

# PARLIAMENT OF KENYA

## THE SENATE

## THE HANSARD

Thursday, 12<sup>th</sup> November, 2015

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

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

### PAPERS LAID

**The Temporary Speaker** (Sen. Ongoro): Is the Senate Majority Leader present? Any Member who was assigned to lay the Paper by the Senate Majority Leader?

Another Paper is supposed to be laid by the Chairperson of the Sessional Committee on County Public and Investments, Sen. (Dr.) Khalwale. He is also not in the House.

The third Paper is also supposed to be laid by the Chairperson of the Standing Committee on Health who is also not in the House.

Let us proceed to the next Order.

### NOTICES OF MOTIONS

Again, this is business to be transacted by the Senate Majority Leader. Anybody assigned by the Majority Leader to give notice of Motion on his behalf?

The second notice of Motion is by Sen.(Eng.) Muriuki.

**Sen. Okong'o:** On a point of order, Madam Temporary Speaker.

**The Temporary Speaker** (Sen. Ongoro): What is out of order?

**Sen. Okong'o:** Madam Temporary Speaker, Sir, as per the requirements of the Order Paper, the Senate must be given the business of the House for the proceeding days. Is it in order to proceed without us having the Senate Majority Leader issue a statement on the business of the Senate for the coming week?

**The Temporary Speaker** (Sen. Ongoro): Hon. Senator, we have heard you and you are quite in order to raise that matter. However, we will proceed in view of the fact that the Senate Majority Leader who bears that mandate is not in the House. We will come back to that order. I believe he is coming in shortly.

In fact, we have not exhausted the avenue to lay that Paper. There is nothing out of order because he can still lay it during the order on Statements. We have not proceeded to the order on Statements; we are still on the order on Papers. He is not here, but nobody holds that mandate. He also did not delegate unless you want to approach the Chair and give me a written statement from him that he has delegated you. Under the circumstances, we will proceed.

Sen. (Eng.) Muriuki, you have the Floor to give notice of your Motion.

RESOLUTION TO RENEW THE MANDATE OF THE SELECT COMMITTEE  
INQUIRING INTO THE NEEDS OF THE 47 COUNTIES FOR HEADQUARTER  
FACILITIES FOR A FURTHER PERIOD OF 45 DAYS

**Sen. (Eng.) Muriuki:** Madam Temporary Speaker, I beg to give notice of the following Motion:-

AWARE THAT, the Senate on 30th July, 2015, resolved to establish a Select Committee consisting of nine Senators to conduct an inquiry into the needs of the 47 counties for headquarters facilities and report back to the House within three months of its establishment;

REALIZING THAT the three months period lapsed on 30th October, 2015, but owing to the magnitude of the work involved, the Committee was not able to complete its work within the duration;

NOTING THE NEED for more time to carry out a thorough inquiry into this matter;

NOW THEREFORE, the Senate resolves to renew the mandate of the Committee for a further period of 45 days to enable the Committee to complete its work and report to the House.

**Sen. Kittony:** Madam Temporary Speaker, I hereby lay the report on the Standing Committee on Health on the visit to the New Nyanza Provincial Hospital, Kisumu County, which was---

**The Temporary Speaker** (Sen. Ongoro): Order, Sen. Kittony. When we were on the order of laying of Papers, I called all those who were supposed to lay Papers. I think you walked in just shortly after that. We have actually proceeded to notices of Motions. The one who is supposed to be giving us his notice of Motion is the Chairperson, Standing Committee on Health or the Vice Chairperson. Are you the Vice Chairperson or the Chairperson? You are neither and, therefore, you are currently out of order.

**Hon. Senators:** She is the Vice Chairperson!

**The Temporary Speaker** (Sen. Ongoro): Are you the Vice Chairperson?

**Sen. Kittony:** Madam Temporary Speaker, I am the Vice Chairperson of the Committee on Health.

**The Temporary Speaker** (Sen. Ongoro): Senators, you cannot give a notice of Motion if you have not laid the Paper. At that stage, since Sen. Kittony, you did not lay the Papers on the Table, the procedures of the House cannot allow us to undertake this without first laying the Paper on the Table. You were not in the House when I called for Papers to be laid so that you proceed with the notice of Motion. That is the procedure. Allow me to consult with the Clerk-at-the-Table and see if we will come back to that.

*(The Temporary Speaker (Sen. Ongoro) consulted  
with the Clerk-at-the-Table)*

As a result of that, we have had to consult and adjust the business. We will go back to Papers and allow the Chairperson or Vice Chairperson of the Standing

Committee on Health to lay the Papers, take your seat and then we give you the Floor to give notice of Motion.

Proceed, first and foremost, to lay the Paper.

### PAPERS LAID

#### REPORTS OF THE STANDING COMMITTEE ON HEALTH ON VISITS TO NEW NYANZA AND KAKAMEGA PROVINCIAL HOSPITALS AND THE KISII LEVEL FIVE HOSPITAL

**Sen. Kittony:** Madam Temporary Speaker, I beg to lay the following Papers on the Table of the Senate today, Thursday, 12<sup>th</sup> November, 2015:-

Report of the Standing Committee on Health on the visit to the New Nyanza Provincial General Hospital, Kisumu County, on 22<sup>nd</sup> May 2015.

Report of the Standing Committee on Health on the visit to the Kisii Level Five Hospital, Kisii County, on 23<sup>rd</sup> May 2015.

Report of the Standing Committee on Health on the visit to the Kakamega Provincial General Hospital, Kakamega County, on 22<sup>nd</sup> May 2015.

*(Sen. Kittony laid the documents on the Table)*

**The Temporary Speaker** (Sen. Ongoro): Thank you, Senator. That is in order. Now that we allowed you, we will also allow the Chairperson of the Sessional Committee on the County Public Accounts and Investments to also proceed and lay the Papers.

**Sen. (Prof.) Anyang'-Nyong'o:** On a point of order, Madam Temporary Speaker. I would like to draw your attention to the fact that those Papers are not in order. The name of the New Nyanza Provincial General Hospital was changed in 2013 to Jaramongi Oginga Odinga Teaching and Referral Hospital.

**The Temporary Speaker** (Sen. Ongoro): Vice Chairperson, please, take note and correct accordingly.

Can we now proceed to the Papers by the Chairperson of the Sessional Committee on Public Accounts and Investments?

#### REPORTS OF THE AUDITOR-GENERAL ON THE FINANCIAL OPERATIONS OF VARIOUS COUNTY GOVERNMENTS

**Sen. (Dr.) Khalwale:** Madam Temporary Speaker, I beg to lay the following Papers on the Table of the Senate today, Thursday, 12<sup>th</sup> November, 2015:-

Report of the Auditor-General on the Financial Statements of the County Government of Nakuru for the 16 months period ended 30<sup>th</sup> June, 2014.

Report of the Auditor-General on the Financial Statements of Samburu County Government for the 16 months period ended 30<sup>th</sup> June, 2014.

Report of the Auditor-General on the Financial Operations of Nyeri County Assembly for the period 1<sup>st</sup> July, 2013 to 30<sup>th</sup> June, 2014.

*(Sen. (Dr.) Khalwale laid the documents on the Table)*

### NOTICES OF MOTION

**The Temporary Speaker** (Sen. Ongoro): Hon. Senators, we are now on notices of Motions. Is the Senate Majority Leader here or anybody who has been delegated by him? Majority Whip, you are in the House. I expect you to give us an undertaking why the Senate Majority Leader is not in the House to do this very important responsibility.

**Sen. Elachi:** Madam Temporary Speaker, I would not want to take an undertaking about where the Senate Majority Leader is. However, I believe there was a ruling in this House through the Sen. for Kakamega that said in the absence of both of them, either the Senate Majority Leader or the Senate Minority Leader can delegate to us, but which they have not.

**The Temporary Speaker** (Sen. Ongoro): The Senate Majority Whip, approach the Chair.

*(Consultations)*

Under the circumstance, it has been confirmed that the Senate Majority Leader did not delegate. This is a very important mandate. We will not undertake this mandate on his behalf. However, I have been informed by the Senate Majority Whip then before we are through with the statements, the Senate Majority Leader will be in the House.

**Sen Abdurahman:** Madam Temporary Speaker, it is every explicit that either the Senate Majority Leader or Senate Minority Leader will make a statement regarding the business of the following week. It is very clear in the minds of everyone that the Senate Majority Whip should be conversant with the procedures and must have been alerted by now on what should have happened. She is evading. Is she in order no tell us exactly where the Senate Majority Leader is and why business cannot be transacted regarding this particular Motion?

*(Loud consultations)*

**The Temporary Speaker** (Sen. Ongoro): Orders, Senators! I do not see any crisis in the House. We are not yet through with statements. I have already given you my assurance as assured by the Senate Majority Whip that before we are through with the statements, we will ensure that this is undertaken. Therefore, we proceed with notices of Motion.

REPORTS OF THE STANDING COMMITTEE ON HEALTH ON VISITS TO  
NEW NYANZA AND KAKAMEGA PROVINCIAL HOSPITALS AND THE  
KISII LEVEL FIVE HOSPITAL

**Sen. Kittony:** Madam Temporary Speaker, I rise to give a notice of Motion that the Senate adopts the reports of the Standing Committee on Health on the visit on the New Nyanza Provincial General Hospital, Kisumu County, the Kisii Five Level Hospital, Kisii County and the Kakamega Provincial Hospital, Kakamega County undertaken on

22<sup>nd</sup> and 23<sup>rd</sup> May, 2015. The reports have just being laid in the Senate today, Thursday, 12<sup>th</sup> November, 2015.

I would like to clarify that when we were visiting Nyanza we did not know that the name had been changed. It is not my duty to change it on the Floor of the House. So, I am advising the Senator for Kisumu, it will be done in the Committee in our normal procedures. We were not informed that it has been changed to Jaramogi Oginga Odinga Teaching and Referral Hospital.

**Sen. (Prof.) Anyang'-Nyong'o:** On a point of order, Madam Temporary Speaker. Is the Vice Chairperson of the Standing Committee on Health in order to say that they should have been informed that the name had been changed when they went there recently and yet I changed the name as the Minister for Medical Services in 2013, even before this Senate was elected? She should not load her ignorance on the specificity of the name of that hospital by saying that they will do it in the Committee. She should do it instantaneously.

**The Temporary Speaker** (Sen. Ongoro): Sen. (Prof.) Anyang'- Nyong'o, we hear you. If that is the case, the Vice Chairperson of the Standing Committee on Health has just given a notice of Motion. When and if she moves the Motion, she can do it in an amended form. I am sure she has taken note of that very critical observation.

**Sen. (Dr.) Khalwale:** Madam Temporary Speaker, this is a House of records. The records must be correct. The Paper which was laid is different from the Motion which is being moved. The Paper that was laid was in respect of the New Nyanza Provincial General Hospital. However, the Motion she is moving is a different report of a hospital called Jaramogi Oginga Odinga Teaching and Referral Hospital.

I request the Chair to make a determination that you cannot make an amendment of a Paper by way of moving a different Motion. It is not too much. All the Chair needs to do is to recall the laying of the Paper, the clericals be gotten right and then lay it.

**The Temporary Speaker** (Sen. Ongoro): Sen. (Dr.) Khalwale, unless we are in different Houses, this afternoon, no Motion has been moved in this House. All she has done is to give a notice. We have already taken note of that. In her individual capacity, she has no right to change an entire Paper which came from her Committee. Even the Senator who raised it has already confirmed that he is comfortable with that position. She will do the right thing to make that amendment. The Motion will be moved in its amended form.

**Sen. (Eng.) Muriuki:** Madam Temporary Speaker, the notice of Motion is about a report from a visit by the Committee. Perhaps, the Vice Chairperson of the Standing Committee on Health can confirm to the House what name was written there, when they actually visited the hospital.

*(Laughter)*

**The Temporary Speaker** (Sen. Ongoro): We cannot discuss all those details now. She has already given an undertaking to make reference and bring that Motion in its amended form, in case that anomaly was not observed.

We will now proceed to the Order on statements.

Yes, Senate Majority Whip. What is your point of order?

**Sen. Elachi:** On a point of order, Madam Temporary Speaker. I have just talked to the Senate Majority Leader. He is in another meeting. Therefore, I can proceed to give his notice of Motion.

**The Temporary Speaker** (Sen. Ongoro): Are you informing us that he has mandated you to proceed?

**Sen. Elachi:** Yes, Madam Temporary Speaker.

**The Temporary Speaker** (Sen. Ongoro): Okay, proceed.

APPROVAL OF SENATORS AS MEMBERS OF THE SELECT COMMITTEE  
TO SPEARHEAD THE PROCESSING OF THE GENERAL SUGGESTION  
FOR THE DRAFT CONSTITUTION OF KENYA (AMENDMENT) BILL, 2015

**Sen. Elachi:** Madam Temporary Speaker, on behalf of the Senate Majority Leader, I beg to give notice of the following Motion:-

AWARE that pursuant to Article 124(1) of the Constitution and the Standing Orders of the Senate, at a Special Sitting of the Senate held on Monday, 15<sup>th</sup> June, 2015, the Senate resolved to establish a Select Committee on Constitutional and Legal Review to inquire into legal issues arising following the re-allocation by the National Assembly of monies intended for key constitutional organs and institutions, including, the Judiciary, the Salaries and Remuneration Commission and the Senate.

FURTHER AWARE that on 23rd June, 2015, the Senate approved the names of Senators to serve in the said Select Committee whose terms of reference were as follows-

(a) inquire into the design of the Legislature and in particular, the institutions set out in the Constitution with a view to protecting the interests of the counties and their governments and securing and safeguarding the system of devolved government established in the Constitution;

(b) inquire into the role of the Senate as set out under the Constitution and make recommendations on the appropriate role to be played by the Senate in-

(i) the budget making process and revenue allocation;

(ii) the legislative process;

(iii) oversight over the National Government; and

(iv) oversight over the County Governments;

(c) examine and make recommendations on the appropriate role to be played by the Senate in the approval of nominees for appointment to State office;

(d) examine and make recommendations on the appropriate interlinkage and interplay between-

(i) the Senate and the National Government;

(ii) the Senate and the National Assembly;

(iii) the Senate and the County Governments; and

(iv) the Senate and other constitutional offices and Commissions.

(e) recommend to the Senate such constitutional and legislative interventions as may be necessary to secure and safeguard the system of devolved governments in the Constitution, including measures necessary to ensure the effective discharge by the Senate, of its legislative and oversight role under the Constitution; and

(f) examine and make recommendations on any other matter connected with or incidental to the foregoing.

COGNIZANT OF THE FACT that the Committee tabled its report on 23<sup>rd</sup> September, 2015 which report was adopted by the Senate on 21<sup>st</sup> October, 2015; noting that one of the recommendations in the report was that-

The Senate approves the appointment of a Select Committee to spearhead the processing of the General Suggestion for the Draft Constitution of Kenya (Amendment) Bill, 2015 through popular initiative in terms of Article 257 of the Constitution.

NOW THEREFORE, pursuant to the resolution of the Senate during the Sitting held on 21<sup>st</sup> October, 2015, the Senate approves the appointment of the following Senators to the Select Committee to spearhead the processing of the General Suggestion for the Draft Constitution of Kenya (Amendment) Bill, 2015 through popular initiative in terms of Article 257 of the Constitution-

1. Sen. Kipchumba Murkomen
2. Sen. Kiraitu Murungi
3. Sen. Naisula Lesuada
4. Sen. (Eng.) Muriuki Karue
5. Sen. Billow Kerrow
6. Sen. James Orengo
7. Sen. (Dr.) Boni Khalwale
8. Sen. Mutula Kilonzo Junior, and
9. Sen. Halima Abdille

And that the Committee reports back to the Senate within six months.

**The Temporary Speaker** (Sen. Ongoro): What is it, Sen. (Dr.) Khalwale?

**Sen. (Dr.) Khalwale:** On a point of order, Madam Temporary Speaker. With the benefit of hindsight, we are the drivers of the *Okoa Kenya* Movement. Getting signatures is not a child's play. I would like to draw the attention of this Senate to that fact. Knowing that going out there to get signatures will be expensive, time consuming and we shall lack the human resource that we have at *Okoa Kenya*, could we, therefore, consider that when the Motion will be moved, it be moved with amendments to provide that this initiative be collapsed into the one of *Okoa Kenya* since we already have signatures so that we move faster? All these things that we are canvassing for in this Motion are already addressed in *Okoa Kenya*.

**Hon. Senators:** Relax!

**The Temporary Speaker** (Sen. Ongoro): Sen. (Dr.) Khalwale, you are out of order. When the Motion will be moved, you will be free to give your proposed amendments and input. Right now, you are completely out of order.

Are there any more interventions on that?

**Sen. Murkomen:** On a point of order, Madam Temporary Speaker. I thought when a Committee is being formed or a Motion which has the names of Senators is being prepared, is it not fair that those Senators are consulted first before such a Motion is moved here? Is that not the general practice? There should be consultations so that when we come to the Floor of the House, everybody does not begin to dissociate himself or herself from a report.

**The Temporary Speaker** (Sen. Ongoro): Sen. Murkomen, you are quite in order. That should be the practice. From where I sit, I take it that before the Senate Majority Leader lays this kind of Paper, the said Senators were consulted.

**An hon. Senator:** No!

**The Temporary Speaker** (Sen. Ongoro): I am shocked if one of them was not. That is a matter I am sure the Senate Majority Whip is listening and will give an undertaking. At the right time, you can give that intervention to either withdraw your name or have it replaced.

**Sen. Elachi:** Madam Temporary Speaker, these are the same names of Senators who served in the first Committee. Therefore, if one feels that he or she does not want to be included – we gave them a privilege since they were part---

*(Loud consultations)*

**The Temporary Speaker** (Sen. Ongoro): Order, Senators! At least, listen to her.

**Sen. Elachi:** Yes, it is a privilege. We have other Members, but we felt that since they are the ones who brought this Report, they would have served this Senate better. They understand the issues. However, if they feel they do not want, we have a right to change the names.

**Sen. Mutula Kilonzo Jnr.:** Madam Temporary Speaker, it is not as easy as that. The Senate Majority Whip does not carry our brains and, therefore, does not have the discretion to think or assume on our behalf. They should have consulted us. The practice of the Senate is where we form a Select Committee, *ad hoc* committee or any other Committee, then you do not recycle the same Senators.

It is not just a question of asking, but it is a question of practice. Personally, I do not want to serve in this Committee because as far as I am concerned, I do not recall agreeing to a position where we would start collecting a million signatures through the Senate. It is just not right and it is impossible. We are setting ourselves for failure. Therefore, I do not want my name in this process.

**Sen. Omondi:** Thank you, Madam Temporary Speaker. I have a concern. We have only three people living with disabilities in this Senate. We have never served in any committee. I would like you to kindly inform me why we are discriminated. We are three and we need our space.

**Sen. Lesuuda:** Thank you, Madam Temporary Speaker. I want to agree with my colleagues. When I saw our names in the media, I thought it was a stale story because we are the same Members who sat in the other Committee. In that Committee, we recommended that other Members be put in place to move and drive the agenda forward. I also agree that it is important that Members be consulted before they are put in any select Committee.

**Sen. (Prof.) Anyang'-Nyong'o:** Thank you, Madam Temporary Speaker. Would I be in order to propose that we are actually engaging in a debate before the material time for the debate occurs? I would like to request the Senate that while notwithstanding the fact that the issues raised are very pertinent, they should come when the Motion comes before the House and the names are changed accordingly through an amendment to the Motion.



**Sen. (Dr.) Machage:** Thank you, Madam Temporary Speaker. Three Senators have already resented to inclusion of their names in this Committee which has been proposed to the House as a notice of Motion. Would I be in order to request that this notice is withdrawn and a new one tabled?

**Sen. Hassan:** Thank you, Madam Temporary Speaker. I want to agree with Sen. (Prof.) Anyang'-Nyong'o that we might be engaged in debate because today, my brother, Sen. Mutula Kilonzo Jnr., would say - as a substantive debate - that we are engaged in an exercise in futility in our quest to raise a million signatures, then who do you expect will want to engage in an exercise in futility in terms of the replacement of those names?

We might withdraw this Motion, have further consultations and then bring it further here with a more realistic timetable of what we, as a Senate, intend to do.

**The Temporary Speaker (Sen. Ongoro):** Hon. Senators, all the sentiments that you have raised are quite valid. However, I only allowed a few interventions because it is not in order for me to open debate at this stage. It was a notice of Motion and, at the time of moving that Motion, it can either be withdrawn or amended. So, at that point, the appropriate action will be taken.

We now put that to a closure.

## STATEMENTS

### BUSINESS FOR THE WEEK COMMENCING TUESDAY 17<sup>TH</sup> NOVEMBER, 2015

We are on Statements and again the Senate Majority Leader has already delegated to the Majority Chief Whip.

Proceed, Senator.

**Sen. Elachi:** Thank you, Madam Temporary Speaker. Hon. Senators, pursuant to

---

*(Several Senators stood up in their places)*

**The Temporary Speaker (Sen. Ongoro):** Order! Allow her to at least--- She has not even made her Statement.

**Sen. Khaniri:** On a point of order, Madam Temporary Speaker. I want to draw you back to the same Standing Order No.45(2)(c) that we already alluded to.

The provision of this Standing Order is that:-

“The Senate Majority Leader or, in his or her absence the Senate Minority Leader or, in the absence of both the Senate Majority and the Senate Minority Leader, a member of the Rules and Business Committee designated by the Senate Majority Leader for that purpose shall, every Thursday or on the last sitting day of the week, present and lay on the Table, a statement informing the Senate of the business coming before the Senate in the following week.”

Are you satisfied that the Majority Whip is issuing this Statement when the Senate Minority Leader is in the House?

**The Temporary Speaker (Sen. Ongoro):** Thank you for bringing that to our attention. However, you remember that at the time, the Majority Whip was given that

mandate because the Majority Deputy Leader was not in the House. So, now that the situation has been corrected, he will now undertake that mandate.

**The Senate Minority Leader** (Sen. Wetangula): On a point of order, Madam Temporary Speaker. Not that it matters to me that the Majority Chief whip is giving the Statement, but the Office of the Majority or the Minority Leaders is not an individual, it is an office. In the absence of the Senate Majority Leader, his deputy is the Majority Leader, and in the absence of the Minority Leader, his deputy is the Minority Leader, it is an office and not individuals.

The Senate Majority Leader arrogating himself the power to appoint an unqualified person to issue a Statement, within the Standing Orders--- I know I came in when the proceedings were going on, but the Deputy Majority Leader was sitting here. The Deputy Minority Leader is sitting here. It is just to have the rules observed. I have no difficulty; she can give the statement, but the rules must be followed.

**The Temporary Speaker** (Sen. Ongoro): Order, Senators! At the time, I called the Senate Majority Leader. Both the Senate Majority Leader and the Senate Minority Leader were not in the House. Subsequent to that, I also asked if any of the leadership had been given that mandate. Even at that point, the Senate Majority Whip had not been mandated. It is only after she walked out and came back with a signed mandate from the Senate Majority Leader that I allowed her to read it out. Now that the situation obtaining is different, it is in order that you have brought it up. Let us now proceed because the Deputy Majority Leader is in the House.

**Sen. Keter:** Thank you, Madam Temporary Speaker. Hon. Senators, pursuant to provisions of Standing Order No.45---

**Sen. Musila:** On a point of order, Madam Temporary Speaker. With a lot of respect to my leader, the Standing Order does not delegate to the Deputy Majority or Minority Leaders.

Standing Order No.45 (2)(c) is very clear and it says:-

“The Senate Majority Leader or, in his or he absence the Senate Minority Leader or, in the absence of both the Senate Majority and the Senate Minority Leader, a member of the Rules and Business Committee designated by the Senate Majority Leader for that purpose shall, every Thursday or on the last sitting day of the week, present and lay on the Table, a statement informing the Senate of the business coming before the Senate in the following week.”

Madam Temporary Speaker, there is no provision for delegating to the deputy either for the Majority or the Minority. I invite you to look at the Standing Order No.45(2)(c) and make a ruling.

**The Temporary Speaker** (Sen. Ongoro): You are quite in order Senator. All I am saying is that at the point that I called, the Majority and the Minority Leaders were not in the House. The Senate Minority Leader walked in as the process was ongoing. If you would want us to stop everything and give him an opportunity to read which is also fine, I do not see a big crisis that is really raising so much emotion. It is just a point that you bring to the Floor and people proceed.

The Senate Minority Leader, would you want to undertake that responsibility?

**The Senate Minority Leader** (Sen. Wetangula): No, Madam Temporary Speaker.

**The Temporary Speaker** (Sen. Ongoro): We have to bring this issue to a closure. Under the circumstances, therefore, the Deputy Majority Leader will proceed to read that Statement.

**Sen. Keter:** Hon. Senators, pursuant to the provisions of Standing Order 45, I would like to present the business for the Senate for the coming week, Tuesday, 17<sup>th</sup> November, 2015.

The Rules and Business Committee (RBC) will meet on Tuesday 17<sup>th</sup> November, 2015 at 12.00 p.m. to schedule business of the Senate for the week.

Subject to further directions by the RBC, the Senate will continue with business that will not be concluded this week, focusing on debate on Bills at the Second Reading and Committee of the Whole.

In addition, the following Bills will be scheduled for Second Reading and Committee of the Whole:-

(A) Bills for Second Reading:

- (i) The Preservation of Human Dignity and Enforcement of Economic and Social Rights Bill (Senate Bill No.8 of 2015);
- (ii) The Persons with Disabilities (Amendment) Bill (National Assembly Bill No.43 of 2013);
- (iii) The Employment (Amendment) Bill (Senate Bill No.1 of 2015); and,
- (iv) The Cancer Prevention and Control (Amendment) Bill (Senate Bill No.3 of 2015)

(B) Bills for Committee of the Whole:

- (i) The Presidential Memorandum on the Public Procurement and Asset Disposal Bill and Public Audit Bill;
- (ii) The Public Appointments (County Assembly Approval Bill) (Senate Bill No.20 of 2014);
- (iii) The County Early Childhood Education Bill (Senate Bill No.32 of 2014);
- (iv) The Climate Change Bill (National Assembly Bill No.1 of 2014);
- (v) The County Assemblies Services Bill (Senate Bill No.27 of 2014); and,
- (vi) The Parliamentary Powers and Privileges Bill (Senate Bill No.15 of 2014).

On Wednesday, 18<sup>th</sup> November, 2015, the Senate will continue with business not concluded during the Tuesday Sitting and any business scheduled by the RBC. On Thursday, 19<sup>th</sup> November, 2015, the Senate will deliberate on pending Motions and any other business scheduled by the RBC.

Let me take this opportunity to appeal to you to make yourselves available to dispose of pending business before the Senate, especially Bills in the Committee of the Whole.

I hereby lay the Statement on the Table.

*(Sen. Keter laid the document on the Table)*

**Sen. (Dr.) Machage:** On a point of order, Madam Temporary Speaker. I respect your ruling, but this is a House of record. Let it be known that today we have actually carried out an illegality by allowing the Deputy Majority Leader to issue that Statement, when the Senate Minority Leader is in the House. Even if he were not in the House, the

Deputy Majority Leader would not still have been allowed to read the statement unless he in the relevant Committee. I want that to be on record because it is important.

**The Temporary Speaker** (Sen. Ongoro): Sen. (Dr.) Machage, you are out of order. You were not paying attention to the proceedings. After the Senate Minority Leader walked in, I gave him the chance and he actually declined and made a statement to the Chair that the Deputy Majority Leader should proceed. There is no illegality that has been undertaken here. Everything is procedural according to what is stated under Standing Order 45.

**The Senate Minority Leader** (Sen. Wetangula): On a point of order, Madam Temporary Speaker. There is absolutely no illegality that we have carried out. I want to draw the attention of the House to Standing Order No.20, which talks about the Senate Minority Leader, Deputy Senate Minority Leader, Senate Minority Whip and Deputy Senate Minority Whip. In fact, if you start from Standing Order No.19, the Senate Majority Leader and Senate Minority Leader are offices. The Deputy Majority Leader is part of the Senate Majority Leader's Office. Let us not let the record go like you have presided over an illegality; you have not.

**The Temporary Speaker** (Sen. Ongoro): Thank you, Senate Minority Leader, for that clarification. Everything is in order. We are constantly aware of all the Standing Orders and consult widely before making any decision. In fact, if you read Standing Order No.19(b), you will find that everything is in order.

Let us proceed to the next Statement.

RISING INTEREST RATES AND STABILITY  
OF SMALL BANKS IN THE COUNTRY

**Sen. (Prof.) Anyang'-Nyong'o**: Madam Temporary Speaker, I would like to issue the following statement which was requested by Sen. Mutahi Kagwe on the stability of small banks and alarming interest rates.

First, the Senator wanted to know the reason for placing Imperial and Dubai Bank under receivership. On 14<sup>th</sup> August, 2015, the Central Bank of Kenya (CBK) appointed the Kenya Deposit Insurance Corporation as a receiver---

**The Temporary Speaker** (Sen. Ongoro): Order, Sen. (Prof. Anyang'-Nyong'o! Since Sen. Mutahi Kagwe who asked for that statement is not in the House, it would, probably, not be in order for you to proceed. We will defer that statement.

*(Statement deferred)*

Let us proceed to the next statement by the Chairperson of the Standing Committee on National Security and Foreign Relations. The Statement was asked by Sen. Godliver Omondi, who is in the House.

SECURITY OF PERSONS LIVING WITH ALBINISM IN THE COUNTRY

**Sen. Haji**: Madam Temporary Speaker, at the sitting of the Senate held on Thursday, 15<sup>th</sup> October, 2015, Sen. Godliver Omondi requested for a statement on the

security and welfare of persons with disabilities. The hon. Senator sought to be informed on:-

(a) whether the Government is aware that it had promised to protect all persons living with disability in the country;

(b) whether the Government is aware that Mr. Enock Jamenya, a 56 year old Kenyan living with albinism, was viciously attacked on 10<sup>th</sup> October, 2015 and succumbed to the injuries five days after he was discharged from hospital;

(c) the circumstances under which the victim was attacked and the steps the Government is taking to ensure the perpetrators of the heinous attack are brought to book; and,

(d) what steps the Government is taking to ensure that persons with disability are protected, particularly in light of the perceived growing demand for body parts of persons with albinism in Tanzania.

Madam Temporary Speaker, I wish to state as follows:

Persons living with albinism are classified as persons with disability due to the visual impairment associated with their condition. Article 54(1)(a) of the Constitution of Kenya 2010 provides that a person with any disability is entitled to be treated with dignity and respect and to be addressed and referred to in a manner that is not demeaning. This provision, therefore, extends to persons with albinism.

The Government is aware that on the night of 9<sup>th</sup> September, 2015, Mr. Enock Jamenya, a resident of Jebrongo Village in Hamisi Sub-County was attacked by three unknown people and succumbed to the injuries on 20<sup>th</sup> September, 2015. The late Enock lived with his son, Brian Dembede, in the same house. On that night, he gave his son, Brian, Kshs600, to seek for accommodation elsewhere since he had a visitor. The son spent the night in Majengo. The following day, at around 8.30 a.m., Brian found the father soaked in blood, with deep cuts across the left ear and the left hand fingers. His father refused to reveal to him what had transpired, arguing that if he did so, it would cause more problems. The deceased was taken to Hamisi Sub-district Hospital before he was transferred to Mbale for admission.

On 14<sup>th</sup> September, 2015, both son and father recorded a statement with the police. The deceased indicated that he was attacked at midnight by three armed men who said they wanted his body parts to take to Tanzania for sale. The suspects also robbed him Kshs10,000. He was discharged on 15<sup>th</sup> September, 2015, but unfortunately, succumbed to the injuries on the night of 20<sup>th</sup> September, 2015. The body was taken to St. Monica Mortuary in Kisumu for postmortem, which revealed that the cause of death was a result of the injuries suffered. An Inquest File No.5/2015 was opened and has been forwarded to the State Counsel for perusal and advice.

The Government has been promoting public awareness of rights of persons with albinism, which is aimed at educating the public on albinism as a way of curbing prejudice, stigma, discrimination and attacks.

Thank you, Madam Temporary Speaker.

**Sen. Omondi:** Madam Temporary Speaker, I appreciate the response given by the Chairperson. However, the statement is very casual. One wonders what happened after the narration. We are talking about the security of persons living with disabilities and the most vulnerable are persons living with albinism. The Chairperson has not told us what the Government is doing to guarantee the security of persons with albinism.

Article 54 of the Constitution indicates that persons with disabilities have rights, but does it reflect in our day to day living? The way issues of persons living with albinism are being handled in this country are questionable. When the Chairperson says that the Government is promoting public awareness of the rights of persons with albinism, what channels is it using? As a Senator representing people living with disabilities, I have not seen any awareness promotion. County governments should also collect data and put in place measures to protect the rights of persons with albinism and other types of disabilities.

The *Nyumba Kumi* initiative is good since it consists of people who stay together. This initiative should involve people living with disabilities, including persons with albinism, so that their security is guaranteed.

**The Temporary Speaker** (Sen. Ongoro): Hon. Senator, are you helping the Chairperson to answer your questions or asking more questions?

There is an intervention.

**The Senate Minority Leader** (Sen. Wetangula): Madam Temporary Speaker, I also want to contribute.

**The Temporary Speaker** (Sen. Ongoro): You will do so after she is through. Proceed, Sen. Omondi.

**Sen. Omondi**: Madam Temporary Speaker, investigations on issues pertaining to persons with disabilities take long. Many cases have been reported and we are always told that investigations are going on. At the end of the day, we are not given the resolutions of the investigation.

No case has been taken to court to prosecute the perpetrators of the violation of rights of persons with albinism. We need to conduct a research to find out why persons with albinism are being targeted and if what is alleged to be the reason is a reality.

The Chairperson should tell this House what programmes have been put in place to ensure that the lives of persons with albinism are taken care of. The late Enock did not want to disclose what had happened to him because of fear of being attacked again. Many issues affecting persons with disabilities go unreported. I would like the Chairperson to take this matter seriously because it touches on the lives of Kenyans. The Government has a responsibility to protect the lives of Kenyans. Persons with disabilities are more vulnerable.

**The Temporary Speaker** (Sen. Ongoro): Hon. Senator, restrict yourself to seeking further clarification and not debating. Are you through?

**Sen. Omondi**: Madam Temporary Speaker, I rest my case.

**The Senate Minority Leader** (Sen. Wetangula): Bi Spika wa Muda, ningependa kumuuliza Mwenyekiti wa Kamati kama anajua ya kwamba Wakenya walemavu wanaoitwa zeruzeru wako katika hatari kubwa ya kutekwa nyara na kusafirishwa hadi nchi jirani, ambapo wanaamini ya kwamba viungo vya miili yao vinaweza kutumiwa kwa ushirikina na uchawi. Namkumbusha kwamba kijana mmoja zeruzeru kutoka Kitale, alitekwa nyara na wahalifu na kupelekwa mpaka nchi jirani ya Tanzania. Aliweza kunusurika wakati polisi walizingira nyumba alimokuwa amewekwa na kuwashika wale wakora na kumrudisha kabla hajajinchwa na mwili wake kukatwakatwa ili viungo vyake vitumiwe kwa uchawi na ushirikina.

Je, Serikali inafanya nini ili kutetea na kuwalinda zeruzeru na haki zao kama wananchi na binadamu, ili washirikina na wachawi wasiwe wanawinda, kuwashika na

kuwauza ili wachinjwe na viungo vya miili yao vitumiwe kwa mambo hayo ambayo ni kinyume cha sheria na maadili ya kibinadamu?

**Sen. Hassan:** Madam Temporary Speaker, the highest number of cases of witchcraft, engagements of fortune tellers and other forms of evils are reported during election time in Tanzania. The Government of Kenya protecting people with disabilities at a time when Tanzanian elections are going on is like preparing for *El Nino*. This attack took place in Ramisi which is close to the Tanzanian border. The statement by the Chairperson did not respond to the level of alertness to protect members of our society who live with albinism from the wayward of the Tanzanian witchdoctors do to people living with albinism.

That is what Sen. Omondi wanted the Chairperson to respond to. The preparedness to protect people living with albinism, particularly at a time when their body parts and persons are demanded in the neighbouring country when the elections are at the highest gear.

**Sen. Haji:** Madam Temporary Speaker, I have tried my best to answer the questions by Sen. Omondi. She emphasized so much about awareness creation. Going by the statement and given my background of administration, I believe that chiefs, assistant chiefs and county commissioners would normally hold *barazas* every now and then in different places to create awareness about the dangers faced by albinos. I saw the news on television about the case of the young man from Kitale, who was mentioned by the Senate Minority Leader. He was shown on television in a programme to create awareness for the people of Kenya to know the danger that these people face.

Madam Temporary Speaker, the Government is responsible for the security of everybody, including persons living with disability and albinism. The challenge is that people are scattered all over and so, it would be difficult for the Government to provide a police officer for everybody who has disability or is suffering from albinism. It is also not possible to restrict them to one place, like a camp, because that will interfere with their human rights.

The concern raised by Sen. Hassan is true because these cases are very prevalent in Tanzania. When Sen. (Eng.) Muriuki was the Chairperson of the Constituencies Development Fund (CDF) Committee, we went to Bagamoyo where all kinds of witchcraft are done. We visited a place where we were told a religious lady lived 600 years ago. We were also told that everybody who vies for election in Tanzania goes there. To my shock, each of the Members of the delegation with exception of myself, drank that water and knelt before the shrine. However, in 2013, when elections were held, I am the only one who made it to Parliament.

*(Laughter)*

Tanzanians must know body parts do not help in any way. Our people should learn that taking body parts for purposes of witchcraft will not help in any circumstance.

**Sen. Hassan:** On a point of order, Madam Temporary Speaker. Following revelation by the Chairperson that they visited the shrine, is it in order for me to demand to know why the CDF decided to visit a witchdoctor?

**The Temporary Speaker** (Sen. Ongoro): Mr. Chairman, was the visit to the shrine officially in your itinerary?

**Sen. Haji:** Madam Temporary Speaker, we were on a tour. The officials of Tanzanian Government had prepared a programme which would have seen us visit many places of interests, including the shrine.

**The Temporary Speaker (Sen. Ongoro):** Mr. Chairman, what did the administration of the CDF got to do with visiting a shrine?

**Sen. Haji:** Madam Temporary Speaker, when you go overseas, you visit museums and other places of interests. Therefore, that is not different to what we did. That is a historical place.

**The Temporary Speaker (Sen. Ongoro):** Mr. Chairman, please, proceed to answer the other questions.

**Sen. Haji:** Bi. Spika wa Muda, Kiongozi wa Wachache aliuliza jinsi zeruzeru walivyofanyiwa---

**The Temporary Speaker (Sen. Ongoro):** Order, Mr. Chairman, the Standing Orders demand that if you start speaking in one language, you must proceed in the same language irrespective of whichever language somebody else uses to make an intervention.

Please, proceed in English language.

**Sen. Haji:** Madam Temporary Speaker, the Senate Minority Leader's concern was not different from those of many who spoke before him. However, I agree with him that we, as a country, should do more than what we are already doing using the *Nyumba Kumi* Initiative, administrators and every forum that is available to us, as the Government, and political leaders to highlight the dangers faced by people who suffer from albinism.

On the question of people living with disability, I agree with you. However, in your request for statement, I believe you did not request to know the number of people living with disability because the record is there. There is an organisation for people living with disability which has an office here in Nairobi. Anybody can walk in there and find out the number of people living with disability. If that question is asked officially, I will ask the Cabinet Secretary to respond to it.

**The Temporary Speaker (Sen. Ongoro):** Sen. Nanjira, are you satisfied with the response?

**Sen. Omondi:** Madam Temporary Speaker, it is true that I did not ask for the total number of persons living with disability, but I asked what the Government is doing to ensure security for persons living with albinism. We cannot protect them if we do not know how many they are. I normally see statistics quoting the ratio of police officers to the people they are giving security.

What about persons living with disabilities? The Chairperson said that it will be violation of people's right to recommend that persons with disabilities be put in a confined environment. I gave plan 'b' that the *Nyumba Kumi* Initiative can be used. When I went to Japan for studies, the Government of Japan had hotlines for persons living with disabilities that give them information about these people. Why can the Government not adopt the same to ensure that they have direct contact with persons living with disability? Even though the Chairperson has given me response, I request that he uses my interventions to ensure that we improve the lives of persons with albinism. The county governments should also take charge because they have a role and responsibility to protect and empower their people.



**Sen. Haji:** Madam Temporary Speaker, people with disabilities, especially albinism are among the number of people the police officers are supposed to give security to. They are not counted differently. However, I agree with you that the Government needs to do much more than what is happening now.

**The Temporary Speaker (Sen. Ongoro):** Mr. Chairman, in all honesty, listening to your answer to a very serious issue, I agree with Sen. Nanjira who has already expressed her dissatisfaction at it. I am also not convinced that you have adequately answered the question. I now rule that you revisit that statement and bring a more comprehensive answer to the Senate on Tuesday, next week.

**Sen. Haji:** Madam Temporary Speaker, it is a tall order. I think two weeks is more appropriate---

**The Temporary Speaker (Sen. Ongoro):** Order, Senator! Two weeks will be towards our recess. Sen. Omondi, are you comfortable with two weeks?

**Sen. Omondi:** Madam Temporary Speaker, as long as we do not go on recess without getting the statement, I agree that he be given time to give us a more comprehensive answer.

**The Temporary Speaker (Sen. Ongoro):** Mr. Chairman, you have two weeks to bring the answer.

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

*[The Temporary Speaker (Sen. Murkomen) took the Chair]*

**The Temporary Speaker (Sen. Murkomen):** Please, proceed Sen. M. Kajwang.

STATUS OF REGISTRATION AND ISSUANCE  
OF NATIONAL IDENTITY CARDS

**Sen. M. Kajwang:** Mr. Temporary Speaker, Sir, on Tuesday, 15<sup>th</sup> September, 2015, I received a statement in response to a request that I had made. The statement was on the issue of national identity cards, but it was not satisfactory because it did not address the specific issue on the status of digital national identity card project. The Chairperson of the Committee on National Security and Foreign Relations gave an indication then that precise feedback would be given in two weeks' time. I seek your guidance because we are almost going on recess and this matter has not been addressed properly yet it is an issue of national concern and not just the people of Homa Bay. I request that you direct that clarification be brought to this House on Tuesday.

**Sen. Haji:** Mr. Temporary Speaker, Sir, I apologize sincerely because this statement has taken time. There could be a problem and the reason we have not received the statement. However, as directed by the Chair, I will attempt to pursue and give response on Tuesday.

**The Temporary Speaker (Sen. Murkomen):** Sen. M. Kajwang, is that answer satisfactory?

**Sen. M. Kajwang:** Mr. Temporary Speaker, Sir, Tuesday will be appropriate. Please, proceed, Sen. Ndiema.

## CIRCUMSTANCES LEADING TO DEATH OF MR. EDWIN KIMUTAI

**Sen. Ndiema:** Mr. Temporary Speaker, Sir, pursuant to the provisions of the Standing Orders No.43(2)(c), I seek a statement from the Chairperson of the Standing Committee on National Security and Foreign Relations in regard to the killing of Mr. Edwin Kimutai Masai.

In the Chairperson should address the following:-

(1) Is he aware that Mr. Edwin Kimutai Maasai, a resident of Mosop village in Matumbei Location of Trans-Nzoia County was killed on 23<sup>rd</sup> August, 2015 by Kenya Wildlife Service (KWS), in total contravention of the provisions of Articles 25 and 26 of the Constitution?

(2) The full circumstances leading to the murder.

(3) The name of the KWS officer or officers, responsible for the killing and legal action taken against them or him.

(4) Action taken by the Government to ensure that full compensation to the family for the loss of the breadwinner.

(5) Measures taken by the Government to ensure safety of residents in areas bordering forest and national parks from such reckless and illegal killings by KWS.

Thank you, Mr. Temporary Speaker.

**The Temporary Speaker** (Sen. Murkomen): Chairperson of the Committee.

**Sen. Haji:** Mr. Temporary Speaker, Sir, I will give a response to the statement a week from today.

**The Temporary Speaker** (Sen. Murkomen): Is that okay, Sen. Ndiema?

**Sen. Ndiema:** Yes, Mr. Temporary Speaker, Sir.

**The Temporary Speaker** (Sen. Murkomen): Sen. Ndiema is satisfied with that.

## INSECURITY ALONG THE MERU-ISIOLO BORDER

I also see the Chairperson of the Committee is ready to respond to Statement 3(d). Since Sen. Kiraitu is not here, we can postpone it to another date designated by the Rules and Business Committee (RBC).

*(Statement deferred)*

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

**The Temporary Speaker** (Sen. Murkomen): Sen. Karaba, you caught my eye by shouting point of order. However, you have not made the necessary request from point of order.

**Sen. Karaba:** On a point of order. Mr. Temporary Speaker, Sir. It is only that I am not sure about its make

**The Temporary Speaker** (Sen. Murkomen): No, you are making a request to speak, not a point of order. By now, I am sure you understand how the technology and the system works.

Proceed.

**Sen. Karaba:** Mr. Temporary Speaker, Sir, I apologies for the problem I have with the machine.

Sometime back, I had sought a statement from the Chairman of the Committee on National Security and Foreign Relations. He had agreed to issue that statement today. Since he is here and she has the statement, can he be allowed to issue it now?

**The Temporary Speaker** (Sen. Murkomen): Do you have the Statement here?

**Sen. Haji:** Yes.

**The Temporary Speaker** (Sen. Murkomen): But you know the statement was not listed for today.

**Sen. Haji:** It was listed last week, but he was away

**The Temporary Speaker**(Sen. Murkomen): Now that both of you are here, the most neat way in future is to ensure that information is given to the Speaker's office, and the same is transmitted to the RBC. So, when you say you will be available this week, the statement is put on the Order Paper.

Be that as it may, let me allow the Chairperson to proceed.

**Sen. Haji:** Thank you, Mr. Temporary Speaker, Sir. During the sitting of the Senate held on 23<sup>rd</sup> October, Sen. Karaba requested for a statement---

**The Temporary Speaker** (Sen. Murkomen): I cannot hear you and I suppose many people may not be able to hear you.

**Sen. Haji:** Mr. Temporary Speaker, Sir, to save the time of the House, I do not intend to go through the questions raised. I will go straight to the Statement.

#### CIRCUMSTANCES LEADING TO THE DEATH OF ELIUD WACHIRA GACHOKA

On 24<sup>th</sup> January 2015, the deceased Eliud Wachira Gachoka, together with other family members had traveled to Kariobangi in Nairobi for dowry negotiation of one of them. The function ended at about 3.30 p.m. and the deceased boarded Mr. John Mugo Muthonge's car, who is his cousin, for the return journey to Kirinyaga. He was dropped at his homestead at Kimuchi Estate at around midnight. His cousin, together with his wife, waited for him to open his gate before proceeding to their home.

The following day, the son of the deceased, Mr. Timothy Wachira found the deceased's body lying on the corridor of his house in a pool of blood with deep cuts on the forehead. He called Mr. Mugo who then made a report at Kerugoya Police Station. Police officers visited the scene and found that the house had been broken into and ransacked and items worth Kshs75,000 stolen. The items included television set, gas cylinder, fridge, a mobile phone, among others.

On 2<sup>nd</sup> February 2015, postmortem was conducted and the body released to the family. Investigations relating to the incident which are aimed at apprehending and charging the perpetrators are going on.

Thank you, Mr. Temporary Speaker, Sir.

**Sen. Karaba:** Thank you for that Statement, As you might have also heard, the statement is short of explanation as to what happened and what is still happening with the police. They have not made any arrest from the time this man was killed. From that time, we should have had substantive efforts made by the police regarding the arrest of the killers.

It is not the first time that we have had such killings taking place in Kirinyaga. The police are not doing anything to arrest the killers. Are we going to surrender to fate?

Could the Chairman tell us whether we are now living in fear and we rise up with up with arms and protect ourselves when the police are employed to do that job?

**Sen. Haji:** Mr. Temporary Speaker, Sir, in this murder, there was no eye witness because it happened at night. There is nobody who has come forward to say he knew who did this. Therefore, it will take a bit of time really for the police to investigate and catch up with the murderer. It is totally unacceptable for a senior Senator like Sen. Karaba to suggest as to whether they can arm and protect themselves. He should withdrawal and apologize because, we, as leaders in the House here, cannot even remotely suggest that people arm themselves to protect themselves.

**The Temporary Speaker** (Sen. Murkomen): To be fair to Sen. Karaba, he did not say people should arm themselves. He just questioned whether the police are unable to provide security and, therefore, citizens take care of themselves. You have made the response in relation to timelines.

Sen. Karaba, do you still have anything to say?

**Sen. Karaba:** Yes, Mr. Temporary Speaker, Sir. The reason I was suggesting the same is because the same information was relayed to the police, almost the same day the victim was found dead. Information was given by somebody who knew what had happened. It is like the police are trying to collaborate with killers. However, we have not heard anything happening since the information was given to them. What are the police officers doing at the Kerugoya Police Station or even to give us the lead? The lead has been given by some good witness and they are not using it to apprehend the killers. That is the reason I was worried whether Kirinyaga is up for grab from thugs.

**Sen. Haji:** Mr. Temporary Speaker, Sir, if what Sen. Karaba is saying is correct, then it is serious. If the police have been told who the murderer is, or who were behind the murder of the deceased and since October to date they have not arrested anyone, it is not acceptable. I will take up the matter with the Cabinet Secretary. I do not know if it is in order for him and me to sit with the witness in confidence and pass the name so that the police can be assisted to fast track the arrest.

**The Temporary Speaker** (Sen. Murkomen): That is a good suggestion, Chairperson. It is important for you to pay a visit to the Cabinet Secretary in the company of Sen. Karaba because it is a question that is specific. When you finally get the proper answer, you can come back to the House. It is good for you two to go ahead and do so. If you are satisfied or not, you report to the House.

*(Sen. Karaba spoke off record)*

**Sen. Haji:** Mr. Temporary Speaker, Sir, I do not hold the diary of the Cabinet Secretary. I have to look for him first and agree on the date after which I can inform my brother.

**The Temporary Speaker** (Sen. Murkomen): Getting hold of the Cabinet Secretary and agreeing on the way forward can take about two weeks. In two weeks' time, you can report to the House on the progress.

That is the end of Statements.

**BILLS***Second Readings*

THE OFFICE OF THE COUNTY ATTORNEY BILL, (SENATE BILL NO. 37 OF 2014)

THE COUNTY GOVERNMENTS DISASTER MANAGEMENT BILL,  
(SENATE BILL NO.40 OF 2014)

THE KENYA NATIONAL EXAMINATIONS COUNCIL (AMENDMENT) BILL,  
(SENATE BILL NO.7 OF 2015)

*(Bills deferred)*

**MOTIONS**

ESTABLISHMENT OF A TASK FORCE TO SURVEY AND FIX BEACONS  
FOR ALL COUNTY BOUNDARIES

GIVEN the clear provisions of Article 6(1) and the First Schedule which establishes the 47 counties of the Republic of Kenya;

CONSIDERING the clear provisions of the Districts and Provinces Act (Cap 105 A) of 1992 which specifically delineates the geographical boundaries of each county;

NOTING the provisions of Article 188 of the Constitution, which clearly state that the boundaries of a county may be altered only by a resolution of an Independent Commission set up for that purpose by Parliament and with the support of at least two-thirds members of the National Assembly and two-thirds of the county delegations in the Senate;

FURTHER NOTING that the boundaries in counties have not been surveyed and no beacons have been fixed;

CONCERNED that failure by the National Government to mark and fix the county boundaries has led to endless and sometimes violent conflicts, in which innocent Kenyans have been killed and their property destroyed, and is generally perpetuating poverty and underdevelopment in counties;

THIS HOUSE urges the Office of the President and the Ministry of Land, Housing and Urban Development to urgently establish a Task Force to survey mark and fix beacons for all the county boundaries and to submit a report of the said Task Force to this House on or before 31st March, 2016.

*(Motion deferred)*

NOTING THE REPORT OF THE IPU EXPERT MISSION TO KENYA ON  
THE FRAMEWORK TO IMPLEMENT THE CONSTITUTIONAL PROVISION  
OF THE TWO-THIRDS GENDER RULE

**Sen. Ongoro:** Mr. Temporary Speaker, Sir.

THAT, AWARE that the Parliament of Kenya is an active member of the Inter-Parliamentary Union (IPU) which is the international organisation of national Parliaments;

FURTHER AWARE that the IPU provides support to Parliaments in areas such as law and policy-making, as well as representation;

NOTING WITH APPRECIATION that, upon a request by the Speaker of the Senate, the IPU sent an expert delegation to Kenya from 12<sup>th</sup> to 16<sup>th</sup> July, 2015 to offer advice on the way forward in implementing the constitutional requirement on the two thirds gender rule;

NOW THEREFORE, the Senate notes the Report of the Inter-Parliamentary Union Expert Mission to Kenya on the framework to implement the constitutional provision of the two-thirds gender rule laid on the Table of the Senate on Thursday, 8<sup>th</sup> October, 2015 and extends its appreciation to the IPU for support on the matter.

Mr. Temporary Speaker, Sir, statistics globally and here in Kenya indicate that women constitute about 51 per cent of the entire global population. This same scenario is here in Kenya. Interestingly, this 51 per cent has been under-represented in all spheres of life. In the legislature, for example, women represent less than a quarter of all the legislative seats. The Senate is in a pathetic situation. All the women in the Senate are nominated with no voting rights unless and except appointed by the leaders of their respective delegations. This puts the women of Kenya in the Senate representing more than 51 per cent of the entire population at a disadvantaged position.

However, all is not lost. When we promulgated the Constitution in 2010, it was a major milestone for the women of Kenya in the fight for gender equality. The Constitution opened and gave us enhanced space in terms of political representation and all other spheres, including the executive arm. The Bill of Rights, Article 27(6), 27(8), and 81(b) provides and addresses the needs and issues regarding equality and affirmative action. I am aware everybody has read those provisions.

Mr. Temporary Speaker, Sir, in view of this emotive debate we have had in the recent past, aware that we have to suggest a firm position on that, and considering that Kenyan women had to seek views from all the stakeholders and had to go all the way to create strategic partners in a manner that we can come to an amicable solution, we had to learn from neighbouring countries, especially because one of the most popular proposals that was being put on the table was the issue of gender quotas.

Therefore, we went out of our way to learn from our sisters from other countries, especially countries where constitutional gender quota issues have proved critical. This is towards ensuring enhanced political participation for women. We benchmarked with countries like Rwanda, Tanzania, Uganda, and South Africa, among others.

Mr. Temporary Speaker, Sir, interestingly, after all these benchmarking, we realise that all the women globally face the same challenge. Therefore, all these challenges are not unique to Kenyan women. Some of the challenges that are common include limited resources, cultural attitudes, religious beliefs and inhibitions and a patriarchal society that is not excited with the issue of women leadership perpetuated by socio-cultural beliefs.

Having known that we are in a situation akin to others who have overcome the challenges, we decided to adopt various strategies to help address these challenges. One of the strategies was to form strategic partnerships with like minded individuals and

institutions. Here in the Senate, we decided to get an entry point through which we could have this issue addressed at the IPU. Knowing that the Speaker of the Senate is a Member of the IPU, we roped him in as a strategic partner to take this issue to that international platform because we wanted to get what they feel and think about the crisis in Kenya and the way forward. For those who might not be aware, the IPU is an international organisation of national parliaments. Of course, Kenya is an active member. The organisation provides support to parliaments such as our own in areas such as law and policy making as well as representation.

The IPU support is based on global human rights standards, gender equality, democratic principles of representation, openness, accessibility, transparency and efficiency. In fact, gender equality in politics is enshrined in the IPU's Universal Declaration on Democracy which was adopted by its member parliaments in 1997. Kenya is a signatory. On that platform, the IPU makes a direct link between women representation on one hand and public participation in public affairs linking it directly to democracy.

They are very firm on that. In fact, without adequate women representation, a country cannot boast or talk of having a democratic process. So, based on that encouragement, we thought it was a good platform to make reference to. Through our Speaker, our issue was presented to the IPU. Based on this extensive mandate of the IPU, the Speaker of the Senate requested the IPU to form a delegation of experts in women's participation in order to provide guidance and advice on the way forward in implementing the Kenya constitutional provision on the two-thirds gender role enshrined in Article 81(b) of the Constitution.

It was requested that the mission take place in conjunction with ongoing debate that was all over Kenya at that time on the best way forward. At that point, we were battling with all manner of proposals on this gender issue. Some were even advocating for the scrapping of certain seats which were already a gain enshrined in the Constitution. They did this to give us ways and means to put the Constitution into effect. Parliament has continued to play a critical role. Parliament is the institution that has been tasked by the Constitution with crafting the framework of implementation on the gender quota. The gender quota had a deadline before or on 27<sup>th</sup> August, 2015, before the extension. Time is running fast.

The situation in Kenya is very pathetic. Kenya stands at No.70 in the IPU's global ranking in terms of women's participation in either lower single House of National Parliament or in the Senate. We are ranked far below all our neighboring countries. It is a very interesting scenario that even a small country as Rwanda, that about 20 years ago was in a situation of war, is now ranked first globally with 64 per cent of women parliamentarians. Tanzania comes in as No.21 with 36 per cent and Uganda ranks 23<sup>rd</sup> with 35 per cent of women parliamentarians. These are neighbouring countries with almost the same socio-economic cultural backgrounds and status yet we have not even achieved 30 per cent in Kenya. It is a very sad scenario when you notice a resistance at achieving the constitutional 30 per cent after such extensive debate.

One only has to look at the attendance in this Senate this afternoon. When all the male Members realized that the next order in the Order Paper was an issue that touches on women issues, they walked out. This is a glaring issue because actions speak louder than words. Apart from the Speaker and Sen. (Dr.) Obure who was on his way out. All

the sitting Members of the Senate who are present as this order is being debated are all female. It speaks volumes to all the women of the nation watching out there. Having said how we rank and noticing what is happening in the “Upper” House, one is not shocked why we are ranking so poorly. This is a House of representation. We represent the views that we espouse out there.

The formation of the IPU’s expert mission was aimed at building consensus on how best to operationalize the constitutional quotas on gender. This was the most popular proposal. More specifically the objective of the IPU mission was to, among others:

1. Identify challenges that women face in Kenya to be elected in Parliament.
2. Identify expectations *vis-a-vis* the 2010 Constitution.
3. Explore options of actions and measures to enhance the representation of women.
4. Identify key actors and strategic partners.
5. Advocate for ensuring the closest possible balanced participation of men and women in Parliament and more generally, in politics.
6. Explore options to enhance the representation of youth.

During the scheduled meetings of the IPU, they interacted with participants from different regions and agencies and with different stakeholders from all over the country. They shared ideas on implementing the gender quota and highlighted the various country encounters and strategies that may be adopted to address these challenges.

They further made recommendations to enable Kenya operationalize the gender provisions in the Constitution as detailed in this report. Allow me at this point to quote verbatim what the expert mission concluded in their report. The expert mission was of the view that among the different proposals made and Bills tabled, the most suitable ones are the proposed Constitution of Kenya (Amendment) Bill, 2015 and the Election Laws (Amendment) Bill, 2015, both introduced to Parliament by the National Assembly Majority Leader, Hon. Duale.

This agreement was reached collectively under our umbrella bodies KEWOSA and KEWOPA after thorough consultations with the leadership of both Houses, the Attorney-General’s Chamber, National Gender and Equality Commission (NGEC) and other stakeholders.

That is a big voice adding to the way forward for the women of Kenya. It is a confirmation that we are on the right track. This is an international body which does not have local interests because it does not draw its membership locally; it is a global body. It gives us a lot of hope for them to endorse the way forward presented by the women of Kenya. We know that the processes that culminated to the women of Kenya agreeing on what was tabled by the Leader of Majority in the National Assembly was the right way, after thorough consultations with the Federation of Women Lawyers (FIDA) Kenya, the National Gender and Equality Commission (NGEC) and the Kenya Women Parliamentary Association (KEWOPA). That shows that we consulted in the right way and it is quite encouraging.

As we work towards the promise of gender equality embodied in the Constitution, it is my hope that enough women will be elected in Kenya come 2017. I also hope that anybody touching on financial matters will first of all weigh the benefits of economic growth and democracy; the cost of democracy *vis-à-vis* the little cost of having women. We do not want women to be referred to as just women. Women are leaders, whether



elected or selected, representing very big constituencies. It is, therefore, quite hypocritical that when it comes to issues of women, you will see all manner of financial experts brought forward to relate how much women representation will cost the taxpayer, when in our calculations, it relates to less than 0.01 per cent. That is really sad.

Mr. Temporary Speaker, Sir, let us remember that the attainment of gender equality and the full participation of women in decision making are key indicators of democracy. We cannot, therefore, pride ourselves as a democratic nation when any issue touching on 51 per cent of the population of this nation is treated lightly and relegated as “a women’s issue.” Let me remind anybody who has that kind of limited and very narrow mental capacity that apart from the fact that women constitute 51 per cent of the population of this nation, interestingly, they have given birth to the other 50 per cent of this nation. I challenge anybody in this Senate that when and if the Bill is passed by the National Assembly---

Mr. Temporary Speaker, Sir, allow me just one or two minutes to conclude this very important debate.

**The Temporary Speaker** (Sen. Murkomen): I am adding you another five minutes.

**Sen. Ongoro:** Thank you very much, Mr. Temporary Speaker, Sir.

I challenge any Member of this House to tell us the percentage of women in their counties or households. Having said that women being 50 per cent of the population have given birth to 50 per cent of all the other members of this nation, somebody who was not born of a woman should prove to us one day that he is the tenth wonder of the world. It is that person who will contradict and deny the women of Kenya this very limited space.

We are like an island of people who talk about democracy, but do not practice it, having cited best examples from a country like Rwanda. If Rwanda can have 64 per cent of legislators being women and almost the same case applies to Uganda and Tanzania, then, we are left in a small island of a retrogressive nation, that speaks progress, but does not implement it in reality. This is not something that belongs to the Jubilee Administration or the Coalition for Reforms and Democracy (CORD). This is an issue that touches on Kenyans for Kenyans for the benefit of Kenyans. I rest my case.

Thank you very much, Mr. Temporary Speaker, Sir.

*(Sen. Ongoro spoke off record)*

**The Temporary Speaker** (Sen. Murkomen): Order, Sen. Ongoro! Who is seconding the Motion?

**Sen. Elachi:** Mr. Temporary Speaker, Sir, from the outset, I thank our Chairperson of KEWOSA and Members of KEWOPA for the spirited campaign they have put to ensure that the issue of the two-thirds gender representation is realised. We looked at what the IPU proposed and followed the processes ever since we started the Constitution making process in our country.

After the Bomas Draft Constitution, we thought that the women of Kenya had won, but we realised later that we had actually lost. The Committee of Experts followed up the process, safeguarding the gains at that time. We ended up with a Constitution that did not provide a clear formula on the issue of the two-thirds gender representation in

both the National Assembly and the Senate. The Senate came up with a formula, but we still need to work on it.

Mr. Temporary Speaker, Sir, we are still in the process of coming up with a formula on that. I thank the Leader of Majority in the National Assembly because very soon, the Bill will move to the Second Reading. I know that it is with the Chairman of the Committee on Justice, hon. Chepkonga. We, as women of this country, have been pleading with him and I still plead with him today on the Floor of the Senate. I know that he will listen and consult with many stakeholders who have been supporting us. However, we should know that it is unfortunate that it is 80 per cent of one gender that do the most informal jobs in this country. They are in the agricultural sector and make it to thrive and ensure that the economy of this country grows. However, when it comes to any political decision making, every man in this country raises an eyebrow and asks why women are invading their space. In gender equity, both men and women should work together to achieve development.

Today, the challenges we face 50 years down the line is that we have left our country to our husbands and sons. The country is suffering because we left one hand behind. The country moves whenever we sit together on a table. We suffer whenever one is on the table and the other one is not. When it comes to political, economic and financial fights, it is the woman who suffers. Even if it is the woman who is bankrolling and ensuring that her family is thriving, when the time comes for her to sit at the table with the family to discuss her decision to vie for a political seat, the first question that she is asked is: Where will you get the money? They will not remember how she toiled to bring the money home. They will only ask: "Why do you want to spend?" When the husband wants to vie, he will even sell the family land without the knowledge of the family, and the wife will be the one to secure the family.

Mr. Temporary Speaker, Sir, in this 21<sup>st</sup> Century, Kenya must move forward. Today, Tanzania has the first woman Vice President, yet, we are here telling Tanzanians that in East Africa, Kenya is the backbone of the economy and that it controls and drives the economy aggressively to ensure that we stay at the top. However, in governance, we are telling the others: "Look, as much as we are your leaders, we are unable to govern ourselves to ensure that both men and women participate in developing Kenya."

We thank the President because he has been very clear with the agenda. The only challenge that we face is when it comes to Parliament. I plead with Kenyans that let us not look at the cost but first ask ourselves how we can heal this country. When I look at the Council of Governors (CoG), for example, I am saddened when I consider the issue of the two-thirds gender representation. That is why maybe at the county level, their performance is very low. If it was a woman who was collecting revenue, she would think of how to ensure that the young women and those living with disability can participate in developing a county. They will be looking at very different priorities than what we see our governors dealing with today. Women will always look at a sector that will ensure we can move to the next level for the next 20 years.

I remember the days when our Chairperson was elected. Today, the men here and even the young Senators like us who have come in have forgotten that at one point, Sen. Mugo and Sen. Ongoro, our Chairperson were elected leaders and their constituencies were thriving at one time. When you go there today, many of their constituents are crying. The electorate there wishes these women would have remained their Members of

Parliament (MPs). If you visit Hon. Kilimo's Marakwet Constituency, the situation is the same. This is because their priorities were right.

Mr. Temporary Speaker, Sir, as a country and as leaders, we are staggering and fighting amongst ourselves. It is not even "Wanjiku". "Wanjiku" is now willing to see women move to higher positions and even clinch the presidency of this country. However, just because of finances, a woman in Kenya today struggles to campaign in order to secure a seat.

What the IPU report now brings to the table of Parliament is that we must ensure that we also have political parties that appreciate that women can also be the neck of our political parties. That is where women lack in the first place and, therefore, they are left out in the decisions that are made. Women are left out during the nomination processes and they do not get fair play. For example, if governors are supposed to pay a nomination fee of Kshs1 million, where will a woman get such money? However, if you have a party that is sensitive, then it will look at affirmative action to ensure we have a fair playing ground.

Today, our political parties are so masculine. Even where women will want to bring the voice of women at the lower level of that pyramid, men will now want to go and ensure--- However, they will tell you the safe vote is a woman's vote.

I also challenge women today that it is time that we took our position, especially at the county level. I wish women could take up positions so that we start changing the thinking at the county level, that there is a representative seat for women. During the last campaigns, women were being told that: "That is your seat." Everyone, including the old women, were saying: "We understand you have a seat." That notion was used to manipulate people not to vote in women through the single constituencies and even the other positions.

As we move on with the campaigns, I plead with our colleagues especially in the Senate to support this. You can see how women have been given positions by their parties in this Senate although they still have to fight with men. Today, it was evident that everyone was jittery and they could not imagine. It is at that time where the political party becomes a key issue than any other person. We need to bring in that respect even when we sit in this Senate with our colleagues. It is important for them to remember the nominated women brought in even more votes than they think. At that time when you were campaigning in your county, she was given the responsibility to be in the national campaign and ensure that you get your numbers. Therefore, when we arrive here and we are sworn in, we believe we are equal at that point, regardless.

Mr. Temporary Speaker, Sir, there are those who go out there and do a good job, even better than those who were elected. When a colleague stands up and tells a woman that because you are nominated, you are unqualified, to me, that is where it now becomes more evident that we have to fight for our space. Even when you hold a position and the Standing Orders are explicit, we still have those fights. There is no longer the respect of what is written. It is now bare knuckles to participate in politics in Kenya for any position.

We appreciate the report of the IPU and as we move on, we want to thank all our colleagues who we have had dinners and lunches with to deliberate on this issue. We even had another meeting today. I plead with the Majority Leader at the National Assembly to ensure that when the Bill comes up, it goes through. We also plead with our

colleagues in the Senate – we know we will have a bigger tussle in the Senate than at the National Assembly – to look at the good of the country and the Constitution.

If you want to know that the issue of women is important, you should look at the amendments of the “*Okoa Kenya*” Initiative. If you want to imagine the issue of women is not an issue, Women issues are dismissed at the party level. That is when they compromise and ensure that women’s issues are not an agenda within us. It is neither here nor there.

While there is a proposal to have a fund for Members of County Assemblies (MCAs), I wish that they proposed the same for women and said that we need this number of women without a formula. However, because this is a strong male agenda, you will find it hidden somewhere and before Kenyans find it, it is not even in the media headlines. Even when it is there, nobody will know about it. We need every institution to support this agenda. We need the media to help us and highlight why women in these positions go through certain situations. They should not ask a woman why she needs a position or what have the others done.

I beg to second this Motion and support our Chairperson.

**The Temporary Speaker** (Sen. Murkomen): Order, Senators!

*(Question proposed)*

**Sen. Kisasa:** Bw. Spika wa Muda, natoa shukrani kwa Mwenyekiti wetu, Sen. Ongoro. Pia nawashukuru wale wageni ambao walikuwa wamekuja. Kama unavyojua, hadhari kidole na jicho(?). Sen. Ongoro anataka kilichotuuma jana, leo kisitutambae. Wimbo mbaya hauimbiwi mwana. Mwana ni nani? Mwana ni sisi akina mama.

Kutoka tunapozaliwa, mama zetu tayari huwa wametutenga. Mtoto wa kike atatumwa jikoni na yule wa kiume atatumwa mambo ya nje ama aende achezze na wenzake. Kutoka tunapozaliwa ama hata kabla hatujazaliwa, kuna jamii ambazo mtoto akiwa wa kike, basi, hata nguo mpya hatanunuliwa. Hata yule baba hatalipa ada ya hospitali. Kwa hivyo, sisi wenyewe akina mama tunajidhalilisha. Tunawadhalilisha watoto wetu wa kike mpaka hawathaminiwi. Wewe mwenyewe unapomdharau mtoto wako, mtu wa nje hawezi kumthamini.

Bw. Spika wa Muda, tumeshuhudia unyanyapaa. Kina mama wanadharauliwa hata kwenye siasa. Sisi tunafanya siasi, ilhali akina baba wanafanya “si hasa.” Kura zitaibiwa ama kampeini zitafanywa usiku. Kama ni mwanamke, ukifika nyumbani kwako baada ya kumi na mbili za jioni, kila mtu atashaanga umetoka wapi. Lakini akina baba hawaulizwi wametoka wapi. Wanaweza kukesha usiku mzima wakifanya kampeni. Atatangamana na akina mama; hatatuulizaa swali lolote. Lakini sisi akina mama hatutakiwi kutafuta kura za akina baba. Ukikaa na kundi la akina baba, utaulizwa ulikuwa na akina nani huko nje. Kwa hivyo, tumenyanyaswa sana kama wanawake katika nchi hii. Tumenyanyaswa kabisa kwa sababu sisi ndio wengi. Itakuwaje hatuna kura?

Ninatoka pwani na kuna mama mmoja pekee ambaye alichaguliwa kuwa Mbunge. Kwa hivyo, hiki ni kidonda ndugu ambacho hakina tiba. Hadi pale sisi akina mama tubadilike na tuthamini watoto wetu wa kike. Mtoto wa kike kama hana karo ilhali mtoto wa kiume amepata alama za chini, yeye ndiye atakwend shule kusoma. Mtoto wa kike atatumika pale nyumbani kama kijakazi. Ni uchochole ambao hatujui dawa yake. Nilitamani wale wageni waliokuja waje waongee na nchi nzima.

Mila zetu hazithamini kuwa mtu anaweza kupata cheo au kuwa kiongozi mbele ya wanaume. Pia, mila zetu hazituruhusu kuongea mbele ya wanaume. Utaambiwa ujitande, ujifunike ili usionekane sura. Sauti pia utaambiwa ni uchi. Tutaongea saa ngapi kama akina mama, dada zenu au watoto wenu wa kike? Ni maonevu ambayo hatuwezi kuyaeleza. Saa hii kuna mfumo mpya, wanatuambia kile kiti cha akina mama ndicho chetu. Utaambiwa useneta au ugavana ni wa wanaume. Tunyanyaswa sana kama akina mama katika hii nchi yetu.

**Sen. Hassan:** Hoja ya nidhamu Bw. Spika wa Muda, mimi ni mmoja wa wale ambao wanatetea sana maswala ya kijinsia na ya akina mama. Lakini je, Sen. Kisasa yu sawa kusema kwamba mila ambayo ni tamaduni zetu kama Waislamu ambayo ni amri ya Mwenyezi Mungu kuwa akina mama kujitanda ni za maonevu? Wajua mila sio moja. Katika mila zingine, maonevu kwa mwingine, ni dini kwa mwingine.

**Sen. Kisasa:** Bw. Spika wa Muda, sijataja dini yoyote. Nimetaja mila, kwa hivyo huwezi kujua mimi niko kwa mila gani. Tukitoka hapa nitakueleza.

Nilikuwa ninazungumzia itikadi zetu. Mimi kama mwenyeji siruhusiwi kuonekana wala kutoa sauti. Ni unyanyasaji ulioje? Itakuwaje mimi nitafanya kampeni bila kutoa sauti? Huo ndio uonevu ambao Seneta yuaona raha kwa sababu anasema hiyo ni mila yetu. Nasema katika mila yangu, siruhusiwi kuongea mbele ya wanaume au kukaa hadi usiku sana. Sijataja dini ya mtu.

Bw. Spika wa Muda, usalama wetu kama akina mama pia ni changamoto. Sijui tukienda kampeni tutavaa nguo gani ili hata sisi tujisitiri. Ie nguo uliyovaa yaweza kupasuliwa au kuraruliwa mbele ya umma. Tunanyanyaswa pia kwa jinsi hiyo kwa sababu hatuna mtu ambaye anatuangalia na kusema: Je, hawa wanalindwa vipi? Tunanyanyaswa pia na wale wanaume kwa sababu sisi ni watu dhalimu. Hatuna mavazi ambayo tutakaa chonjo na sisi pia tujue hapa ngumi ikirushwa, tutajibu namna gani.

Nimesema awali wimbo mbaya hauimbiwe mwana. Wakati mwingine tusilaumu Serikali. Ukiangalia hapa ni kama mila zetu sote ni moja kwa sababu hakuna Seneta mwanamke ambaye alichaguliwa. Tunaona katika Bunge hili sote tuko vivi hivi tu; mara leo utaambiwa: “Wewe huwezi kufanyiwa hivi, kupiga kura ya mtu ambaye alikuja hapa na amechaguliwa.” Kwa hivyo, tunanyanyaswa mpaka kwenye Seneti hii. Unyanyasaji uko nyumbani. Bado tunavumilia kwa uchochole ambao tunapata hapa kwa sababu mwenye nguvu mpishe. Yule ambaye amechaguliwa ana nguvu zaidi yako.

Kwa hivyo, mimi ninaunga mkono Hoja hii ya Sen. Ongoro. Tujitahadhari kidole na jicho na kilichotuuma jana leo kisitutambae.

Asante sana, ninaunga mkono.

*(Sen. Mugo stood up in his place)*

**Sen. Hassan:** Bw. Spika wa Muda, sijakuja saa hii.

**The Temporary Speaker** (Sen. Murkomen): Order, Sen. Mugo. Sen. Hassan amemwomba Bw. Spika wa Muda ili azungumze kwa sababu ambazo zimeeleweka.

Endelea, Sen. Hassan.

**Sen. Hassan:** Thank you, Mr. Temporary Speaker, Sir. I would like to contribute in English.

First and foremost, we followed the entire proceedings with Sen. Okong'o and others in the Senate Lounge. We decided that we need to speak to this matter - same with Sen. Lesuuda who was with us. We were persuaded.

First, I congratulate the Mover of the Motion, who in my assessment is one of the strongest women leaders that we have in this country. She has distinguished herself as a person of impeccable character. Many a times, she has been a contender even against men and some most established politicians.

So, even as she brings this Motion, nobody is ever in doubt of the electability of Sen. Ongoro for any position she might want to contest. In fact, she has been elected in a very difficult terrain and she has executed her functions with distinction. So, it is quite in order for somebody of that character to bring this type of a Motion so that we can all speak to it.

This whole resolution to implement the one third gender rule in the Inter-Parliamentary Union (IPU) is in conformity with the Constitution of the Republic of Kenya. This country has proclaimed upon itself to ensure that all organs of Government shall have a one-third compliment of gender. Gender here could also mean that when men feel themselves insufficient in a similar setup, then there is almost a duty to ensure that you bring up the composition of that institution to meet that one-third gender requirement.

Mr. Temporary Speaker, Sir, as a country, we must now start having the morality to export our values. We must desist from engaging institutions even at the global or international level that do not conform to the principles of our Constitution. Where we engage with such institutions, it is incumbent upon our membership to export these values and insist on various areas that we participate that women must be represented within the framework that the one-third gender rule is respected. We also need to start with our very immediate. I am told that Rwanda does very well and I hate sometimes to hear the mitigations that are made as to why Rwanda has over one-third or a half of its parliamentarians as women.

There are those who do not want to see this as women progressing in politics. They want to blame it on genocide; that there are actually no men to run. I have been to Rwanda many times and I have seen as many men who could equally run for these positions.

Mr. Temporary Speaker, Sir, if you look at the calibre of women that are elected to these parliaments, you definitely can distinguish them as those of character, experience and knowledge that can make them competitive in any setup. I have watched some of the debates in the South African Parliament particularly of the Economic Empowerment Party. If you look at the kind of people who participate in debates, they are extremely robust. My challenge is to the women who sit in this Parliament that they do not necessarily need to play the victim indefinitely.

I come from a society that says it has been victimized for too long. So, sometimes even where there is obvious opportunity and competence, we blame it on victimization. As much as I say that we must fight victimization, which still exists, it has been a character of all governments that have arbitrated over the state of affairs in this country. There is also a way in which we must now deal with the dogma, particularly in this country. I made it very clear in our committees that I will support the amendment to

ensure that these parliaments have one-third gender for a given limited period of time of 20 years.

Mr. Temporary Speaker, Sir, it is now a challenge to Sen. Ongoro, Sen. Mugo, Sen. Nabwala, Sen. Lesuuda and all the Senators that are here to ensure that we are able to deal with societal stigma and culture that Sen. Kisasa was referring to. If you were in this robust House and you are a leader of this country, it should not just be about you being nominated but how you have made the lives of women better off so that, in future, they can be competitive enough to be elected. This Senate is also sharing some of the concerns by Sen. Kisasa.

We even speak about the inequality of our State as Senators. It is a debate that we have here. I think it will be important – in the next arrangement of Senate – that if one-third of these women will bring themselves through an elective process, then I can tell you that some of these stigma, dogma and notions will subside drastically. It is for us now to work and change the society by the day.

Mr. Temporary Speaker, Sir, there are men who I hate when they use certain patronizing language that you know their mothers and sisters are all women, so they love women. That is hogwash; you should never use that type of patronizing language. I think we must do it because we believe in the fact that we need to make people understand and appreciate that certain competencies are inherent in every human being, be they female or male. For us, if you will allow me to quote in Arabic and then translate it, we are told that we must educate our girls and our boys as Muslims. “

”. This means the search for knowledge is obligatory and mandatory for every young man or young woman.

Therefore, if you deny---

**Sen. Okong'o:** On a point of order Mr. Temporary Speaker, Sir. Is Sen. Hassan in order to speak in Arabic which the HANSARD might not even pick and translate?

**The Temporary Speaker** (Sen. Murkomen): I think he is in order because he has translated what he said. It was brief and he translated it. Even so, the Senate has enough resources to ensure that all languages in the country and in the world are accommodated. It is a serious institution.

**Sen. Hassan:** Thank you, Mr. Temporary Speaker, Sir. The reason I translated it is because the HANSARD will have difficulties in picking what I said in the Arabic Language of the Quran. Therefore, when you see some of these existing notions, stereotypes and traditions in communities, they are neither Islamic. To a certain extent, some are just traditions that must die with the passage of time. We cannot continue to live in the barbarian cultures which are overtaken by events.

If there is a culture where people find it important to kill women, I know that in other societies in this world as we live today, they bury their young daughters when women conceive daughters. They are called “owner killings”. It is absolutely horrendous to have such culture in the modern day. So we must legislate against what is illegal. I know some of us like Sen. Lesuuda who has been on the forefront dehumanizing female genital mutilation. We have legislated against it but we must now effect that law. We must start to jail those who continue to barbarically impair our girls in a manner that is not imaginable.

Mr. Temporary Speaker, Sir, as we debate this Motion, I feel elated that Kenya has made strides but not sufficient. So, we need to ensure that we make more strides so

that we accommodate these things in a very holistic and passionate manner. I talk as a father with a daughter, and I do not want her to live in a society where she is discriminated on account of her gender. I am happy that I have interacted with quite a number of young Senators here.

**Sen. Ongoro:** Thank you, Mr. Temporary Speaker, Sir. I want to make reference to Standing Order No. 81 and I want you to make a ruling on this because the Standing Order is very clear on the language that we are allowed to use.

For the avoidance of doubt, allow me to read. Standing Order No. 81 says:-

“All proceedings of the Senate shall be conducted in Kiswahili, English or in Kenyan sign language”.

Mr. Temporary Speaker, Sir, that Standing Order is very explicit and clear. I would not be allowed to give an adage in my local native language and then again give you the benefit of translating, since you do not have the benefit of knowing exactly what I stated. So, I could as well say something negative and translate it by myself. Since this is contained in our Standing Orders, I want you to rule whether it is still in order that we allow the use of any other language in the Senate.

Thank you.

**The Temporary Speaker (Sen. Murkomen):** In the rules of debate, it is allowed that in any communication as long as it is brief, a translation is given because it is the same way in the legal profession. Many lawyers, even in this House, have quoted Latin words like *prima facie* and many other Latin words we use in this House. The most important thing is that the ultimate debate should be in English. We must appreciate the fact that certain proverbs, sayings and so forth are better first communicated in their original language and translated accordingly, as long as it is not a long communication.

The Chair is satisfied that it would be impossible in the debate of the House if once in a while someone does not use a Luo, Kikuyu or Sengwer proverb and then translate it. It is one way of enriching that culture and bringing the communication and the cultures to the House. The problem is to rant in a language that is not understood by everyone for a long period of time to the disadvantage of others.

Sen. Hassan is within the acceptable limits of debate. I will use Standing Order No. 1 to rule as such.

**Sen. Hassan:** Mr. Temporary Speaker, Sir, I concur with you to that extent. Sometimes when we speak, there are interjections or sayings that we want to make in our own vernacular or culture. That is very progressive in terms of ensuring that debate is not too restrictive.

I want to conclude by saying that it is our duty; men and women of this Republic, to ensure that we create a culture where people shall be judged, as Martin Luther King Jnr. said, “by the content of their character and not the colour of their skin.” In this circumstance, people should not be judged by virtue of their gender, so that we can get the right leadership and competence in our Parliament and various institutions. I know many women leaders today who have made massive contributions in the various sectors of our society; be it politics, economics, business, medicine and all other arts. Women have not made significant progress to a certain extent in politics because of the dogma, stereotypes, culture and some of the attended concerns that Sen. Kisasa pointed to.

In fact, we need to enforce our laws to ensure that whoever violates a woman in an election campaign should be punished severely. If you disrupt a rally of a lady



knowingly; that you want to take advantage of it because of the perception that she is of a weaker gender, that is the kind of motivation that people have, you should be double punished. There is a culture of hooliganism in this country that we have not punished decisively. That is why people find it in their place to disrupt a political rally of an opponent.

I have seen young men trying to discredit the honor and chastity of women in public platforms by purporting to be supporters and carrying them in a manner that are suggestive. You see the hands that frock on her in a manner that is extremely abusive. Therefore, we need to protect the womenfolk; our sisters and mothers, who decide to go to political contests. If you knowingly and deliberately disrupt a rally on account of the fact that you perceive that person to be of a weaker gender, then the law must punish you harshly. We should deal with political hooliganism across the board. For example, I do not understand how the police would allow a certain group of politicians to unabatedly disrupt the rallies of others or beat up the supporters of opponents. We need to speak to this issue with audacity and by law. We must legislate as soon as possible to end old vices.

Madam Temporary Speaker, I end with the same breathe and say that because of women empowerment, we must accept any gender that we are referred to. If I call you Mrs. Murkomen, you should immediately embrace---

**The Temporary Speaker** (Sen. Murkomen): Order, Sen. Hassan. That is completely out of order.

**Sen. Hassan:** Mr. Temporary Speaker, Sir, it is with a light touch. As I said, I also regret the mistake of addressing you as Madam Speaker.

I conclude on the same breathe that I started by congratulating the Mover of this Motion. It is an extremely important Motion. I hope that these recommendations will be implemented. We, as Africans, particularly, have great recommendations on great things everywhere, but when you see a government running, you ask yourself where the blueprint is.

Even within our institutions, you do not see the character, strategy or blueprint of implementation. Therefore, it would be important that as we implement some of these issues, we should ascribe to ensure that there is enforcement to the very end. I would ask the Senator to report to us periodically on the status of implementation of these recommendations.

I beg to support.

**Sen. Mugo:** Mr. Temporary Speaker, Sir, thank you for giving me the opportunity to contribute to this Motion, which is very important not just to women of this country, but to the country as a whole. I congratulate the Chairperson of Kenya Women Senators Association (KEWOSA) and the Secunder of this Motion.

The gender issue has been going on in this country for a long time. Motions on gender equality were moved in several parliaments; starting with hon. Phoebe Asiyo. I also moved the same kind of Motion.

Before the Constitution making, discussions at the Bomas of Kenya, in Parliament, both the Government side and the Opposition had agreed on this issue. We all know how it came to be a constitutional provision. Therefore, we would be going backwards - from all those commitments and our Constitution which we uphold - if we do not support this provision in this House. As Senators, we are supposed to show the

way in this country, because I believe that we are the “Senior House”, like we have been saying. The Motion is on now and we have to support the two-thirds representation.

Mr. Temporary Speaker, Sir, those who have spoken before me thanked the Leader of Majority in the National Assembly, hon. Duale, for moving that Bill. Without belaboring the importance of gender equality, we all know the part that women have played in this country way back from the resistance movement and up to now on the issue of the economic development. I believe that this country would be leading in terms of development had women been given the facilities and power to participate fully in economic development. Without political empowerment, women or any society cannot go very far.

I urge the nation to urge Parliament to stop any negative talk which belittles women or shows that there is no need for women to be in positions of power. The public should get it from the leadership. Leaders should embrace the fact that women play a major role in this country and any country for that matter. No country will develop if it leaves its women far behind as has been witnessed.

Mr. Temporary Speaker, Sir, there are a lot of arguments why Kenya is behind and other countries like Rwanda have forged ahead. I have heard that it is because those countries came from worst situations, but women played an equal role as the men who fought for their country if that is the only development area to show that women have contributed. I would like us to remember that Mekatilili wa Menza played an important role at the former Coast Province in the resistance when “White” people came to occupy our land.

Recently Mr. Gitu wa Kahengeri lost his wife. We know that he and his wife led the *Mau Mau* veterans’ movement and they were honoured by the British. They were compensated for the suffering they incurred during the war to free this country. Mr Gitu wa Kahengeri told us that if he were to be asked, women should be given 50 per cent provision and not 30 per cent because they fought equally. Had it not been for the women, they would have never won the war. That is true for every region in this country. It is time that we, as Kenyans, respected and honoured contributions made by women. We should not be talking about 30 per cent, but 50 per cent of representation in every aspect.

Mr. Temporary Speaker, Sir, Sen. Kisasa explained so well why it is very difficult for women to win in elections. We cannot say that---

*(Sen. Wamatangi stood up to withdraw from the Chamber)*

I hope that Sen. Wamatangi is not walking out on this Motion because I was counting him among the brave men who respect gender. We really respect our friends, the male Senators who are here.

*(Sen. Wamatangi took his seat)*

**The Temporary Speaker** (Sen. Murkomen): Sen. Mugo, I hope that you are not bullying Sen. Wamatangi.

**Sen. Mugo:** Mr. Temporary Speaker, Sir, I beg your pardon. Sen. Wamatangi is a very gender conscious man. That is why he came back.

**The Temporary Speaker** (Sen. Murkomen): Very well. Please proceed.

**Sen. Mugo:** Mr. Temporary Speaker, Sir, women issues are not just for the women but family issues. Men are part of the family and the children are the family. Women issues are national issues and they are recognized as such. Women rights are human rights and the United Nations (UN) also recognizes that. We are members and signatories of the UN.

I, therefore, urge Kenyans to change our mentality. I would have loved to see more men in this House because this Motion is so important and the cradle of development of our country. As long as we keep on leaving our women behind, this nation will lag behind for a long time. Imagine where we would be today. Kenya is said to have developed and is the leading developed country economically in the region. We should have been ranked as a Second World by now and not in the Third World had Kenyan women got the facilities that they need to contribute fully.

Mr. Temporary Speaker, Sir, during the Beijing Conference that addressed women development, Kenyan women convened on five thematic areas; education, health, environment, economic empowerment and the girl child. That shows that Kenyan women are very advanced, educated and ready for takeoff. The other women were wondering what was wrong with Kenya because all the women who convened the region were from Kenya. We told them that if they did not have political leadership in their countries, they could not be recognized. There is definitely something wrong.

Mr. Temporary Speaker, Sir, I urge the men of Kenya not to be afraid of women advancement. When women advance, the whole family advances, including our men. The time has passed when you have to look at who is earning more in the family and wonder if the woman will emancipate the man. That is not our interest as women. Our interest is to serve this country and leave it a better place for not only our daughters, but sons too and the family at large.

Let us support this Motion and support the Bill when it comes to achieve the two-thirds gender rule and not talk about finances and funding. Women are part of Kenya and bring a lot of prosperity and wealth to this county, not only in their duties as mothers and caregivers, but in all sectors of development.

I beg to support.

**Sen. Chelule:** Mr. Temporary Speaker, Sir, I rise to support this Motion. I take this opportunity to thank the Mover of the Motion, who is the Chairperson of Kenya Women Senators Association (KEWOSA). I support the sentiments of the Mover and the seconder. We all know that we had visitors yesterday, the IPU women who paid a courtesy call here to speak about the framework and how we can assist women in this country to ascend to power.

I am not referring to politics alone, but all aspects. A woman is the family that forms the nation. We are not just concerned about women politicians, but it is our prayer to have the right policies for women of this country to contribute to issues of development, not only in politics, but in economic and social matters at home.

Mr. Temporary Speaker, Sir, we need a structure and good policies that will give women space. As we contribute to this Motion, our main problem as women politicians revolves around resources or money. It is very complex for a woman politician in Kenya to carry out campaigns because of lack of resources. It is very difficult for a woman to

run for a political position because of cultural beliefs and stereotypes that exist at the community level.

I call upon the men and women of this nation that we need their support because women cannot succeed without their support. We were nominated here. There was no woman who was elected directly from the counties to the Senate. I urge women that there is need for them to stand up and support fellow women. I also know that a majority of the men who were elected to this House got a majority of their votes from women.

We are not speaking on this Motion to seek support only from women. We are seeking the support of men at all levels. We are talking about policies that are normally passed by Members of Parliament and how to enforce them. I am so happy today that we are debating this Motion.

There is a Bill that was brought on the Floor of the National Assembly by the Leader of the Majority at the National Assembly. The Bill is speaking about representation of women in our country. I am so happy about this Bill, but I think we need to support the framework that we were given by the Inter-Parliamentary Union (IPU) yesterday, because we are Members of this Union. Kenya is a member of this Union. They are coming up with a very good framework that we need to stand as political leaders and Kenyans to support this framework because there is no shortcut about it. When I hear some political leaders saying that the issue of representation of women in Kenya should be progressive, are we being honest? When is the deadline?

In our Constitution, we are given space but the implementation of it is a problem. As we debate this Motion today, it is my prayer to all elected leaders to see that there is need for us to act. The deadline was supposed to be 27<sup>th</sup> August, 2015. Our structure will show how the issue of women representation will be implemented. It is becoming a problem. It is not until we stand as women, Senators and Members of the National Assembly to support policies that will end the problems that are facing women generally or women politicians.

I do not want to add much, because much has been spoken by my senior Senators, the likes of Sen. Mugo. She has really articulated issues of Beijing. These are the five issues which were under the Millennium Development Goals (MDGs). I am happy that they are here today to also share with us.

With those few remarks, I support.

Thank you.

**Sen. Nabwala:** Thank you, Mr. Temporary Speaker, Sir, for giving me this opportunity to contribute to this very important Motion which has been brought to the Floor of the House by our able Sen. Ongoro, who is the Chair for Kenya Women Senate Association (KEWOSA). I want to, first of all, thank our distinguished Speaker, hon. Ethuro, who is the leader of delegation to the Inter-Parliamentary Union (IPU).

Because of his connections, he was able to get the IPU to come to Kenya to interview what is happening in Kenya about the two-thirds gender rule. I would say that the IPU is very keen on how gender issues are handled by countries. Every time we go for conferences, countries give their positions. We have also been able to give the position of Kenya on this issue at the IPU.

Looking at the rating, you can see that we are rated very low, at 70 per cent. We are doing very poorly despite our Constitution having been promulgated in 2010. It is the Constitution that helped us to get more women into elective public positions. I would

request our colleague male Senators whom I see are very few here, to embrace women and children as part of their family and not to see them as their competitors. I urge our colleagues, Senators, to stand by us when this Bill will be debated on the Floor of this House. The two-thirds gender rule is not just about women, it could also be about men in the near future.

Mr. Temporary Speaker, Sir, a woman was disadvantaged many years ago. I remember in my community, educating a woman was a waste of time. Women could not even eat chicken; it was a preserve for men. You can see how women were marginalized over a long period. Also, because of culture, some women from certain communities cannot stand for election. Although we have passed laws stopping things like the Female Genital Mutilation (FGM), you still find women doing things that are outlawed by the Government.

So, as legislators when we stand here and debate about gender balance, we should think about our own daughters whom we cherish so much. Think about that woman who you have lived with for many years and you have sired kids with. Some are doctors and engineers. Do you want to deny them the opportunity to be legislators like yourself? Sometimes, it is said that you take genes from your parents either your father or mother.

Suppose your child was a politician and you, as a male Senator, are going against this Motion, how would you feel? What surprises me most is that a Bill was brought to the Floor of the House by hon. Chepkonga to remove the 47 special seats for women. I wondered why we want to lose the gains that we have made and were upheld in the Constitution and which the President of this country considered as a result he has appointed many women to key positions in the Public Service.

I ask parliamentarians to support this Motion so that we move forward. We should not be moving backwards. When we go to these conferences, like the conference in the General Assembly in New York, gender equality and the girl child, is sustainable goal number five. If the country is going to back on that goal, then what is our President, the Speaker or whoever goes to that conference going to report when it comes to the country position?

I support this Motion because without women, there is no development. Women are the largest in population. We form more than 50 per cent of the population. Even as we deliberate in this House or walk out when a Motion on women has come up, the electorate is watching out there. When it comes to the General Election in 2017, women will also gauge for themselves, they will see that these men do not want them. It is up to us, as legislators, to embrace our women and daughters because we know these are clever women of substance but they have been denied that opportunity because of lack of funds. I know very many people out there who are very brilliant but they do not have money to vie.

*(Applause)*

I would also request political parties, the way it was proposed by the Inter-Parliamentary Union (IPU), that they embrace women in their party list. Any political party that will submit a list which does not meet the two-thirds gender rule, that list should be rejected by IIEBC. If we go that way, we will achieve that one-third gender rule. We should not be talking of one-third; we should be talking of more. I can assure

the men in this Senate that comes another five to ten years, we will be talking of a different story. It will be the men urging the women to consider the two-thirds gender rule.

Thank you and I support.

**Sen. Obure:** Thank you, Mr. Temporary Speaker, Sir. First, I thank the Mover and the Secunder of the Motion for the manner in which they have made their presentations. I acknowledge that the quality of debate on this subject has been very high having listened to all the Senators who contributed.

Mr. Temporary Speaker, Sir, the question of gender inequality is a problem of the entire Kenyan society. We must begin by acknowledging that this problem exists and we must agree to deal with it squarely. We must agree that women play an important role in the life of our nation. They have made significant contributions in the development of this nation at all levels and in all spheres. We also know that given an opportunity, women could even contribute more because they have the capacity to do so. It is, therefore, our duty, as a nation, to ensure that we remove all structures which impede participation by women in public affairs.

Mr. Temporary Speaker, Sir, this bias is not just against women. The society as a whole has had a bias against women, persons with disabilities and the youth. Having recognised that, we know that a number of policy measures have been put in place to deal with this to ensure that the affirmative action on this category of people is in their favour. This bias can be attributed to cultural and other primitive customs. It is a fact that in certain communities in Kenya, women are given a raw deal. I recall that educating a child was an expensive undertaking. Parents had to make a choice with the limited resources available within the family to choose between educating a girl child or a boy child. Most families opted to educate a boy child. This has generally worked to the disadvantage of women. With the availability of universal education at both primary and secondary schools, this problem has been dealt with gradually. Today, girls have an opportunity to acquire education in our public institutions. This has helped a great deal.

Mr. Temporary Speaker, Sir, the resistance which societies had in giving women opportunities for advancement has been historical, cultural and traditional. Going forward, these mindsets will be eliminated so that women have opportunities equal to those given to men.

I am personally optimistic that going forward in respect to this question of gender equality because Kenya as a country has made significant commitments to a number of international conventions, for instance, Kenya is party to the Convention on Elimination on all forms of Discrimination Against Women (CEDAW). Kenya has ratified that convention. Kenya was a major player in the Beijing Declaration and Platform of Action. Out of this, we have seen a number of significant developments which have promoted the interests of women. The Millennium Development Goals, which Kenya has domesticated, favour the development of women in many ways.

Mr. Temporary Speaker, Sir, our Constitution has embraced gender equality and the principles enshrined thereto. The commitment given by the Constitution is satisfactory, in my opinion and, therefore, guarantees equal opportunities to women. Education opportunities are also available through Government policies and programmes. If you visit any local primary school in the village, you will be surprised to see that there

are more girls than boys. That development will address some of the challenges we have had in this respect.

Neighbouring countries within the East African context have made significant progress way ahead of Kenya. This is bound to have a positive influence in our efforts in trying to address this issue of gender inequalities. The fact that Rwanda has made those significant developments within a short time and more women are playing an important role in Tanzania and Uganda, that in itself poses challenges. I am sure Kenya will not like to be left behind in this respect.

Lastly, women who have been appointed to public offices have performed above average compared with their male counterparts. This will help in tackling this challenge of gender inequality. Personally, I am optimistic that going forward, this problem will be resolved but we need to put more effort to resolve it sooner rather than later.

I support.

**Sen. Omondi:** Thank you, Mr. Temporary Speaker, Sir. May I add my voice to this Motion that touches on matters of women. As women, we share the same institutions in education matters but the differences emerge when looking for leadership positions. It is high time that we, as a country, worked together as a team to bring all categories of Kenyan people including the vulnerable women and youth to build a strong nation that is economically empowered.

Mr. Temporary Speaker, Sir, women need political goodwill at all levels where they take leadership positions. Women also need financial muscle or support to compete with their colleagues or counterparts in seeking leadership positions. This can only be achieved if we get support from men of this country. At the end of the day, we need one another. We are friends, brothers and sisters. We are married to men and give birth to girls. Everybody takes care of his or her child knowing that in future that child will support the family. It does not matter whether it is a boy or girl. We all take our children to school for them to be good managers and leaders who will take positions of leadership and support the economy of this country.

Mr. Temporary Speaker, Sir, I support this Motion because we need a friendly environment that will allow women in this country to have the freedom of competing or seeking positions without the fear of being handled in a manner indicating that they are not recognised in the society.

For us to eradicate poverty, we must support the leadership of women right from the grassroots level up to the national and international level. Everybody understands that women are good in multitasking. We can do very many things at ago. Somebody told me he did not understand how I could talk to two people and answer each of them at the same time. This is an indication that women can multitask. That is why we need to support women leadership so that we have a strong nation where everybody is given the authority and space to lead, express themselves and make contributions to issues that affect the country.

Mr. Temporary Speaker, Sir, a week before the KCPE Examinations began, I took time to visit schools and wish candidates success in their examinations. In the school that I visited, whenever I asked the pupils about their leaders, it came out that most of them were boys. In a few cases, the deputies were girls. Therefore, that is happening right from schools; that the girl-child cannot be given a leadership position.

I left a message with the schools' management that it is high time they used affirmative action to enable girls to take leadership positions. This will enable them to understand, as they grow up, that the top-most seats are not for men only. When most girls grow up, they do not seek leadership positions because of lack of exposure and the assumption that they cannot take up those positions. Parliament has a role to play to ensure that we nurture our women and girls to seek leadership positions in this country. In so doing, we will achieve the desired development in this country.

I beg to support.

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

*[The Temporary Speaker (Sen. Ongoro) took the Chair]*

**Sen. Lesuuda:** Madam Temporary Speaker, I rise to also contribute to this very important Motion. I have not risen because I am a woman, but because I am a strong believer of gender equality, not just in this country but in the whole world. I also thank and congratulate you for tabling this Motion as our Kenya Women Senators Association (KEWOSA) Chairperson. For those who do not know, KEWOSA is an association that brings us together as women Senators. Thank you very much for taking that up.

I remember we had the privilege of having a meeting with the Inter-Parliamentary Union (IPU) in Kenya. I also thank our Speaker for following up and ensuring that we did not just meet, but also discuss substantial issues in this House. This is a very important Motion because it comes at a time when, as a country, we have been grappling with the issue of the two-thirds gender rule, which will be discussed in the National Assembly and finally in this House.

Madam Temporary Speaker, it is important for us to note and salute all the women who have done enormous work to ensure that we appreciate and celebrate some of the great achievements in the country. We have a Constitution which allows women to sit in this House and be included in other sectors and bodies. We should remember women who fought for this cause before us. It would be unfortunate if we do not give credit, remember and thank them for standing during very difficult times then. If it is still difficult for us in the 21<sup>st</sup> Century, how difficult was it for the women who worked very hard and ensured that they did not remove the ladder once they got up? They left the ladder intact so that we continue to climb. That is what we, who have enjoyed the fruits of the struggle should do to make sure that we do not remove the ladder, so that other women and our young girls continue to achieve their full potential.

Madam Temporary Speaker, we also cannot forget to thank the many men who support this movement. We have colleagues who did not leave the Chamber in the thought that this is a matter concerning women. They have sat and contributed. We hope that when the relevant Bill comes to this House, they will also contribute and vote in its favour.

Like my colleagues have said, this issue has not started now. It is something that we see in our different communities. It is something to do with our culture. Culture has made us who we are. However, we should keep only what is good. Communities should agree that time is ripe for us to put aside cultures that discriminate and hinder the growth of one gender so that both genders in our communities move forward.



One issue that plays a key role - I have said this many times - is education. Education is very important for us. It opens up our minds and worldview, so much for us to believe that gender equality is something that is important for all of us. Education also gives us choices on whether we want to be in leadership positions or not and many other things that we can do. Therefore, it is something which we have to continue to encourage for our girls and boys at community level and also as a country.

Secondly, we also have to appreciate that this is not just a problem that is in Kenya or in the developing world. We have visited some of the democracies that have been there for long like the United States of America (USA). We would have imagined that they have gone way ahead on issues to do with gender equality. It is still surprising that up to date, we still see once in a while, the first woman to be this or that and the first black woman to be the Attorney-General (AG).

Madam Temporary Speaker, Sir, it is interesting when you read a book called "Lean In" by Sheryl Sandberg, the Chief Operating Officer of *Facebook*. She says that women in senior positions around the globe still face some of the challenges that we face here in our country. She gave a story of how she once went to one of the big companies and found herself the only woman there. Later when she asked for the ladies, everybody just looked so surprised. So, she asked: "Is it that there has never been another woman who has come here or all the women who have come here have never asked for the ladies?"

Madam Temporary Speaker, we know how we all struggled to just carry our handbags and wear our beautiful trouser suits and come to Parliament. The struggle continues. Even in small things in our communities, in our society, we can just tell that we have come a long way to appreciate women being in different sectors and becoming managers, managing directors and chief executive officers. However, even with the strides that have been made from the recommendations that are here and what all my colleagues have said, is that we still have a long way to go as a country.

It is also surprising that as a country, we have done so well in different fronts. We are celebrated and have been given accolades in so many other ways. For example, in our democratic space in the freedoms that we enjoy in our country in terms of economic progression and enacting a progressive Constitution that has opened up so much, I do not want us to remain behind on one issue, which is making sure that both genders are treated equally, with equal space and environment for all.

Madam Temporary Speaker, Sir, I know that there are many arguments that have been fronted several times, especially when we want to either discourage women or just create reasons why we cannot open up the space for women leadership. It has been said many times that women make over 50 per cent of the population in this country and questioned why we do not vote for each other. There are many other stereotypes and arguments that have been fronted. The new Constitution comes with all the affirmative seats but we have seen that it is still a subject for discussion and debate among our communities even for a woman to run now. Some women are willing to be governors, senators and Members of the National Assembly that we have made almost a preserve of men but we are now told: "Ala! You have your preserved seat of Women Representative." I think that is something that is slowly getting into our communities.

Today, I would like to categorically say that it is only fair that both genders – it is just that men are unfortunate that they cannot go for the women's seat – should have the

right and space to run for whichever political position. It is unfortunate if any of us would use that – you have your own seat – to discourage communities to vote for women for the seats that they will go for.

Madam Temporary Speaker, we also know that there are other very many challenges that discourage women. It is not that women do not try to vie and that has been an argument that why do we wait to be nominated for tokenism. We also have to agree as a nation that we have challenges which are addressed in this Report. There are challenges to do with finances, resources and violence against women who are vying. Chair, you were elected, you vied again and we saw the challenges that you had even at your political party.

We have to agree that we face challenges even for those who want to vie. It is a lie and a fallacy to say that women do not present themselves for elective positions or even to be board members or anything under the sun but we also have to be alive to the challenges that are there and agree to address them as a country. That is what this Report is doing.

Further, we hope the respective groups that are to pick up on some of these issues can then pick up after this and implement it. As a country, we are so good at talking and discussing issues but when it now comes to the implementation, it is the same challenge that we are having even with the two-thirds gender balance which is expressly in our Constitution, that no position will have more than two thirds of one gender.

Madam Temporary Speaker, we also passed the Constitution overwhelmingly when we knew that it was there. However, when it comes to implementation, we see a lot of pull and push. It is something that we should just agree as a people that this is one of the things that we agreed on and see how best do we go about it.

We also appreciate the steps that have been taken because I also sit in the Kenya Women Parliamentary Association (KEWOPA) and the larger association of all of us as women. We have seen men who have come out to support the implementation of that rule. There are two Bills in the National Assembly and we are still engaging the Majority Leader, Adan Duale and the Chairperson of the Committee on Legal Affairs, Samuel Chepkong'a. They are willing and we hope that all our colleagues in the National Assembly will pick up on this matter as something that we have to do as a country. It is because it is in the Constitution and we passed it.

Madam Temporary Speaker, we also thank his Excellency the President and his Deputy for being at the forefront on this issue. We hope that they will give more support to ensure that this is finally passed. We have come a long way and we have seen other areas where affirmative action was needed and not just in leadership. For example, for a long time, many girls were not making it to public universities through the then Joint Admissions Board (JAB). Over time, it was discussed and felt that the cut-off points to university for girls should be lowered a little bit so that they could attain higher education. That is not to say that girls are not as bright as boys or that it is favouritism for the girls. Our education system accepted that girls have specific and unique challenges that keep them from attaining the marks that would take them expressly to universities.

We know issues to do with girls being given extra chores at home which will then make them not revise or study. We know issues of poverty where our girls have been missing school because of their menstrual cycle and lack of sanitary towels. The

affirmative action was implemented and we have seen our girls doing exemplarily in universities once they are given that opportunity.

We are not saying that girls or women are incapable. We are only saying that we have to agree that there are challenges and that we put an equal playing ground for both gender. I know for a long time, it has also been said that you have talked so much about women and very soon, boys will be endangered. That is what we are seeing. So, we should not also forget one gender as we move with one. We have to move with both. We should also see the contributions that both genders make to our society.

We have seen women do exemplary work; those who are in leadership and those who are not. We know the work that hon. Jebii Kilimo has done in Elgeyo-Marakwet. Peace was restored there after what she did. She was very articulate and continues to be on issues of Female Genital Mutilation (FGM). We know the kind of work that even women who are not in that position have continued to do.

Madam Temporary Speaker, so that I can give my colleagues time to contribute, I would like to congratulate you for moving this Motion. I urge the entire House to continue with the same spirit even as we continue to debate and discuss issues to do with two-thirds gender rule so that, finally, we can actualize it and move forward as a country.

**Sen. Murkomen:** Madam Temporary Speaker, from the outset, I would like to thank you for bringing this very important Motion. You are the most befitting candidate to do this because of your leadership position on women issues in this House, the National Assembly and also in the nation. You have been a trailblazer on matters of leadership, women and youth empowerment. It just befits you to have done this. When we discuss matters of women, in most cases, they are trivialized, for instance, the perception that these are just women, why do they want to take our space?

Madam Temporary Speaker, I was one of the few students in the University of Nairobi to study a course called: "Women in the Legal Process". It was very enlightening to study all those theories that are related to why women have been left out for a long time. There are those who are positivists and others are radicals. There have been many positions expounded as a result of looking for a solution on the marginalization of women.

My professor then, Prof. Kameri Mbote, who was also my supervisor and a well renowned professor of law in this country, I think the first woman professor of law and Dean of the Law School at the University of Nairobi, was very instrumental in forming my thoughts particularly on what exactly we need to do as a nation to ensure that women are part and parcel of the economic development.

Madam Temporary Speaker, Sir, President Obama put it very well; that, you cannot really want to develop when half of the population is being denied an opportunity to contribute to nation building. If we deny women jobs, we are denying the nation the knowledge that comes with those women who could have jobs. We also deny the nation revenue that comes with that. We are denying the nation taxes; more people would have been taxpayers for us to develop our country.

Therefore, women issues must not be trivialized. They are very serious. I come from a constituency where a woman was a Member of Parliament for 10 years. I am proud to say that I was one of the key supporters of hon. Linah Jebii Kilimo when she sought to be elected as a Member of Parliament for Marakwet East. This moved us from a situation of violence with the Pokot to a situation where now, as Sen. Lesuuda said, we

have peace. It moved us from a situation where we had no single kilometre of tarmac to a situation where Marakwet is now the leading constituency in the county with a tarmac road. It moved us from a situation where many girls were not getting an opportunity to go to school because of the barbaric FGM culture to a situation where we have many women going to Ivy League universities, thanks to her network at that time in the United States of America (USA), to study and to get an opportunity to change our country.

Madam Temporary Speaker, I remember as a young boy, not so young; I was in the university working with hon. Linah Kilimo, I acted the skits in the village to demonstrate that a man who has gone to the university is willing to marry a woman who has not gone through FGM. She wanted to get a dramatic way of explaining to the people that it is possible for one to be married if she does not go through FGM. It is about culture, which is sometimes very difficult to change.

I really want to say that her contributions for 10 years made a big difference in our county. I think she was even under-utilized by this country because of the immense knowledge she has. I know most of these women here are going through very difficult times where people say – this is the problem when it comes to the women leadership now – when a woman wants to stand for a parliamentary seat, they are told that there is a reserved seat called “Woman Representative”. When they want to go for governor, they are told there is a reserved seat called “Woman Representative”.

Madam Temporary Speaker, that needs to change. The only way to change is for us, men, who are already elected in positions of Senators or governors, to organize ourselves in a more civilized manner to accept competition. I would be more than happy if the next Senator becomes a woman who has competed against me fairly. We must culture our competition. Women are facing the most hostile environment when it comes to competition because it is the only time when a woman comes to the campaign scene.

It is time that men publicly refer to their genitalia. It is the time that they are abused publicly with the rest of the society clapping including women. We need to take knowledge back to those people and tell them that we need a civilized campaign. Indeed, we need to bring an amendment - I think there is no better person than you – to the Elections Act, to make it an offence to abuse a competitor based on their gender so that we make it very difficult. We should carry out our campaigns with a lot of decorum. The idea that each one of us wants to remain in office at whatever cost must come to an end in this country. We need to give an opportunity to more women. I am one of the Senators who are willing to say that we should do everything possible to ensure that at least 10 Senators be elected in the next regime and give an opportunity to women even if it means Sen. Murkomen’s seat.

Madam Temporary Speaker, there is no seat reserved for any of us. We must allow the environment to be free and competitive. Not all of us are going to come back here. All these men who are elected here, unfortunately, as a matter of statistics shows – and Mathematics cannot lie – not all of us will come back. Some people will lose and I wish those who will lose can lose to women so that more women can have an opportunity to come and serve in this House.

The same should happen to governorship. I really think that we need women touch in the county. There are seven deputy governors who are women. Where they have been, I think they have tried to panel-beat the men to come into order. I know they have been very useful whether it is Mombasa County, Narok County or Kisumu County where a woman

deputy governor has worked so hard to try to bring out matters of corruption in the county. We need to have an opportunity in the next elections where we have up to 10 women. I know a few constituencies where women candidates are already positioning themselves to be governors, and I believe they are going to make a great difference in our counties.

Madam Temporary Speaker, this is the message that we must pass across the board. You are an inspiration. The opportunity that was given to Senators Godliver, Zani and Lesuuda is an opportunity for you now to use this environment you have for the remaining one-and-a-half years to position yourselves to be elected. You should not have an excuse about it. I see some people are very apologetic. They go to a media and say they are just nominated Senators and they are not interested in anybody's seat. There is nobody's seat. When we reach the next elections, all seats will be returned back to the people and then the people will now return their power back and elect new people.

We should refuse this mentality of trying to hold on to elected positions. I sometimes have a conversation with my constituents and Kenyans on *WhatsApp* trying to say Murkomen will not be re-elected in 2017. That is not the debate now. The debate between now and 2017 is that we must deliver services. Come 2017, Murkomen can be able to say he is happy he has served this country for five years as the Senator for Elgeyo-Marakwet and he now wants to go home and rest. Others will say that they want to be governors, others will say they want to be presidents, and there is nothing wrong with that. The point I am making is that women must not shy away from taking us head on even if you are nominated in the same constituency, you must be able to sell your ideas.

I have a number of women friends in this House who are positioning themselves for various positions in the country. They have my blessings and I wish them well. If there is anything I can do to encourage them to take those positions, I will be more than proud to say that these are the men and women who have served in this House.

Madam Temporary Speaker, we must overcome the cultural barriers. I know most of us go through that, but I really feel for people from pastoralist areas. Sen. Lesuuda, for example, comes from a place where moranism is glorified. Perhaps, there is never been a situation where a woman has been elected to a certain position, except the one reserved for women. I say with a lot of humility that the young ladies, like Sen. Lesuuda and others, need to sit down with those who have gone through this process. You need to sit down with the hon. Martha Karua, hon. Lina Kilimo, Sen. Beth Mugo, hon. Julia Ojiambo and other women who have made it through difficult situations and listen to their advice. Let us not assume that we know everything. Let hon. Lina Kilimo tell you how she was able to convince a semi-pastoral community like the Marakwet to vote for her twice. That is a wonderful story that must be told.

I saw a book documenting how women succeed to come to office. It is that kind of knowledge and wisdom that will assist us to have more women in the National Assembly, the Senate and the gubernatorial office. I am saying this to please the women because we know that they add great value. Our mothers have added great value to our lives. When you talk about a man's mother, they go mad, but if you tell them that it is just a woman, they do not care much. We need to remember that the women of this country are mothers, sisters or daughters to somebody. We must give them the support they need.

In my five years of teaching at the Catholic University of Eastern Africa, University of Nairobi and Moi University - It might have been five years but I have

taught in so many places, including the University of Nairobi where I taught senior people in this country who were undertaking their Masters of Law degrees - women are leading. Most of those who get First Class Honours are women. More than 50 per cent of the top 20 students are women. That is a good sign that whatever women, like Prof. Wangari Maathai and others invested in the last few years, is beginning to bear fruits.

Madam Temporary Speaker, it is now time for Sen. (Dr.) Zani, Sen. Omondi, Sen. Ongoro and Sen. Lesuuda to sow the seeds that will be harvested in another ten years, so that in ten years, they will say: "We were here, sow the seeds and fought for this space, and now there are ten women governors, 20 Senators and a first woman President in the Republic of Kenya.

I would be more than happy if I was to be the running mate of Sen. Ongoro, Sen. Lesuuda or Sen. Chelule. Unfortunately for Sen. Chelule, since we come from the same community, I may not fit to be her running mate but maybe she will be someone else's running mate. She could vie for the presidency and Sen. Okong'o could be her running mate. We must quickly move to what Argentina, Brazil and other countries have done; they are electing women with ease.

Madam Temporary Speaker, I am looking forward to 2016 when Hillary Clinton could finally be elected as the first woman President of the United States of America (USA) so that the cycle is complete. The first black President would have done his part and the first woman President would have been elected. This would have serious ramifications in the world because it will hype the position of women and the message about women's position in the world will reach every house, because the most powerful nation on earth will be led by a woman. How about that?

Madam Temporary Speaker, if there is any place or opportunity that KEWOPA thinks requires a man who is a woman at heart, I am here. I am ready and willing to stand with the women of this country and the world.

I beg to support.

**Sen. (Dr.) Zani:** Hurray to women!

Madam Temporary Speaker, thank you for bringing this Motion from IPU. It is great to know that they are supporting our initiative to achieve the two-thirds gender rule which has been more theoretical than practical over time. We know that she comes from the socio-cultural background that most of us come from. However, I am happy that more women are able to stand up and be counted and face up to the challenges of being leaders. We have our history and examples for the same.

We need to change the way we socialize our children and re-orientate them to know that they can lead effectively and to prepare Kenyans for the next generation of women leaders. It is unfortunate that we rank No.70 in terms of representation according to the IPU report. That means that we are far below a country like Rwanda who is first in the region with about 64 representations of women.

Madam Temporary Speaker, there is absolutely no reason why women cannot take up the representative positions. Women should stand up and be counted because the time is now. The space has been created because the Constitution has given us the space. It can be possible and it is possible. We just have to put our act together. As Sen. Murkomen has said, we should start with the nomination because it gives us the space for us to test the job and then go for it and seek election to various positions.

Madam Temporary Speaker, the Motion that you brought is important because it shows the support that IPU has given to the initiative of Kenya to achieve the two-thirds gender rule. I am impressed by the fact that even when IPU started its negotiations, it was not from the point of imposing a formula on how best it should be done. They came and studied the provisions that we have had as Kenyan women in terms of the proposals that we have made. You will remember that when we started this conversation, it was by various proposals from hon. Members. I remember proposals from Messrs. Soipan, Neto and Chepkonga. There were also proposals by the women caucus; KEWOPA and KEWOSA. This has been a concerted effort. All of us worked and walked that road.

A very important task force was also put in place to come up with recommendations of how to achieve the two-thirds gender rule. The IPU report acknowledges this and the process that was put into place. The task force started by looking at almost eight different formulas that would ensure the two-thirds gender rule is implemented. Some of the proposals included twinning of constituencies while others suggested that for the Senate, we should have 47 elected male Senators and 47 elected female Senators that would result into gender equality. As much as the debate is on two-thirds gender rule, it should finally move to gender equality because women comprise half of the world's population.

Madam Temporary Speaker, moving forward, we need to get to a point where we achieve equality. The task force made a proposal that all the stakeholder groups agreed to consolidate behind. The proposal was to simply shift the provisions given in Articles 177, 178 and 179. The reason for doing this was because a mechanism had already been put into place in the counties that after elections, look at the number of women who have been elected, compare it with that of men and then find ways of including the women through nomination. The county assemblies were able to do that.

As the Constitution was being prepared and crafted, the provisions for the National Assembly and the Senate had not been put in place. The provision for the Senate was a little bit better because we already have 16 Senators who came in to specifically create that gender balance and to bring value. That pushed the population of women and their percentage in the Senate to about 23 per cent.

However, at the National Assembly, it is much lower at 20 per cent. Therefore, the various proposals that had been put in place were to do that. After a lot of soul searching and discussions, moving forward and backwards, a position that was taken that: "Let us go and lift that provision so that at the end of the day, we can get more women into both Houses."

An important decision was also made that this should not be purely on the basis of direct nominations, but trying to create an important competitive process that Sen. Murkomen has just talked about. Therefore, it is really a question of going back and looking at the various provisions that have been given within the various proposals, so that at the end of the day it is possible to actually ensure that the direct propositions are made but through affirmative action or the competitive aspect. This is so that we have women beginning to stand at the primary level. These women are going to be considered to enter the nomination list on the basis of their positions, having something we call the best loser, a woman who has attempted but she does not get it because a man did, but she has the chances of getting in.

Madam Temporary Speaker, we also need to talk to political parties to ensure that there is enough representation so that we can achieve the two-thirds gender rule or the one-third for women, the two-thirds rule for men or *vice versa*. There is a lot of effort that has been made. We are happy because through a lot of lobbying and discussions, we have reached a consensus and came up with the Duale Bill and the Sijeny Bill within the Senate which is the same Bill that is coming to us for discussion with the same position. Now we are talking from a position of agreement that this is the way to go.

When the IPU came into the discussion and sent the team that came to look at the provisions that we have, they agreed with this position. They are basically supporting us in this particular position. Throughout the world now, the quarter system seems to be the way to go. It is very difficult apart from the Nordic countries which have got accurate representation of women. In many countries, this has not been possible. Because of time, I would like to stop there, and congratulate you for bringing this Motion.

I support.

**Sen. Okong'o:** Thank you, Madam Temporary Speaker, for giving me this opportunity to also contribute to this very important Motion.

From the outset, let me congratulate you for coming up with this Motion. You are among many women leaders in this country who have tested the waters. You have been elected in a very turbulent constituency and also undergone a lot because of party politics and how people consider women in this country.

When we speak about the issue of marginalization, the concept of marginalization is skewed in this country. For instance, some counties have been allocated a lot of money in terms of being marginalized for the last 50 years since Independence. The Constitution has also empowered women in this country on the basis of being marginalized for the many years. To actualize this, it has become a tall order because of hypocrisy and stereotypes from some quarters for many years.

Madam Temporary Speaker, It is very important that we fight the war which was started by women. Sen. Mugo has fought and won the war by being elected several times. Hon. Charity Ngilu, hon. Phoebe Asiyo and the late Nobel Laureate Wangari Maathai also fought these wars and won. Even their sphere of influence is noted. It is important that we actualize these levels.

Madam Temporary Speaker, we need to start from the lower cadres. In primary schools where we have representations of committees in Parents and Teachers Associations, as politicians, we need to influence and change it. Sen. Omondi mentioned a case where she went to those democratic institutions where we want to nurture our kids from primary schools but even from that level, they have separated so that young girls cannot take top leadership positions in those schools.

We, in political leadership both in the county assemblies, the Senate and the National Assembly, have powers to start and check the leaders in tea buying centres. Who are the leaders of the Boards of Management in schools?

Madam Temporary Speaker, for many years, I have done my own social responsibility in terms of education by giving books and computers to schools. When I was traversing Gusiiland and other places, you could get 90 per cent in 10 schools attendance are women. Men did not consider that as an important aspect. This is the reason why we need to actualize what is enshrined in the Constitution by fighting for the girl and women rights. The question of child rights or the boy child should not be



endangered in the sense that by the time the girl child picks up and gets to the level of competence with the boy child, then we will reduce advocacy on the girl child.

When you look at the social media platforms, the political leadership amongst women is abused in terms of their gender and not what they have to offer in their roles of leadership.

Since Independence, Kenyans celebrated their first woman brigadier in the military. Those are some of the things which were supposed to be done when the National Security Advisory Council abolished the women core. We are making those strides at a tortoise's pace. It is important that in counties, women are given a token in the county's executive committee membership. That needs to change as we move forward and comply with Article 27 of the Constitution which has given freedom and equality to women in this country.

Madam Temporary Speaker, gender equality in politics was done 22 years ago in IPU. A girl child who was born 22 years ago has grown to become a woman professional. Kenya must comply with the Constitution. I see this hypocrites who purport that we advocate for this but when we are given a small opportunity to show cause why we support women, you do not understand. In the Senate, women have a national constituency. Senators have a national constituency. The other day when there was Kshs1billion donation, we became one. History will judge us harshly. When we pretend that we stand for this, but when we are required to show that, we fail to support the advocacy.

Kenya has been ranked at 70<sup>th</sup> position globally in terms of women equality, it is a big shame. Rwanda is ranked first for having women who have 64 per cent, Tanzania at No.21<sup>st</sup> with a percentage of 36 per cent and Uganda at No.23<sup>rd</sup> with 35 per cent. The women of Kenya are not asking for 50-50 as enshrined in the Constitution, they are only asking for a meager 30 per cent.

I am calling upon men and women of this country to stand up and---

### ADJOURNMENT

**The Temporary Speaker** (Sen. Ongoro): Sen. Okong'o, you have eight minutes to conclude your debate when this next appears on the Order Paper.

Hon. Senators, it is now 6.30p.m. It is time to adjourn business of the Senate. The Senate stands adjourned until Tuesday 17<sup>th</sup> November, 2015 at 2.30p.m.

The Senate rose at 6.30 p.m.