sat in the chair you are today for many years, both in this House and in the National Assembly, and I know the frustration you are going through. The Americans call it hyperfocus. It is not enough just to focus, but to hyperfocus.

I support.

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

Sen. Omogeni: Madam Temporary Speaker, I would like to begin by thanking the Sponsor of this Bill, Sen. Osotsi, for bringing what I perceive – I beg to differ with Sen. (Dr.) Khalwale – to be an important amendment to the Powers and Privileges Act.

Madam Temporary Speaker, every organisation does audit of its activities annually and looks at its strengths, weaknesses, the opportunities it has, and the threats it faces in executing its mandate.

Madam Temporary Speaker, these proposed amendments to the Power and Privileges Bill is a response to the weaknesses and the threats we face as a House in enforcing the powers conferred on this House by Article 125 of the Constitution.

Therefore, I want to plead and I hope by the end of this debate Sen. (Dr.) Khalwale will be persuaded that this Bill does not contain any provision that we can deem to be unconstitutional. What it does is, it gives teeth to the provisions of Article 125 of the Constitution.

Madam Temporary Speaker, this is because you cannot have powers to summon but lack the mechanisms to enforce. That will be a weakness in itself. Therefore, if we were to identify and analyse the weaknesses that we face as a body that is supposed to provide checks and balances, then clearly the fact that we cannot arrest a person who has

wilfully refused to appear before us will emerge as a weakness. We must do something to respond and to fill that gap.

Madam Temporary Speaker, if it can be of comfort to Sen. (Dr.) Khalwale, we had a debate like this when I served as the Chairperson of the Ethics and Anti-Corruption Commission (EACC). We had powers to conduct investigations, but we did not have powers to arrest. We debated for a long time looking for a solution.

Finally, we made a conclusion that the best thing that will enhance the powers of EACC to summon a witness is to have a police station gazetted. Once you summon a witness, if he does not come, you go arrest and come and lock them up. In addition, the Inspector General of Police (IGP), Gazetted Integrity Center, as a police station. That does not fall under the security arms or the National Police Service as we have read under the Constitution. However, under Chapter Six, the EACC has a police station gazetted by the Inspector General Police and they can summon you. If you do not appear, they can come for you and lock you up at EACC.

So, Madam Temporary Speaker, this Bill responds to an initiative by this House to ensure that when we truly want to conduct an investigation, if we want to effect the powers that have been conferred upon us by Article 125, then we must run the full course.

I want to remind Sen. (Dr.) Khalwale, even the institution we have cited called the High Court, that other independent Arm has powers to send its officers to pick you up and present you before the courts.

Consequently, if you are failing at a civil debt and the courts order for you to be arrested for a civil debt, court bailiffs can pick you up, and take you before the courts for a civil debt without the involvement of police officers. Court bailiffs have those powers.

I believe when you read the proposed amendment to this Bill, especially Section 3 (4), it says –

“That an order of arrest may be effected either by a police officer or by an authorised officer of a House of Parliament”.

If you compare the exercise of those powers between the courts and us, there is nothing unconstitutional.

If you read the Constitution, the chapter dealing with the National Police Service (NPS) Part (iv) from Article 243 all through, I believe there is a saving Article which allows Parliament to establish other police services. Therefore, we can have this under Article 247 which says –

“Parliament may enact legislation establishing other police services provided it is under the supervision of the National Police Service.”

Therefore, we can have a force that is called Parliamentary Police Service under the employment of the Parliamentary Service Commission (PSC) but under the supervision of the National Police Service.

Madam Temporary Speaker, we should also borrow from other jurisdictions. The United States (US) Senate has the power to summon witnesses. They call it the subpoena powers but the consequences are dire Sen. (Dr.) Khalwale. If you do not respond or appear to the summons issued by the Senate of the US, you will face dire consequences.

In fact, for the fine, if you convert the amount charged using the Kenyan exchange which is the shilling to the dollar, the fine for the US Senate is 100,000 US Dollars. That is equivalent to Kshs15 million and what we are proposing here is Kshs2 million.

Therefore, if you do not comply, the Senate has even what they call criminal contempt powers of Congress. If you do not respond, they can convict you and sentence you to a maximum of 12 months; not less than four not more than 12.

If you remember in 1982, there was a lady who was serving under Ronald Reagan. I think she was called Anne Gorsuch. She was under the environmental authority under Ronald Reagan. She was summoned to appear before the congress to produce certain documents but she declined. However, when she was pushed further and when she faced the criminal contempt proceeding of the Senate, she not only produced the documents but she opted to resign. She quit.

On the case of former (US) President Richard Nixon, he was required to produce some tapes that were in the custody of White House and he refused. In fact, he filed a reference to the Supreme Court citing Presidential privilege. However, the Supreme Court of America sided with the Senate and ordered him to produce the document.

Madam Temporary Speaker, if we have to elevate the stature and the powers of this House, we must enhance the punishment, not only to give a fine but to also have power to convict. We can learn from other jurisdictions.

If you follow International News, just last year an officer called Cannon that was serving under former President Trump was convicted by the Senate and sentenced to four months, just for failure to appear before the Senate.

If we need to have a House that can fully hold other Government institutions to account, then we should support this Bill. As I have said, Article 247 gives us legislative power to create another police service, which we can name Parliamentary Police Service.

I fully thank Sen. Osotsi for originating this Bill and this will be a game changer. Currently, we are going through the budget policy statements and if you look at the columns there, the Government is asking us what your objectives were. What did you want to attain as a Senate? You will say there you know in response maybe to statements or in furtherance of our powers to hold Government accountable, we wanted to summon this number of Principal Secretaries and Cabinet Secretaries but you will see there is a gap.

Additionally, as we ask for more money, the National Treasury is asking why you did not attain these goals. How come you intended to have about 20 Cabinet Secretaries appear before you, but it seems only 14 appeared? We usually give a projection at the beginning that we intend, in furtherance of our mandate, to summon this number of Cabinet Secretaries. If you do not, it appears in the Budget Policy Statement, and you must defend. This gives us a very good case to advance the reasons behind this Bill.

Madam Temporary Speaker, let me give you an example of when were sitting as National Dialogue Committee (NADCO). The appointees of the President, including the Majority Leader from the National Assembly and the Senate Majority Leader, issued summons to the seven former commissioners of the Independent Electoral and

Boundaries Commission (IEBC) to appear before NADCO. Four responded and appeared. However, the former chairman and the two commissioners wrote a contemptuous letter in response to the summons and said, they will not appear. We were helpless, looking at the important task that was before that Committee, appointed with the approval of the President and with the leader of official opposition.

If we have these amendments in place, nobody will ever take this House for granted. Not just this House, even the National Assembly. Nobody will ever take us for granted. If it is of any comfort, these powers that are enjoyed by the Senate of the United States of America (USA) are not in the American Constitution. They are just in their Standing Orders, but they have been tested before the Supreme Court, and the Supreme Court has agreed with the importance of Congress having powers to issue subpoena and to punish if you do not appear.

Madam Temporary Speaker, I request Sen. Osotsi to wait for my amendment that I will be proposing. That, other than increasing this fine to Kshs2 million, we also have power to punish those who willfully refuse to appear before us. That is the only way we can talk of a House that has powers to oversight the executive and provide checks and balances, and that can protect devolution.

In conclusion, I want us to acknowledge the fact that what Article 125 of the Constitution gave us was just a blanket power to summon. How we ensure that Article is meaningful to us and gives Senate the necessary powers, is by enacting the necessary legislation that makes sure that Article 125 of our Constitution has teeth.

I support this Bill. I propose that we have a bipartisan approach. We look at the interests of the entire House, and not to be confined to the fact that this is a Bill that has been sponsored by Sen. Osotsi who is from the Minority side.

I plead with my colleague Senators, that we give this a bipartisan approach. I assure you, Sen. (Dr.) Khalwale, that many generations that will come after us, will remember the Third Senate as the one that enhanced the authority and the power of this House.

With those remarks, I fully support. Thank you.

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

Sen. Mungatana, MGH: Madam Temporary Speaker, I thank you for giving me the opportunity to make my contributions to this Bill. Let me start by acknowledging the work that fellow colleague and neighbour, the Hon. Sen. Osotsi has put into this; the thinking that is beyond doubt, very clear, and the intention is good. I start by saying I support it.

Madam Temporary Speaker, when we were serving together in the Shakahola Committee, we gave summons to the appearance of the main suspect, who was one, Paul McKenzie, to appear before us. We were running against time and so we issued summons directly.

I want to demonstrate that sometimes police can be very difficult and fail to assist the processes of Parliament because when we served the Inspector General of Police to tell him to produce the person, the officer who went to effect service from Parliament, the

process server, met some difficulties. In the first instance, even reaching the Inspector General of Prisons was very difficult.

On the second day when we sat down, we said that the officer in charge of Shimo La Tewa Prison would be personally liable if this person does not appear. There was a change because people realised it is personal. In fact, we said, it is not the Director General of Prisons, it is that person. Madam Temporary Speaker, what the officer did, he now made access possible for the process server from Parliament to effect service on Paul McKenzie. The only difficulty that came was the time schedule because the lawyers needed more time and so on. However, if we had gone through the whole process through the Director General of Prisons in Nairobi, it would not have worked.

This has been demonstrated in various arguments here that Committee of this House have a difficulty in effecting the attendance of witnesses to appear before them. I fully support the thinking behind this amendment and we must enhance the powers.

Madam Temporary Speaker, we need to do two things, which hon. colleague, Sen. Osotsi, has captured; we need to fine these people and we need to attempt to effect arrest. When we talk about fining, the enhancement to Kshs2 million is not sufficient. I would propose, and I know the figure of Kshs5 million has been given here, but I know that if we made it to Kshs10 million, so that the Committee can decide what is reasonable in between. It will enhance the seriousness of this matter.

I remember when we fined Dr. Johansen only Kshs500,000, he appeared and explained that it was not him who refused to come to the Committee, but it was his Minister who told him not to appear before us. Having listened to his plea and having been a very cooperative person all along, we decided to lift that.

I am trying to drive at one point that the amendment must be clear, not just to enhance the fine. It has to be very clear that it is personal to the witness so that that the gravity of the thing of the whole process is captured. I say so because the amendment that is proposed in this Bill says that the fine is a civil debt recoverable under summary procedure. That is what Sen. Osotsi has said.

The sponsor of the Bill needs to look at it afresh, so that it is specific to the witness and it is not recoverable as a civil debt, but recoverable from that particular witness as a debt so that if it is a Government officer, it should go even further to give power.

I hope Sen. Osotsi will capture this. We can also work with him at the first stage to make it such that, there is direct power ordered to attach the salaries and benefits of any officer who has been found guilty of failing to follow the instructions of the Committee of the House. This is so that if we are talking about a governor, and a fine of Kshs5 million or Kshs10 million has been put, then, there should be another provision that allows the attachment of their salary. This should also be within a certain period of time so that the gravity of this issue is captured.

Madam Temporary Speaker, on the question of fine, I think there can be deeper thoughts around that so that we enhance the powers of this Senate and the National Assembly in this Bill.

I fully agree with those proposals. However, maybe when we sit down with the Senator, we can enrich it so that there are no legal loopholes in the whole process to allow for escape of a person who refuses to honour the summons of this House.

Madam Temporary Speaker, on the question of arrest, there are two forms of arrest provided for by the Criminal Procedure Court, Cap 75 of the Laws of Kenya and Section 58 of the Police Act. We must agree that the powers of arrest under our Constitution are mainly powers of the police. So, every time we are making proposals around the powers of arrest, the police must be involved.

There is provision in the Criminal Procedure Court, Cap 75 of the Laws of Kenya that allows a private citizen to effect arrest. However, what does he do with that arrest? The law itself says, as soon as you arrest that person, you hand them over to the police. This again emphasizes the powers of arrest being within the police service. We again need to put some deeper thought to that.

My classmate and colleague, Senator for Nyamira County said that even court bailiffs can arrest you after a process of civil litigation. That is correct. However, for the practicality of it, the court bailiff never goes to arrest a civil debtor without going to the police station nearby. In fact, as a matter of fact, they are always accompanied by a police officer. This is because the police officers are the only ones who are allowed to carry guns. So, if you are going to arrest a civil debtor and you find he is armed, as a court bailiff who is not armed in any way, how will you effect the arrest?

Madam Temporary Speaker, we are talking about important Government figures who are always guarded by security personnel. How do you send a person from Parliament to go and arrest a person who is guarded by five or six administration police officers? I think we need to give a lot of thought to how we are going to effect this arrest.

One proposal that I think makes sense is the one that Sen. Omogeni said. That maybe we could gazette a police station within the Parliamentary precincts. However, it should be subject to the direction of the IG of Police. It cannot be by the Speaker or under the direction of the Clerk. We cannot set up a separate force.

When you look at Article 40 of the Constitution, it sets up the National Security Council in Kenya. It has listed all the big people in security and Parliament does not feature there. None of the Speakers sits there. It will not be possible for us to establish this as an independent force or service outside the direction of the IG of Police.

I encourage my colleague to think about this more. This is because it is possible to administratively engage with the IG of Police to have a dedicated unit for Parliament. Even the diplomatic service has a unit dedicated to them, but under the direction of the IG of Police.

We must be careful when we come to issues that deal with arrest and freedoms of citizens involved as accused persons. We need trained people. The police officers go to school for this work, not even the army. That is why they are given the powers of arrest.

If we say we are going to set up our own, I have doubts on how we will do it. However, I believe administratively, it is possible to have a dedicated unit that will actually be used by this Parliament and Parliamentary Committees for both National Assembly and Senate, to effect the process and make our work more effective.

Madam Temporary Speaker, I believe that if we can have the fines properly enhanced, with a proper process clearly set out with no legal loopholes, then, we are making progress. Also, if we can either go the way Sen. Omogeni has proposed and gazette a police station here or, we administratively discuss with the IG these issues in a formal way, with a justification for us to get our summonses and warrants of arrest effected without delay within the Republic of Kenya, then we are making a practical suggestion.

I think we are going into a grey area if we say that we are taking upon ourselves independent police powers. It will end up bringing issues with policing command. We need to ask ourselves whether it is within the Constitution. I think, the safer way is for Parliament, as an institution, to engage so that we are given powers like it is for the High Court. This is so that there is a dedicated unit to effect our summonses, directions, invitations and arrest warrants so that we do not have delays.

If we go that route, I think this Bill is going to see the light of day faster. It is also something that we can do without much delay. However, if we go the way of establishing an independent Parliamentary Police Service, I think we are going into a very grey area and we will meet a lot of resistance. Most likely, we might end up in the Constitutional Court again, after we have done all this work. It is not what we want to do.

I fully support the thinking and the intentions behind this, but we need to do some more work so that we can produce a well thought out legislation that will not have encumbrances going forward.

Madam Temporary Speaker, I thank you for giving me the opportunity to address you.

The Temporary Speaker (Sen. Mumma): Sen. Wakili Sigei, you may have the Floor.

Sen. Wakili Sigei: I thank you, Madam Temporary Speaker, for the opportunity that you have given me as well to contribute to this very important legislative proposal by Sen. Osotsi.

I commend the hon. Senator for such an important proposal in ensuring this House's mandate is fully enforced at all levels, not only when we are on the Floor of the House, but also to those who are supposed to implement or act on certain resolutions that come from this House.

Madam Temporary Speaker, we have been taken through the provisions of Articles 125 and 153 of the Constitution. I will read Article 153(3). It says-

“A Cabinet Secretary shall appear before a committee of the National Assembly or the Senate, when required by the committee and answer any question concerning a matter for which the Cabinet Secretary is responsible.”

The Constitution, which is the supreme law of this country, has given this House the mandate. I do not see any provision in this proposal that would be deemed unconstitutional. Therefore, when we seek to provide a mechanism within which we can implement the mandate of this House, nobody under the same law will deem it unconstitutional. This is because this legislation is seeking to provide how to enforce and implement the provisions of Article 153 that require Cabinet Secretaries and other State

officers to appear before the Committees of this House and answer to concerns the way they are required to file their annual reports as and when Parliament requires them to do.

Sen. Osotsi has thought through this process and I believe that by panel-beating a bit of these provisions that this legislation provides, we shall come up with a legislation that will enhance and support this House in implementing its mandate as provided for by the Constitution.

Madam Temporary Speaker, under the provisions of Section 18 that seeks to amend by introducing timelines for purposes of allowing the Clerk of this House to process summons, the period of seven days is sufficient enough to facilitate preparation and submission of notices by the Clerk.

This timeline is critical to ensure that fair hearing is accorded to whoever is summoned. Similarly, the proposal under Section 18 (5A) provides for seven days for the person being summoned to appear and (5B) is the one in which Sen. Cherarkey had suggested it be amended.

I also wish he was in the House because the proposal grants the House or the Committee time shorter than the seven-day period where there is need for immediate appearance by such a person who has been summoned.

This accommodates concerns if there are incidents where we will need a Cabinet Secretary to appear before the seven day period lapses as provided for by the proposed Section 18 (5A). I support that provision because first it gives the House or the Committee sufficient time to process whatever they require to be responded to and also for the Clerk to ensure that everything is available to the person being summoned.

Secondly, it gives the person being summoned the opportunity to prepare so that the question of fair hearing as provided for by Article 50 is adhered to. This will give the person being summoned time to prepare, process and to protect their rights if there will be an infringement.

Madam Temporary Speaker, in Section 19 there is a proposal to amend the fine payable from Kshs500,000 to Kshs2 million. I support this proposal for two reasons. One, the reason as to why some people who have been summoned to appear fail to do so is because we have been told that in some Committees, they request them to pay a fine. The fine imposed is not much and they can as well pay and avoid appearing. Enhancing this amount will be punitive enough because a fine of Kshs2 million is not something that can just be paid as pocket change.

Secondly, it will also act as a deterrent because the more you are asked to pay such an amount of money, especially if the law provides that the money should be paid out of personal resources; this will deter them and it will enhance their desire to appear before committees and respond to issues. I, therefore, support the proposal to ensure that this amount is enhanced from Kshs500,000 to Kshs2 million.

In the proposal under Section 19 (c) (2A) this amount of fine has been enhanced to be recovered as a civil debt. When you look at the Debts (Summary Recovery) Act Sen. Osotsi has made reference to, it requires that before the same is enforced, a complaint is lodged. He may consider to amend that particular sub-section to ensure that the person lodging a complaint is either the Clerk of the House or any other person so

that it becomes recoverable as a civil debt. That is the provision made under 19 (c) of this proposal.

Madam Temporary Speaker, under the proposed Section 27, the amendment to enhance the fine of Kshs200,000 for the conduct specific before the Committee or the House, to Kshs2 million will similarly act as a deterrent. At the same time, ensure that every other person who is summoned is capable of being made to feel the pain of refusing to appear by making sure that contempt is punished by the Committee. This law will protect the roles, functions and the mandate of this House.

These proposals are geared towards enhancing this House to perform its functions. I fully support this Bill subject to those few amendments. I know that Sen. Osotsi will consider them, so as that the Bill get fully supported and is passed by the whole House.

I thank you, Madam Temporary Speaker.

Sen. Dullo: Thank you, Madam Temporary Speaker. I stand to support this amendment and I wish to congratulate Sen. Osotsi for coming up with it. It is long overdue.

Many of the issues that I wanted to bring up have been mentioned by my colleagues and I will not go over them again.

On the issue of the IG of the Police, I remember we had two instances when two Governors were supposed to be arrested, but unfortunately, the IG failed this House. As a House, we must have a fall back in the event that the IG refuses to arrest witnesses.

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

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

Mr. Temporary Speaker, Sir, the other issue I wanted to mention is that most of the time, you will see witnesses writing vague letters the last hour to appearance before the Committee just to excuse themselves from appearing before the Committee. This has to be looked into at critically.

I remember in the last Session, there was a governor who said that he was out of the country on official duty. On the same day, he was supposed to appear before a certain committee where I sit in; he was seen giving a press statement somewhere else, which was disrespectful to this House. Sen. Osotsi, something needs to be done to tighten up the evidence of failure to appear before the Committee. It should not be on flimsy grounds, but proper evidence that is justifiable.

Secondly, I know Article 125 concerns only committees of this House. When we talk of powers and privilege, it is not for this House. This particular legislation facilitates Senators to carry out their responsibilities.

Mr. Temporary Speaker, Sir, we have managed to be given an allocation to carry out our oversight role. I want us to move to the next step. If Sen. Osotsi can look into that, one of us can bring an amendment.

If I may give an example of my county---

The Temporary Speaker (Sen. Wakili Sigei): Sen. Dullo, I notify you that the Speaker had early on appointed 5.00 p.m. to discuss a matter of national importance. In the circumstance, I will give you two minutes to conclude on your comments on this particular Bill then we will adjourn to discuss the matter that had been approved pursuant to Standing Order No.37.

Sen. Dullo: Mr. Temporary Speaker, Sir, kindly give me three minutes just to conclude.

The Temporary Speaker (Sen. Wakili Sigei): Proceed.

Sen. Dullo: Mr. Temporary Speaker, Sir, if I may give an example of my county. I had written to Governor of Isiolo County to give me certain documents to carry out my oversight role, but unfortunately, he refused.

If you allow me, I can play the clip where he went to the public and said he can only be audited by the public who have elected him and nobody else. He went ahead and stopped civil societies that were having a meeting with me. This is because I realized there was a double allocation of budget from the county government and Non-Governmental Organizations (NGOs). I wanted to get that information and tell them the reason why Senators are carrying out oversight.

The County Secretary and the Governor called the civil societies not to appear for my meeting. I have a clip where he said even if he is called by Senate 500 times, he will choose when to and not to appear.

Mr. Temporary Speaker, Sir, can we have an amendment or a regulation where we should be given powers as individual Senators within the counties to get documents and evidences to be able to carry out our oversight role because that is very critical?

We inspect projects that are within our counties. Sometimes, we would want to talk to the contractors who maybe told not to provide the document. We might go to those offices and ask for documents, especially in county governments where governors are hostile to Senators. We do not get those documents.

I appeal to Sen. Osotsi, the House or any Member who is ready to move that amendment. Even if it does not come to the Bill because it touches both Houses, we can have a regulation that allows Senators to be able to carry out their mandate.

Mr. Temporary Speaker, Sir, I will finalize by saying that I will support the proposal by Sen. Mungatana as far as the fine is concerned. For county government, Kshs2 million is nothing. Let them feel the pinch. We need to dehorn these governors who think they are gods in those counties. I believe if we carry out this particular amendment, we will have respect as a House. This is because it looks like Senators are not respected in the counties.

The Temporary Speaker (Sen. Wakili Sigei): Thank you very much, Sen. Dullo.

Hon. Members, as I had earlier on indicated, in the morning session, the Speaker confirmed that the requisite threshold was met to have this House adjourn to discuss a matter of national importance.

I, therefore, rise that pursuant to Standing Order No.37, the Senate do now adjourn to discuss a definite matter of urgent national importance namely the increased femicide, cases recently witnessed in the country.

I call upon Sen. Asige to proceed.

**MOTION OF ADJOURNMENT UNDER
STANDING ORDER NO.37**

INCREASE IN FEMICIDE CASES IN THE COUNTRY

Sen. Crystal Asige: Thank you, Mr. Temporary Speaker. I rise pursuant to Standing Order No.37 asking that the Senate do now adjourn to discuss a definite matter of national importance; namely, the increased femicide cases recently witnessed in the country.

I wish to begin by repeating a Statement I had made in January because this matter has not become any better. In fact, there is a section of men that have become even more involved and seemingly attacking women for sheer sport.

I condemn in the strongest term possible the careless, barbaric and methodical execution of young defenceless women at the hands of their intimate partners and husbands, which have almost become common place yet the correct term has yet to capture our lexicon.

Femicide is a deep-rooted hate crime that strikes at the very heart of our commitment to justice, equality, fundamental human rights and must be called out and know uncertain terms for what it is, a national emergency.

With back-to-back reports in January alone bringing to light at least 17 femicide cases by way of violent stabbings, strangulation and mutilation, I never could have imagined that being a woman in Kenya would become a matter of life and death. This war waged against women contravenes Article 29(c) of the Constitution and its existential threat that has gone on for far too long.

Today is Valentine's Day, a time to celebrate love, romance and relationships. However, this year, in the wake of hate crimes and brutal killings of women, we have seen love sharply overshadowed by fear, violence and death in Kenya.

Red used to signify love, but has now turned into blood. Why is it as women, our love and femininity is adorned and sought after by men yet persecuted and oppressed in equal measure by the very same men? It cannot be ignored that this thing we seek, this love, indeed has a dark side.

This year, I stand in solidarity with all victims of femicide by calling women across the country to wear black instead of red moving this Motion to discuss the increased femicide cases and hosting a vigil concert at the University of Nairobi this evening which I invite everyone to attend because this is a dark valentine.

Mr. Temporary Speaker, Sir, for all its popularity, the origins of Valentine's Day are unclear. It is said to have stemmed from ancient pagan festival where offering animals sacrifices and whipping women with the dirty and bloody skins of those animals. To awaken their fertility was the focus of the ritual. This was called lupercalia.

In the 5th Century, that bloody tradition was quickly cleaned up by the Roman Church and named Saint Valentine's Day after a priest named father Valentine. I find that

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more that ironic that the origin of this day is shrouded in violence against women and centuries later on, this day, this reality has not changed a bit. We are still battling systematic hate crimes against women.

Mr. Temporary Speaker, let us be very intentional and set the records straight that Gender Based Violence (GBV) takes many forms, including sexual, domestic and emotional. Unfortunately, the statistics are frightening. Reports found that over 40 per cent of women in Kenya experienced intimate partner violence. In 2020 alone, the Ministry of Public Service and Gender had recorded 5,009 cases through the national helpline. Further, in the first two weeks of the Corona Virus Disease (COVID-19) Pandemic, Health Assistance Kenya (HAK) recorded a 300 per cent increase in calls made to their hotline to report cases of violence against women because we were stuck in an indefinite lockdown with our perpetrators. One can only guess how many went unreported.

Between January, 2016 and December, 2023, Kenya witnessed over 500 cases of femicide with intimate partners, including femicide against women with disabilities. Close to two-thirds of the perpetrators were either currently or had previously been in intimate relationship with the victims, with the husbands and boyfriends being the most common culprits.

Data analysis reveals that women aged 18 to 40 comprise the largest demographic of femicide victims in Kenya. Additionally, in last year's United Nations General Assembly (UNGA), reports of 40 cases of Gender Based Violence (GBV) in Kenya were amongst the highest in the world. It is not a good thing to be rated or ranked first.

Throughout January and February, the nation has been seized by case after case of brutal murders of women under different scenarios. Right on the heels at least 10 cases of femicide were reported in 2023. This is an alarming and stressing trend that shows the ugly underbelly of our nation and underscores the dangers that women face every single day. Even more alarming is the fact that recent events are neither novel nor isolated.

We still remember the deaths of Ivy Wangechi, a medical student who was hacked to death in broad daylight; Sharon Otieno, a young mother and student who was gang raped and stabbed while seven months pregnant; Elizabeth Ekaru, a Head of State Commendation (HSC) recipient for her exemplary work as a human rights defender who was attending a burial when she was lured away by a man who stabbed her severally to death; Agnes Tirop, a world record holder athlete who was murdered by her husband a few days after she turned 26 years; and Agnes Wanjiru, a young lady who was murdered by British soldiers from the British Army Training Unit Kenya (BATUK) in Nanyuki whose leaked to *WhatsApp* videos allegedly showed them further mocking her death.

These women are only a representative of countless women who have lost their lives to violence by men over the years right under our noses. The trend is that these cases capture the imagination of the nation for a few days then slowly fade with most perpetrators not being apprehended, charged or prosecuted at all.

The legal processes found that once a perpetrator has been arrested and brought to court, it takes an average of 1,900 days for a case to be concluded and the suspect to be

sentenced. That is over five years. That does not encompass cases that involves appeals, which of course extends the duration even further.

This trend is incompatible with commitments made by the Government in 2021 as part of the GBV Action Coalition on the Generation Equality Initiative. Under this initiative, Kenya made strong commitments, key of which was to end GBV in Kenya by 2026.

Other commitments included adding GBV medical, legal and psychological support services into the essential minimum package of the Universal Health Coverage (UHC) by 2022, establishing a GBV Survivors Fund, establishing GBV Recovery and Survivors Shelters in every single county, scaling up the National Police Service (NPS) response times and investigations into GBV, developing GBV Management and Information Systems by 2022, and fully implementation of GBV laws and policies by adopting a GBV Indicator in the Government Performance Contracting Framework.

It goes without saying that the Government is lagging desperately behind on these commitments, creating an ever worsening narrative that says that Government does not care about the lives of women in Kenya. So, men, kindly carry on killing. That is the narrative that is capturing the nation's women.

The time for complacency is over and we must unite in our efforts to eradicate this pervasive issue. I urge the Executive to prioritize strict enforcement of our existing laws that unequivocally condemn these murders bringing perpetrators to book for this capital offence. Additionally, I call upon the police to strengthen their response mechanisms and ramp up training to officers who handle femicide cases.

To the public, we must reject violence in all its forms. Murder is murder and what we have witnessed is unjustifiable. We cannot stand idly by while our mothers, sisters and daughters lay dead in a pool of their own blood because the price of our silence is paid with the lives of these women.

Mr. Temporary Speaker, Sir, I beg to move and call upon Sen. Miraj to kindly second.

I thank you.

The Temporary Speaker (Sen. Wakili Sigei): Is Sen. Miraj here?

Sen. Orwoba: She is not in. She has stepped out.

The Temporary Speaker (Sen. Wakili Sigei): Sen. Miraj is not in the House.

Sen. Crystal Asige: Mr. Temporary Speaker, Sir, instead, I will call upon Sen. Orwoba to second.

The Temporary Speaker (Sen. Wakili Sigei): Sen. Orwoba, before you proceed to second the Motion, Standing Order No.37(6) provides that no Senator speaking on a matter shall speak for more than five minutes. As you second, make sure you limit your contribution to five minutes.

Sen. Orwoba: Thank you, Mr. Temporary Speaker, Sir, for giving me this opportunity to second Sen. Crystal Asige's Motion that is coming in late. This is something we have wanted to discuss as women who are in this House to represent other women out there and safeguard their lives. It was unfortunate that we were on recess.

It seems that we just come here to discuss, debate and talk. However, what we do here is important in shaping the mindset of those who think that it is okay to encourage our young boys and men out there to continue killing women and girls of Kenya.

While the debate might not have an immediate impact, we need to start talking about what needs to be done. We have not even gotten to a place where we talk about things we need to do as a society. I believe that conversation needs to start here in Parliament, led by legislators who have been put in this space to ensure that we represent the women and the girls of this country.

Just before this debate started, a couple of male Senators were asking whether they are coming to discuss issues of women and I told them no. I said we are not going to discuss issues of women; we are going to discuss issues of lives of Kenyans because women, just like men, are citizens of this country with equal rights. So, it is not just issues of women.

Mr. Temporary Speaker, Sir, each and every life that we have lost because of femicide is equivalent to a life that we lost because of war, floods or natural causes. A life lost is a life lost; it cannot be brought down to that - it is a life lost because of femicide or Airbnb.

Those are the things that we need to change, starting with this House, that is not discussing issues of women. It discusses issues of national importance. I have said this before on different platforms. Even as I second this Motion, every time that we stand up to talk about the gender agenda, the first thing that is assumed is that it is the women again coming to force us to give them things. It is the women again coming to tell us that now we must stop thinking about the boys and stop thinking about the men and just support the girl child.

I urge my fellow Senators to remember that these women and girls are our sisters, our children, potentially future wives and business partners. As women, we are also doing business and contributing to this economy. Therefore, when we are here to discuss matters on how to end femicide, it is not an issue of a woman's affair; it is an issue of ensuring that every Kenyan, man or woman, is equally respected.

I can see I am running out of time. As I second this Motion, I look forward to an amendment that touches on the police force, particularly the gender desk, to make them effective. As we debate today, I urge my fellow Senators to remember that we are not attacking men and boys, but we are trying to address an issue that is targeted towards our women and our girls and that has to be spoken about particularly in this House.

Mr. Temporary Speaker, Sir, I beg to second this Motion and thank you, Sen. Crystal Asige, for ensuring that we are intentional about discussing this matter. I hope that we will legislate on issues of GBV.

(Question proposed)

The Temporary Speaker (Sen. Wakili Sigei): Hon. Senators, I will open up this debate. As I had earlier directed, we will allow as many of you as are willing to speak, but limit to five minutes each for every Member who seeks to debate.

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From my dashboard, I can see that everyone else in the House has requested to speak to this Motion. We will work within the available time.

I will call upon Sen. Tabitha Mutinda to take the Floor.

Sen. Tabitha Mutinda: Thank you, Mr. Temporary Speaker, Sir. Let me start by saying that it is a very dark valentine for most of the women parliamentarians. This is because it is a day that we celebrate love, but the same love has brought darkness in terms of death.

Before I proceed, I want to appreciate some of our male colleagues in the Senate, that is Sen. Maanzo, Sen. Wafula, and our good Senator for Nandi County, the great Senator from Embu, Sen. Mundigi for appreciating us as women and for standing with us on this femicide discussion.

I cannot forget you, Mr. Temporary Speaker, for being on the Chair during this discussion that we, as female Senate legislators, requested and hoped that our male counterparts in the House would be here. However, it gets darker because it looks like it is a women's issue only.

We need you; you need us. We need to have this conversation together. We cannot achieve the menace of femicide without men. I appreciate the male Serjeant-at-Arms in the House; I do. They are our brothers; we work together. We are colleagues.

This discussion of femicide has been misinterpreted. It is not wrong to love; it is a choice. It is not criminal to decide whom you want to share your life with; there is no problem. The problem that we are addressing as legislators is that our girls will innocently get into mutual relations. As a parent, it pains to the core when you bury your young one simply because she was in the normal path of puberty; normal process that we all go through and then, someone decides to end their destiny. It is dark; it is a dark valentine.

As we have said, and as I look at Article 43 of the Constitution, which says very clearly that everyone has equal rights to the different facilities from education, social, economic, health, and all that. Equally, there is freedom of choice, freedom of the ones you choose. There is no law that is against that; it is a choice.

Citizens have questioned Parliament and asked where we have been. I want to state that the law is very clear. The law is very clear and nobody is above the law, especially when it comes to matters of killings. I have narrowed it down to the security forces. Security forces seem not to have handled these issues fairly.

Just last month, in January, when we lost a young girl, and Mr. Matara was mentioned to be the killer, several young women came out. I am so proud of them because were it not for their decision to come out and tell their stories, we would not have known the much that we now know. It saddens me that they reported these issues and nothing was done.

In a nutshell, I want to say, our brothers, the boy child, the future, we urge you, let us respect one another, be able to share what God said we should share, the love that has also been mentioned in the Bible.

(Sen. Tabitha Mutinda's microphone went off)

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The Temporary Speaker (Sen. Wakili Sigei): Sen. Tabitha Mutinda, your time is up.

Sen. Maanzo, you have the Floor.

Sen. Maanzo: Thank you, Mr. Temporary Speaker, Sir, for giving me an opportunity to speak on this very important Motion.

The last of the worst cases happened to a girl from Makeni County. It was such a sad affair because the girls' head went missing for some days. She was a university student. You can imagine what it meant for the family and the people who knew her. Her parents were struggling to look for their daughter's head so that they could have a decent funeral. Although the funeral ended up being a private affair, this matter was in the news for a couple of days and every Kenyan was saddened by that particular discourse.

Mr. Temporary Speaker, Sir, as much as we want to blame the security, which can be done so rightfully, I also want to thank them for the effort made in this particular case especially in finding the head of the deceased. In the latest of the cases of the Kenyan lady killed in the United States of America (USA) by a fellow Kenyan; again, from my county, this suspect came to Kenya, escaped from the police and disappeared.

I also congratulate them for the effort in finding this accused person who will be shipped to the USA to stand trial. I am sure from the evidence available and his conduct, he is likely to be sentenced to death or receive life sentence. I challenge that in the event these particular activities happen, first and foremost, security comes in. In many other cases also, poor evidence has been presented and these persons are acquitted. They are out there ready to be a menace again yet to another life.

Femicide can happen to a wife, daughter, a friend or anybody. In the same way there is femicide, men also get caught up in such situations and have died in affairs of this nature. We need to look at the law and have its clear protection so that there is sufficient punishment. More importantly, this goes to show we bring up our society. The morality in the society; Chapter 10 of the Constitution of Kenya---

We need to begin training children from when they are young through role modelling by parents, that violence against anyone is dangerous. When parents violate each other in front of children, the children are likely to do worse when they grow up. That is one way of beginning to address the root cause so that we deal with prevention which is better than cure.

Once a life is lost and once somebody is dead, they may not come back to life during our time. As we address the social dynamic of it and the society in general, it does not only happen in Kenya but it is a matter in the world. It is motivated by malice and hate of somebody who is close to you. Lack of patience, perseverance and most of it is the training of how the child has been brought up. If you bring up a child in the right way, they are going to turn out right in the future. This happens through modelling. Again, it happens when we have publicity and laws in the country which are strong enough to prevent these sorts of actions.

Mr. Temporary Speaker, Sir, I support and after this Motion, we should take it upon ourselves with the leadership of Sen. Crystal Asige to relook at the law, strengthen

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it, and use this House to lobby against such violence as we make our relevant debates so that there can be sensitisation into the country that such a thing is bad.

The law should take action against those caught so that in future no one repeats it and our children can stay safe.

I thank you.

The Temporary Speaker (Sen. Wakili Sigei): Sen. Munyi Mundigi, Proceed.

Sen. Munyi Mundigi: Asante, Bw. Spika wa Muda, kwa kunipa fursa hii ili nichangie mjadala huu kutoka kwa Sen. Crystal Asige. Tumeyasikia mambo ya mauaji mara kadhaa kwa miaka na siku nyingi. Katika Bibilia uuaji umekataliwa.

Tumeyasikia kutoka kwa vijana, wazee na akina mama. Mambo haya yanachangiwa mara mingi pia katika boma zetu. Naomba tuyakomeshe mambo haya kwa kutengeneza sheria zitakazotuonyesha kuyafuatilia mambo haya.

Vijana wote wameadhirika. Wanakosana kuhusu vyama, pesa au mapenzi. Nini kitakacho tumika kukomesha mambo haya? Watu wanapokosana nyumbani- bibi na bwana wanapigana na kuuana. Katika shule zetu za sekondari na vyo kikuu, unapata vita vinaibuka vijana wanapokataliwa na wasichana.

Pia imechangiwa na tunavyokaa na uongo mwingi. Ningewaomba watoto wetu walio shule wajue ni akina nani wanaotemba nao. Unaweza kuwa unatembea na rafiki na kumbe ni adui yako.

Ningeomba tupate suluhisho ili mambo haya yasifanyike tena. Inaweza kuibuka kutokana na biashara. Mambo haya yanaleta shida kubwa. Naomba vijana ikiwa msichana amekukataa haina haja ya kumuua kwa sababu utapelekwa jela. Wasichana pia watazame wanaotunga urafiki nao kwa sababu uongo ni mwingi. Ningeomba tutafute kinacholeta tashwishi ili tutembe pamoja.

Mwisho, Serikali inafaa kuingilia mambo inayowahusu watoto wa shule; madawa ya kulevya kama bhangi na kadhalika. Naomba mambo haya yaangaliwe vizuri ili tusingasikie mambo ya mauaji tena. Tunafaa kutembea pamoja kama Wakenya.

Katika Biblia hakuna maneno ya wanaume au wanawake. Sote mbele ya Mwenyezi Mungu ni kitu kimoja.

Naunga mkono.

The Temporary Speaker (Sen. Wakili Sigei): Proceed, Sen. Kavindu Muthama

Sen. Kavindu Muthama: Asante Bw. Spika wa Muda kwa kunipa fursa hii ili nichangie mjadala huu wa kudhulumiwa na kuuawa kwa wanawake pamoja na watu kukosa haki yao. Ninaongea na uchungu mwingi sana moyoni kwa sababu katika Kaunti ya Machakos nimewapoteza *several ladies* - wasichana na kina mama kadhaa kupitia haya mauaji ya kiholela.

Juzi, tumempoteza Rita Waeni Muendo. Ametoka Kaunti ya Machakos na aliuawa kinyama sana. Alikatwa miguu na pia kichwa chake kilipatikana kwingineko. Ni lazima wasichana wetu wajichunge. Wajue wanatembea na akina nani na ni watu wa aina gani.

Mambo yanayochangia sana wasichana wetu kuenda na kupatana na madhara ya aina hii ni ukosefu wa ajira. Wengi wamekosa kazi na kutembea kiholela kwa sababu ya

shida, taabu na dhiki wanazopitia. Ni lazima tuwachunge wasichana wetu vizuri. Tuwapatie kazi kama Serikali ili wajidumu kimaisha na kuepuka mipango kama hii.

Tumeona pia hata nyumbani wanawake wakichinjwa kama mbuzi. Sio kwamba ni wao wanauawa tu lakini zaidi yao ni wanawake ambao wanauawa kiholela. Kwa sababu mtu ana wivu anachinja mtu bila sababu. Hakuna aliye na ruhusa ya kutoa mwingine uhai katika sheria na pia Biblia.

Hakuna mtu aliye na maisha ya kumpa mwingine. Naomba hatua kali zichukuliwe kwa waliowaua wale wasichana, Juzi, nilisema kuwa Serikali ina mkono mrefu sana. Ikitaka kuarrest wale watu, itafanya vile na wafungwe ili iwe funzo kwa hao na wengine wote.

Si mambo ya mauaji tu. Utapata dhuluma za kiboma ni nyingi sana. Utapata mama yuko pale nyumbani lakini zile dhuluma na shida anazozipitia ni za ajabu kwa sababu ni mwanamke. Utapata baba ako na ruhusa hata ya kuuza ng'ombe lakini mama hana ruhusa ya kuuza hata kuku. Hiyo inakuwa ni dhuluma ambazo sio nzuri.

Sen. Crystal Asige, ningeomba ukiangalia hii *law*, angalia pia *law ya marriage na matrimonial property*. Hii ni kwa sababu kuna akina mama wanaishi nyumbani, wanazaa na kulea watoto. Wakati baba yuko kazini, huyu mama ako nyumbani anachungia baba boma lakini wakikosana, unapata mama anaondoka mikono mitupu na amemzalia watoto na kumfulia nguo. Mama anafanya kazi mchana na usiku bila kupumzika.

Ni lazima hiyo ihesabiwe kama kazi ambayo mama amefanya na *contribution* ambayo mama ameleta kwa hiyo boma. Ninaongea na uchungu mwingi kwa sababu nimeona wengi sana ambao---

The Temporary Speaker (Sen. Wakili Sigei): Sen. Kavindu Muthama, I remind you of the provisions of Standing Order No.92, do not mix the language of address to the House. If it is Kiswahili the way you started, run with it until you conclude.

Sen. Kavindu Muthama: Okay, Mr. Temporary Speaker, Sir. Ninaongea kwa uchungu mwingi kwa sababu hizo dhuluma za akina mama zimekuwa nyingi sana. Akina mama hawana *muscles* za kupigana sana kama akina baba. Kwa hivyo, ni rahisi mama kushindwa nguvu na kuuwaua ama kuumizwa.

Kama vile Biblia inasema, sisi wanawake ni wanyonge na wanaume watuchukue kwa urahisi, yaani watubebe hivyo, watuelewe na watupatie nafasi yetu tuweze kufanya mambo vile tunastahili kufanya.

Ninaunga mkono Hoja hii. Ukiweka hiyo ya matrimonial property, mwangalie---

(Sen. Kavindu Muthama's microphone was switched off)

The Temporary Speaker (Sen. Wakili Sigei): Your time is up, Sen. Kavindu Muthama. For your information, the law recognises contribution by a spouse in every other way.

(Sen. Kavindu Muthama spoke off record)

Sen. Nyamu, please proceed.

Sen. Nyamu: Mr. Temporary Speaker, Sir, I rise to contribute to this Motion on femicide in Kenya with a very heavy heart. Despite the fierce fight that we have had as the women of Kenya, Africa and in the world basically to have women recognised and respected, it is sad that in Kenya, we have femicide cases rising in the recent past.

The recent cases of Ms. Rita Waeni and Ms. Starlet Wahu is how Kenya ushered in 2024. I am grateful because these cases have highlighted the situation for all of us.

Femicide Counts Kenya is an organisation and it records that in 2023 only, we lost 152 women through murder by people close to them or people posing as lovers. That is why today, the women in the House are all dressed in black because it is a dark valentine for us.

Love is no longer what it is supposed to be for our girls. As leaders, if we do not condemn these actions and impress upon the relevant authorities to take these matters seriously, then none of us is going to be safe any longer.

We have a deep-rooted misogynistic culture in Kenya where women are seen as property to be owned and used. That is why you hear stories of *kukula fare* and our girls are getting greedy and all those things.

The punishment for a prostitute is not death. *Kukula fare* does not attract death. The issues of morality are not punishable by death. Sex workers should be protected. Those who choose to trade their flesh or if I choose to *kula* your fare, I should not pay for it with my life.

Mr. Temporary Speaker, Sir, Kenya has ratified many treaties in particular the United Nations (UN) Treaty that is against any kind of violence against women. So, it is up to us to ensure that we end this culture once and for all. Very soon, I will be bringing an amendment to this House to ensure that femicide is distinctly recognised as a crime under the law and that perpetrators to pay a higher price.

I support.

The Temporary Speaker (Sen. Wakili Sigei): Hon. Senators, I would like to remind us that we are in the Third Session of the Senate. I believe that at this stage, we should be able to appreciate the provisions of the Standing Orders and how we conduct our debate in the House.

Standing Order No. 92 (2) says that-

“A Senator who begins a speech in any of the languages provided for under paragraph (1) shall continue with the same language until the conclusion of the Senators speech.”

Paragraph (1) provides that-

‘All proceedings of the Senate shall be conducted in Kiswahili, English or in Kenyan Sign Language.’

I bring your attention to that provision so that as you address the House, address it in the appropriate language in compliance with the Standing Orders. Sen. Nyamu, I noted that in your address, you kept on switching languages. I did not ignore the fact that you did so but I never wanted to accept any point of interventions.

I call upon Sen. Mumma to proceed.

Sen. Mumma: Thank you, Mr. Temporary Speaker, Sir, for the opportunity to speak on this very important issue. It is indeed a dark Valentine because our society has decided that they will normalise the killings of girls and young women in this country.

The best evidence of the fact that it is a dark Valentine is that even as we notified our fellow Senators in this House that we will be discussing this Motion at 5.00 p.m; over 50 Senators think this is a non-issue. They are not here to discuss it.

(Applause)

This is a reflection of how casual this country and society treats women. I thank the male Senators who are here; Sen. Cherarkey, Sen. Wafula, Sen. Maanzo, Sen. Munyi Mundigi and Sen. Oketch Gicheru who found it important to be here for this conversation. The Temporary Speaker on the seat is also included.

All of us have a relative who is female; a child, a daughter, a neighbour. I believe it is sad that Senators think this is a non-issue. In fact, in casual conversation with some of them, they felt that this is a waste of time that should be spent discussing other Bills. I mourn that fact and go on record that it is deplorable that we can have this.

Mr. Temporary Speaker, Sir, every year since 2016, we have had at least 40 girls murdered either because of their beauty because somebody is jealous that they are leaving a relationship, in domestic violence, for organ trafficking or whatever other reason. They work on the vulnerability of the poverty within the nation to prey on our girls.

Mr. Temporary Speaker, Sir, these acts are condoned because the systems in place do not do what they are supposed to do. I want to call upon the Cabinet Secretary for Interior and National Administration, Prof. Kindiki, who is a human rights practitioner, to reign in his officers to the chiefs' level. They are the ones who determine that the issue is domestic, and there could be a negotiation, and then the next day, someone is killed.

We want to call upon the Cabinet Secretary for Education, Hon. Machogu, to stop denying access to sex education and skills education for girls and boys. This will help to reduce the problems we have. We would like to call upon the CS for Health, Hon. Nakhumicha, to allocate more money to supporting adolescent children. Between 2016 and 2022, 2.3 million adolescent girls were pregnant.

Mr. Temporary Speaker, Sir, you are a lawyer and you know that all these are cases of defilement but they have not been brought to book. Even as we speak about those who have been killed, many young girls are being killed because of sexual violence within the homes, schools and church precincts that are destroying the livelihood of our girls.

This is a serious issue and we are calling upon the President to pronounce himself on the issue of femicide. He should set up a team in his office to investigate this issue immediately.

Thank you, Mr. Temporary Speaker, Sir.

The Temporary Speaker (Sen. Wakili Sigei): Sen. Miraj, proceed.

Sen. Miraj: Asante, Bw. Spika wa Muda, kwa kunipa fursa hii ili niweze kuchangia katika Hoja ya dada yangu. Pia, niweze kuomboleza na taifa ya Kenya kwa kupoteza watoto wetu wa kike; akina mama ambao wameolewa katika ndoa zao na wasichana ambao wamepoteza maisha yao.

Asilimia 39 hadi 47 ya wanawake ulimwenguni wanaishi katika ndoa ambazo wananyanyaswa. Asilimia 70 ya wanawake ulimwenguni wamekuwa wakiuliwa kwa sababu wao ni wa jinsia ya kike.

Takwimu zinaashiria ya kuwa idadi kubwa ya wale ambao wametua kwa mauaji haya ya dhuluma, wameuliwa kwa sababu waliingia katika mahusiano na watu ambao waliwapenda tu kama wanawake; jinsi maumbile yetu kama wanawake, Mwenyezi Mungu alitubariki, ili tuweze kupeana mapenzi. Lakini mwishowe wanawake wanadhulumiwa.

Naongea na taifa la Kenya kama kiongozi wa kike kwenye Bunge la Seneti. Nawaomba wazazi na jamii kwa jumla isisukume watoto wa kike katika mahusiano. Kama mtoto wa kike hajakuwa tayari kuolewa, tuwache tabia ya kila tunapokutana katika jamii, kuwapa msukumo waingie katika mahusiano.

Changamoto hii inawapata watoto wa kike ambao wamesoma, wamejiweka katika maisha vizuri lakini imekuwa ni lazima watu wafuate mkumbo. Kufuata mkumbo ni kwamba tumewekewa kiwango cha miaka ambacho tukikifikisha sisi kama watoto wa kike hata kama hatujapata kipenda roho, ni lazima tuonyeshe jamii kwamba tumeolewa.

Bw. Spika wa Muda, naomba leo kuzungumza na akina mama ambao wanaishi katika ndoa ambazo wananyanyaswa. Wasiogope kunyoshewa kidole cha lawama ati kwa sababu wamejikwamua kutoka yale mateso ambayo wanaendelea kuyapata.

Sisi kama taifa tumelifanya jambo la kawaida mtoto wa kike anaporudi nyumbani kupeana malalamishi kuhusu yale mambo ambayo anapitia katika ndoa yake, tunambebesha virago na kumwambia huyu ndiye ulituletea kwa hivyo nenda ukamalize safari na mwenzako.

Tunaishi katika ulimwengu tofauti na ule wazazi wetu waliishi. Tunaishi katika ulimwengu ambao msongo wa mawazo unaumiza watu. Tunaishi katika jamii ambayo mtoto wa kike amewezeshwa kiasi cha kwamba akiwa yeye ndiye mtafutaji katika jamii, mtoto wa kiume hataki kukubali kwamba huyu mtoto wa kike anaweze kuenda kazini na arudi awezeshe jamii yake.

Bw. Spika wa Muda, langu kwa dada zangu wa kike wa umri wangu na wale ambao wamenizidi ni kuwaomba wasilazimishe mahusiano ikiwa hauko tayari, wala usikubali kupelekwa na shengesho ya vitu ambavyo unaviona katika *Social Media*. Hakuna kitu kama *perfect life, marriage na relationship*.

Nawaomba mchukue muda wenu mwafaka mnapochagua mtu ambaye mtaendelea kuishi naye katika maisha yenu. Iwe in mtu ambaye umempenda na uko tayari kufa kuzikana kukaa naye na siyo yeye akulazimishe kuenda jongomeo naye akibaki nyuma kutafuta mrembo mwingine.

Nawashukuru viongozi wote wa kiume ambao wamebaki hapa ndani ilikuwezesha kupaza sauti za mtoto wa kike katika jamii hii. Sisi ni warembo, mtupende,

tupendane na tuzae. Hiyo ndiyo sababu kubwa Mwenyezi Mungu alituleta hapa ulimwenguni.

Asante.

(Applause)

The Temporary Speaker (Sen. Wakili Sigei): Proceed, Sen. Shakila Abdalla.

Sen. Shakila Abdalla: Asante Bw. Spika wa Muda, kwa kunipa nafasi hii nami pia nichangie katika mjadala huu muhimu wa akina mama.

Kwanza, ningependa kuchukua fursa hii nimushukuru Sen. Munyi Mundigi leo kwa kumbuka wamama ikiwa ni *Valentine Day*. Ijapokuwa sisi Waislamu hatusherekei *Valentine*, lakini, tunaseme anayekukumbuka ni binadamu. Kwa hivyo, tunasema asante kwa Sen. Munyi Mundigi.

Pia, ningependa kusema ni kwamba hakuna mwanamke ama binadamu anayestahili kufa kwa sababu ya mapenzi. Kifo kimepangiwa muda wake na sababu zake. Lakini sababu ya mapenzi haistahili mtu kupoteza maisha yake.

Bw. Spika wa Muda, mwanamke ama binadamu yeyote anayepoteza maisha, kitu cha muhimu ni haki ipatikane kwa kufuata sheria.

Bw. Spika wa Muda, katika nchi yetu ya Kenya hatuna shida ya sheria. Sheria za Kenya ziko nyingi sana ambazo kwamba zinampatia kila mtu haki kikamilifu. Shida ni kwamba utekelezaji wa sheria ndio changamoto kubwa katika nchi yetu. Kwa hivyo, dhuluma za kijinsia zinasababishwa na kukosa kutekelezwa kwa sheria zinazoambatana na hizo dhuluma.

Bw. Spika wa Muda, hatuko hapa leo kusema kwamba tulikuwa na shida hii, wamama hawa wameuawa, kupeana ripoti ama kupeana hesabu. Tuko hapa kutaka suluhisho ya hii shida ambayo inazidi kuendelea na suluhisho halijapatikana.

Bw. Spika wa Muda, dhuluma kama hizi zikifanyika, kwa mfano kama ni hoteli, inafaa ifungwe na polisi waende wachukue rekodi za wale ambao waliweka nafasi katika hoteli hiyo wakaacha vitambulisho vyao na majina yao kamili.

Ni rahisi sana watu kama hawa kushikwa. Tunashindwa ni kwa nini Serikali na sheria imezembea katika kupambana na magaidi kama hawa wanaoenda wakiuwa wasichana wa wenyewe na wamama kiholela.

Kwa hivyo, kama sheria ingechukuliwa, hoteli hizo zingekuwa zimefungwa na watu kuchukuliwa vibali vyao, kuchunguzwa, kusororwa na kujulikana ni kina nani wauwaji, bila shaka, haya mambo yangekoma. Kwa kuwa sheria haitekelezwi, mambo hayo yanazidi kutendeka.

Dhuluma za kijinsia hazitakoma kwa sababu unyanyasaji uko ndani, nje, juu na chini. Hayo yote yanachangiwa na watekelezaji wa sheria ambao hawawajibiki na kuchukua hatua mambo hayo yakifanyika.

Bw. Spika wa Muda, ningependa kusisitiza kwamba sheria zinafaa kutekelezwa kikamilifu ili haki ipatikane kwa wasichana wanaoumia.

Sen. Cherarkey: Bw. Spika wa Muda, naungana na Maseneta wenzangu waliochangia Hoja hii kuhusu wasichana na wavulana wanaopoteza maisha yao kwa

sababu ya vita vya kijinsia. Kuna kesi iliyoamulia juzi kuhusu suala hili, ambapo marehemu Monica Kimani aliuawa kwa njia isiyo eleweka. Mahakama imetoa hukumu kuhusu kesi hiyo.

Inamaanisha kuwa kuna sheria za kutosha za kupambana na janga hili. Jambo la kushtua ni kwamba mara nyingi asasi za usalama nchini Kenya hazizingatii vita vya kijinsia kama janga linaloathiri jamii zetu. Wanaume wengi katika taifa la Kenya wanaheshimu akina mama. Ni wachache tu ambao wana unyama.

Nakubaliana na wenzangu waliosema kuwa vyumba vya raha na starehe ambavyo vinatumika kama hoteli na mikahawa vinafaa kusajiliwa na Wizara ya Masuala ya Ndani na Utawala ili tujue nani wanaingia huko na saa ngapi. Tukifanya hivyo, itakuwa rahisi sana kufuatilia mauaji kama yale tunayoshuhudia dhidi ya kina mama na wasichana. Ikiwa tutafanya hivyo kama taifa, tutajaribu kuzuia mauaji yanayotokea kiholelaholela.

Jambo la pili ni kuwa tuna jukumu kama taifa kubadilisha taasubi katika jamii zetu mbalimbali. Wanawake kwa wanaume wote ni sawa kwa njia mbalimbali. Mungu anajua kwa nini wengine ni wa kike na wengine ni wa kiume.

Naomba wanaume wa Kenya ambao wana tabia hiyo wakome. Wasipokoma, sheria itachukuliwa mara moja. Hakuna haja ya kumpiga mtu ngumi ama kofi kwa sababu sisi sote ni binadamu. Wanaume wajue kwamba mwanamke anafaa kupigwa na kanga ama lesu bali si kushambuliwa kwa makonde na ngumi. Mwanamke vile vile anafaa kupendwa kwa kupewa pesa. Hayo ndiyo mapenzi.

Watu wa jinsia ya kike, hasa wasichana, wanafaa kuacha kula nauli ya wanaume kwa sababu ni changamoto hasa kwa vijana ambao wanajaribu kujikimu. Bw. Spika wa Muda, ukinihusu kutumia lugha ya mtaani, wanasema “kula fare”. Hiyo ndio changamoto. Hata hivyo, hiyo haifai kuwa sababu ya kumuumiza msichana ama mvulana kwa njia yoyote.

Ningependa Maseneta wenzangu wafahamu kwamba hili si jambo ambalo linaathiri jinsia ya kike pekee. Kuna wavulana wengi ambao huumizwa roho na kuamua kujinyonga kwa sababu ya mapenzi au kukataliwa na wasichana. Ijulikane kwamba wao pia ni binadamu na wana malengo fulani.

Ninauliza akina mama na wasichana, iwapo humpendi mvulana au mzee, mwambie mapema awache kukunulia kahawa, vikaukau na vipanzi. Pia, awache kukuburudisha na kukupeleka kwa nyumba za starehe. Ikiwa tutakuwa na heshima ya mapenzi, nafikiri kama taifa, tutakuwa mbele.

Bw. Spika wa Muda, la mwisho kwa maana naona masaa yameyoyoma, ni kwamba, ningependa kumwuliza Sen. Crystal Asige apendekeze jambo lolote ambalo litaweza kubadilisha sheria yeyote katika Bunge hili. Sisi kama Seneti tutasimama, tubadilishe sheria ya kuchunga wavulana kwa wasichana, kwa sababu hilo ndilo lengo letu.

Wakati tunaposherehekea siku ya wapendanao, ingekuwa vizuri kukumbuka wale wamama ambao wameumizwa na wanaume hao.

Asante sana kwa kunipa fursa hii.

The Temporary Speaker (Sen. Wakili Sigei): Sen. Cherarkey, I must commend you for your Kiswahili proficiency from Nandi.

Sen. Beth Syengo, you may have the Floor.

Sen. Beth Syengo: Thank you, Mr. Temporary Speaker, Sir, for giving me this opportunity to add my voice to this Motion by Sen. Crystal Asige, on femicide cases.

Mr. Temporary Speaker, Sir I did not know that to love is a crime. Girls who love handsome young men are killed simply because of loving them. Women who have left their fathers and families to marry men in this nation are killed for loving their husbands. It is sad. That is why, if you have noticed, all female legislators are in black today because we are mourning. We are not celebrating this Valentine's Day.

Looking at this issue keenly, as a country, we have a problem. Family values have been left behind. That is why, we have problems. If only society would hold dear family values, people would learn how to relate with one another and themselves from home. Family values will give people priority and men will know their lanes. If only as a country, we treasured and got back to practicing family values.

As a country, the societal fabric is broken. That is why, there is so much evil in our society. The killings that we are experiencing are not normal. How would a person in his right mind dismember a woman that he had gone with to a room to make love to? It is sad.

Mr. Temporary Speaker, Sir, I will also associate this increase of femicide cases to hard economic times. Allow me to speak to our youth in this nation. If you are jobless and you do not have money, you will not get money by killing. If you do not want to take responsibility, it will not pay you to kill a woman. Please, stop killing. Try to work hard.

At this point, I request the Government to make sure they do not just speak or make a cosmetic promise. Let us have jobs for our young people so that they can feel like men enough to entertain women, treat women and take their responsibilities at home and in society.

Mr. Temporary Speaker, Sir, I speak to the women in this nation. It is good to be loved and to love. It is honorable to be married. However, if a woman is in a marriage that is not working and violence has started existing in that marriage, please leave.

Mr. Temporary Speaker, Sir, it is better to leave alive and go to live alone, struggle and make life work than to stay in an abusive marriage that will lead to your death. Please, allow me to speak to young girls. Struggling and living a life of poverty is not a curse or a crime. Work hard and your time will come. Do not go for easy money because it is good to be alive, to live, struggle, get your own money and a job than to rush into your death.

Mr. Temporary Speaker, Sir, I am not happy with the way our men legislators have walked out when we are discussing such an important matter. How I wish every male legislator will look at women as their daughters, sisters and mothers. They may look down on their wives anyway, but they should look at women as their daughters, sisters and mothers. Your wife may be your companion---

(The microphone was switched off)

The Temporary Speaker (Sen Wakili Sigei): Sen. Beth Syengo, your time is up.

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Sen. Wafula.

Sen. Wafula: Asante, Bw. Spika wa Muda, kwa nafasi hii. Leo watu wanasherehekea mapenzi lakini inategemea ni mapenzi ya nini. Kuna wale wanapenda pesa, mvinyo, chakula na mavazi, na yote ni mapenzi. Nataraji kwamba hicho ndicho kiini cha mjadala wa siku ya leo.

Kuna wale wana mazoea ya kuvuna wasipopanda, wale ambao hutabasamu vilivyo tayari pasipo kushughulikia kuviandaa na wale walio tayari kupakua na sio kutafuta kuni kuandaa. Donda hili ndilo linalotusumbua sisi kama jamii. Wale ambao wanaomiliki maeneo ya starehe na kujivinjari, na maeneo haya ya *Airbnb* na kadhalika, ni lazima tujue ni wapi ama ni sheria zipi zinadhibiti kuchipuka kwa maeneo haya ya burudani.

Bw. Spika wa Muda, wengi ambao wamehusika katika mauaji ni watalii ama wageni kutoka nchi tofauti. Ni lazima vile vile Serikali kupitia Wizara ya Ulinzi na Maswala ya Ndani kudhibiti wanaokuja au kuzuru nchi hii ili wasije wakaleta tabia au hulka ambazo hazieleweki, ili kwamba kuweka wanawake wetu katika hali tatanishi.

Rafiki yangu mmoja aliniambia lile linalowakumba vijana wengi, wasichana kwa wavulana, ni kuhisi kujikuna lakini hawajui watajikuna vipi. Wanatarajia kula lakini hawajui watauma vipi. Ni lazima jamii na haswa, viongozi wanawake humu nchini Kenya--- Iwapo tungekuwa tunajadili mambo ya tabia na tamaduni nzuri; na mambo ya kulinda na kukuza wasichana wetu katika njia nzuri kutoka Januari hadi Disemba, siku ya leo ya mapenzi hatungevaa nguo nyeusi.

Bw. Spika wa Muda, sababu baadhi ya wale wanatajika nchi hii katika vyombo vya habari na maisha yao ni kinyume na familia zinazoheshimika, familia ya bwana na bibi wanaopendana. Wao hutamka tofauti. Lakini leo wanadai watu waheshimiwe. Heshima ya umenge au jinsia hudhibitishwa ama hukuzwa kutoka nyumbani. Ninaomba viongozi, Maseneta, Wabunge na Mawaziri waanza kukuza na kufunza wasichana wetu kwamba hakuna cha bure duniani.

Zile hoteli nzuri ambazo wanaingia wakitabasamu wakaangalia paa, watu wametolea jasho. Vile vyakula vinavyoandaliwa wakila wakiwacha, watu wametolea jasho. Ni lazima wajiulize kile unachopata bure, anayekupa anatafuta nini. Siye yule anatabasamu akikutazama anakupenda kwa haki. Ni kama fisi ama simba anavyomwona mwanakondoo. Kondoo anadhani simba ana manyoya, amefurahia. Hapana, simba anamwonea huruma tu. Lazima jamii ya Kenya tuketi kujadili mambo haya kwa kina. Viongozi wa makanisa kando na kuhubiri mbinguni, ufalme upo hapa. Tunataka kuzungumza na wazee, kina mama na vijana.

Tuelewe kwamba ni lazima tuishi pamoja kwa kuelewana. Mapenzi ni ya roho safi kama Yesu alivyohubiri. Ila isiwe ya siku moja kama ya leo tunavaa nguo nyeusi, tunalalamika na kufunga ukurasa. Je, kesho?

Tuweke mikakati, idara ya elimu, makanisa na serikali tuje sote pamoja kwa sababu hili ni jambo ambalo linatuathiri sisi wote kutoka nyumbani kwetu hadi taifa.

Nakashifu mauaji ya wanawake, uporaji wa pesa za wanaume, ulaji wa rasilimali ovyo ovyo. Cha muhimu ni tuishi pamoja, tupendane. Nipe nikupe patashika katika Maisha.

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The Temporary Speaker (Sen. Wakili Sigei): Proceed, Sen. Ogola.

Sen. Ogola: Thank you, Mr. Temporary Speaker, Sir, for the opportunity. From the word go, I rise to condemn femicide. I join my colleague, Sen. Crystal Asige, in this honourable Motion and to also support the sentiments by my colleagues and Kenyans all over.

I begin by saying that femicide cannot be about women. It cannot be a business of women because the loss of life of the women is a loss of a mother, a daughter, a sister and could be a loss of a provider and a Kenyan.

Mr. Temporary Speaker, Sir, we need to get back to our societal networks. How is the society guiding each other? We need to be our brother's keeper and to re-examine our education system. What kind of knowledge are we passing on to our learners? Are we only getting knowledge to learners that is only geared towards some paper education?

Are we focusing on knowledge that is taking us back to values that will protect our children? Are we teaching our children about certain values such as tolerance, love, respect for each other, patience, determination and hard work in order to enjoy the benefits we desire?

It is unfortunate that while I was on recess in my village, I went to a burial in the next ward and it was so such a pity that we were burying a young woman who had been strangled at night by unknown people leaving three young children with a husband who was away doing some manual jobs elsewhere.

In December, everybody saw the news about a young woman who was from a market in Ndeywa sub-county, where I come from. She had bought food from the market and when she went to cook, somebody just came and chopped off her head with a *panga*. That is the face of femicide that we talking about today. We condemn this.

I wish to tell youths, be they women, boys or girls, that hardtimes do not last, but hard people last forever. They must be able to go the hard way of providing for themselves. We must never encourage shortcuts for our people. Let us encourage the young people to work hard. Let us encourage them that it is the only sustainable way and if any case, life was never meant to be easy. However, as I wind up, I condemn femicide and say that there is no reason why a woman should be killed. Whether people talk about love, fare or anything, we must say no to femicide.

I support this Motion.

Sen. Oketch Gicheru: Mr. Temporary Speaker, Sir, I have been listening to this entire debate and I am perturbed. I am very sad. I listened to speakers in this House who are Senators of Kenya. What is singing in my head, it appears like Senators are joining societal perception that shifts the blame of these femicides on our young girls and our women.

Any thought that starts to shift blame in whichever form; whether it is the issue of fare, lack of understanding of our young daughters and women in this country, that shifts the blame to the victims of these brutal acts of femicide is extremely biased. We cannot join social media bloggers in putting our thoughts around this thought. We cannot join the media for trying to blame girls for whatever reason that we may like or to try to

associate with some men in some ways and they find themselves in an extreme form of violence called femicide. It is indeed very sad to hear that from this House.

It is sad to the extent that if you are not careful this House can throw its hands in the air and say that it is about behaviour, legal assistance, counselling to women, and safety shelters for women, it is extremely sad. This is because we shall participate in normalizing criminal activities by men who constantly perpetrate this Gender Based Violence (GBV) to the extreme of killing women. We cannot allow that.

If you look at Chapter Four of this Constitution, it is fully dedicated on the Bill of Rights. The Bill of Rights in the Constitution of Kenya, 2010 is one of the most adventurous and innovative chapters that defines the Constitution of Kenya, 2010.

If you read the entire Bill of Rights, the rights and fundamental freedoms of women just like any other person in this country are purposed to allow them to recognize and protect their human dignity to the extent that they can be able to achieve their entire potential as humans. So, what this is indicating is that the Government of Kenya starting from Parliament where I sit has failed the women of this country.

If you read Article 22 of the Constitution on the enforcement of the Bill of Rights, our courts, our Executive and Parliament have failed the women of this country. There is nowhere in the Constitution that you can limit the association of anybody within this border with anyone or with whichever groups. However, if criminal activities happen whereby people are killing women, they must be treated and dealt with as criminals. People are talking about teaching our young girls and boys and how to live when people from Nigeria come to this country, sneak in, kill our women and leave very comfortably. With all the instruments and powers that the Government has, we are unable to trace an individual who did this thing. It is a shame.

As a Government, we must decide to deal with the criminal activities. This continued violence against women, in whichever form, whether it is just mere GBV or femicide, must be a national crisis, so that anytime these things happen, the Government takes action.

There is no education about legal assistance that we need to continue giving women. There is no effort or counselling that we need to continue telling women on how to associate with their male counterparts. It is a simple issue of dealing with criminals within our borders. I come from Migori County where I have seen GBV dealt with as a matter of criminal activities. Therefore, I support this Motion.

I appreciate my sister, Sen. Crystal Asige, for bringing this Motion on the Floor of the House. Most importantly, I urge lawmakers that let us deal with this issue as a criminal activity that must be dealt with for one---

(Sen. Oketch Gicheru's microphone went off)

The Temporary Speaker (Sen. Wakili Sigei): Sen. Lemaletian, you have the Floor.

Sen. Lemaletian: Thank you, Mr. Temporary Speaker, Sir. I join my colleagues to strongly oppose the rampant cases of femicide happening in Kenya against young women.

There is so much a man can do to a woman other than beat her. As far as I know, women are the most nurturing creatures of God's creation. Even when we look back at the biblical story on creation, God created man, and he was not satisfied. So, he saw that there was importance of the woman being part of his creation, and therefore he created the woman. Interestingly enough, the woman became the vessel by which God delivered more human beings to earth. Through the woman, we have the procreation and the posterity of the human race. That means that when you eliminate a woman, you are threatening to wipe out the entire human race.

I liken this to the case of the egg coming before the hen, which one came before the other? I think that is the situation that is happening right now. Perhaps, some men are a bit sour that they are still not in the Garden of Eden enjoying fruits alone.

It is quite embarrassing to see Kenya trending globally for all the wrong reasons. Just the other day, we were praising our country for giving a very powerful position for the first time like the Chief Justice to a woman. I call upon the same courts to ensure that justice is served to the families of young women who have been murdered.

I have personally heard of very derogatory remarks coming, especially from people we consider honourable on these corridors of power. I have heard someone saying to me "this young girl should have been impregnated by somebody right now." Like men could not find somebody to impregnate this woman. To me, these kinds of sexist remarks culminate into these murders. Men who label women in that sexist manner are equivalent to these murderers. We say that the fish rots from the head. If we cannot lead by example as men and women elected to serve the rights of these people, then, we are going to achieve nothing.

Mr. Temporary Speaker, Sir, I was raised in a village by a very great man among warriors as a nomadic pastoralist girl. All I have known in my life is that men protect and provide. So, men should try and walk away from the hypocrisy that we are seeing, leading from the top.

We may be dealing with a crisis of men who are insecure and badly raised and do not know their role in society. We have seen many organizations doing women empowerment. What are our men in power doing to ensure that these young men are empowered or we are just doing a men's conference which ideally is supposed to take these men away from the women? What kind of things are men of this country doing?

ADJOURNMENT

The Temporary Speaker (Sen. Wakili Sigei): Hon. Senators, it is now 6.30 p.m., time to adjourn the Senate. The Senate therefore stands adjourned until tomorrow, Thursday, 15th February, 2024 at 2.30 p.m.

The Senate rose at 6:30 p.m.

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