

# PARLIAMENT OF KENYA

## THE SENATE

### THE HANSARD

Thursday, 25<sup>th</sup> October, 2018

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

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

#### PRAYER

#### COMMUNICATON FROM THE CHAIR

##### VISITING DELEGATION FROM MACHAKOS COUNTY ASSEMBLY

**The Temporary Speaker** (Sen. (Prof.) Kamar): Hon. Senators, I have one communication to make from the Chair regarding the visiting Members and Staff of Machakos County Assembly Women Association.

I would like to acknowledge the presence in the Speaker's Gallery this afternoon of visiting Members and staff of Machakos County Assembly Women Association.

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

May I allow the hon. Member at the door to come in.

*(Sen. Faki walked into the Chamber)*

(1)	Hon. Florence mwangangi	-	The speaker/Patron
(2)	Hon. Margaret Mwikali	-	Chairperson
(3)	Hon. Irene Mbivya	-	Secretary
(4)	Hon. Betty Nzisa	-	Treasurer
(5)	Hon. Agatha Mutunga	-	Member
(6)	Hon. Anastaciah Syomwai	-	Member
(7)	Hon. Constance Mbula	-	Member
(8)	Hon. Helen Ndeti	-	Member
(9)	Hon. Jacinta Luka	-	Member-
(10)	Hon. Christine Koki	-	Member
(11)	Hon. Jane Nyawira	-	Member
(12)	Hon. Jacqueliine Nziva	-	Member
(13)	Hon. Pauline Mene	-	Member
(14)	Hon. Rozina Kanini	-	Member

(15)	Hon. Alice Nzioka -	-	Member
(16)	Hon. Bernadette Mueni	-	Member
(17)	Hon. Phoebe Koki	-	Member
(18)	Hon. Angela Munyasya	-	Member
(19)	Hon. Winfred Mutwiwa	-	Member
(20)	Hon. Margaret Ndalana	-	Member
(21)	Ms. Luiza Kamau	-	Staff
(22)	Ms. Susan Kiluva	-	Staff
(23)	Ms. Juliet Nthambi	-	Staff

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

I thank you.

*(Applause)*

I can see we have a good number of Members wishing to contribute. I will allow a few Members to make some remarks, starting with the Chairperson of Kenya Women Senators Association (KEWOSA), Sen. Seneta, who are hosting the delegation.

**Sen. Seneta:** Thank you for giving me a chance to welcome the Members of the County Assembly (MCAs) Women Association to the Senate. On my own behalf and on behalf of KEWOSA, we welcome them to the Senate. We had some good time with them. We wish them a good stay, discussion and lessons from all our departments that they are going to meet.

There is one thing I have learnt from the delegation: I congratulate them for having elected a female Speaker. Machakos County also being my neighbour, Kajiado County should learn from them since they have four female elected MCAs.

*(Applause)*

I congratulate them and wish them well and a good stay.

**Sen. Musuruve:** Madam Temporary Speaker, thank you very much for giving me this opportunity to also welcome the Women MCAs from Machakos County. I see a very strong team that is ready to forge forward. I laud all MCAs for electing a lady speaker. This is an honour for women of this country. She is a strong willed personality and a mentor to many women and our girls of this country.

My suggestion has always been that MCAs, especially women MCAs to pay us a visit and engage with us on parliamentary matters. This is a confirmation to us that women can also make it in different spheres of life.

The session of IPU Forum of Women Parliamentarians was very lively. It was not only speaking to Women MCAs from Machakos County, but to all of us. The President of the IPU Forum for Women Parliamentarians, Sen. Kihika, narrated her own experience and what it took her to be where she is. Sen. Seneta and Sen. Pareno also shared their

experiences. They were not only speaking to MCAs, but also to women Senators and many other women across the nation.

It is time women realized that it is possible for them to make it. I believe women leaders from Machakos County picked a leaf from the challenges and experiences shared by my colleagues. If they brave it up, then they can make it up the ladder.

Thank you very much for giving me the opportunity to welcome the MCAs from Machakos. I wish them a fruitful stay. I believe they will learn a lot from us. Women Senators are very courageous, vibrant and ready to engage in debates which inform decision making for purpose of spurring the growth of this country.

**The Temporary Speaker** (Sen. (Prof.) Kamar): Sen. Nderitu John Kinyua. Please, make it in one and a half minute.

**Sen. Kinya:** Asante sana, Bi Spika wa Muda, kwa kunipa nafasi hii. Nilikuwa na hofu, nikidhani kwamba ungenibagua kwa sababu niliona umeanzia na wanadada Maseneta. Nataka kuungana nawe kuwapongeza wenzetu ambao wametoka katika sehemu mbalimbali, hasa Bunge la Kaunti ya Machakos.

Naingependa kumpongeza Spika wa Bunge la Kaunti ya Machakos, Bi. Florence, kwa sababu tumekuwa naye katika vikao tofautitofauti. Yeye amemakinika katika kazi yake ya usipika. Nina hakika ya kwamba hata wanadada ambao wako pamoja naye wamemakinika na kubobea katika kazi zao.

Ni vizuri sisi kila mara tunapofanya uchaguzi tuwakumbuke wanadada wetu kwa sababu wao hufanya kazi kwa ujuzi wa juu na bila kuegemea upande wowote, kama unavyofanya, Bi. Spika wa Muda.

Nimewakaribisha hapa Seneti. Ni maombi yangu watajumuike na sisi ili waweze kujifundisha mengi kutoka Bunge la Seneti. Ni mapenzi yangu kuwa wataenda na mambo ambayo itawasaidia kule mashinani kwa mujibu wa kuwaifidi watu wote katika kaunti yao.

**The Temporary Speaker** (Sen. (Prof.) Kamar): Sen. Masitsa Naomi Shiyonga.

**Sen. Shiyonga:** Thank you very much, Madam Temporary Speaker, for giving me this opportunity to join you in welcoming women MCAs from Machakos County.

I am pleased to note that this morning, we had fruitful deliberations with them. I hope what they learn here, they will take it back to their county assembly.

*(Loud consultations)*

**Sen. Shiyonga:** Madam Temporary Speaker, kindly protect me from loud consultations, so that I can finish my minute.

**The Temporary Speaker** (Sen. (Prof.) Kamar): Hon. Senators, please, consult in low tones so that the delegation can hear the Member.

**Sen. Shiyonga:** Thank you very much, Madam Temporary Speaker, for protecting me.

Tomorrow we will continue engaging them and I hope they will continue learning. It is my hope that they are learning a lot from us. We are also learning a lot from them. We thank God for the opportunity. What we have shared with them will continue inspiring them and others in our various counties.

**The Temporary Speaker** (Sen. (Prof.) Kamar): Thank you. Sen. Kihika Susan Wakarura.

**Sen. Kihika:** Thank you Madam Temporary Speaker. I also join you in congratulating and welcoming the Women Caucus of the County Assembly of Machakos. I would like also to congratulate the Speaker of the County Assembly of Machakos, Madam Florence Mwangangi.

She has really done well. I followed the election of the Speaker and saw she trounced a few men in Machakos County Assembly. I am very proud of her. We interacted this morning with the Caucus. I am also proud to say that the Speaker is really working hard towards capacity building for women MCAs. This will go a long way in enabling them to carry out their mandate back at the county assembly.

I also take this opportunity to congratulate the four women from the County Assembly of Machakos who were elected. I also congratulate the nominated MCAs because they did a lot for their parties. We hear a narrative of how people are nominated. However, I know for a fact that these women worked for their nominations. I urge them to take the lead by working very hard in the positions they are holding now when they go back to their County Assembly. The sky is the limit for them and the women of this country.

**Sen. Milgo:** Thank you very much, Madam Temporary Speaker. I also join you in welcoming the Caucus of MCAs from Machakos County, led by their able Speaker, Hon. Madam Florence.

The whole morning session that we had with them was very fruitful. We were able to learn a lot from one another. I encourage them to continue benchmarking with the best practices. The Senate is ready to support them in various ways, especially with legislation processes.

I would like also to congratulate the four elected women in Machakos County Assembly. Bomet County has only one elected woman MCA among many male MCAs. Indeed, that was an uphill task, but they were elected against all odds. I wish to congratulate all the MCAs of Machakos County. What men can do, women can do it even better.

I wish to also congratulate Madam Speaker, Florence. She informed us how she ensured some women MCAs are chairing various Committees in the assembly. Even we in this Senate, given opportunity to chair some Committees, we will do better than our male counterparts. This is an eye opener for our male colleagues and I hope they will support us.

Once again, I wish to welcome this women caucus and to encourage them to continue consulting with us from time to time. When you go back, please, pass our regards to your Governor for supporting you to come to the Senate.

**The Temporary Speaker** (Sen. (Prof.) Kamar): Sen. Malalah Cleophas Wakhungu. Please, one minute.

**Sen. Malalah:** Thank you Madam Temporary Speaker. I take this opportunity to welcome the MCA Women Association from Machakos County to this House. I acknowledge the fact that women are an entity that will change this world.

The other day, I was in the African Youth Conference at the United Nations offices. I urged them to shift focus from women to youth. The kind of missiles that I received is a story for another day. This is an example to us, as men. We have been challenged. We will also form a men's association in the Senate. I am sure we shall be considering men who will join it because not all of us will be eligible to join it. For

example, I am sure the Senate Majority Leader, Sen. Murkomen, will go through a lot of vetting.

I want to take this opportunity as a former MCA to encourage the delegation from Machakos and tell them today I am as a Senator. Hon. Sen. Susan Kihika served as the Speaker of Nakuru County Assembly and today she is the Senator for Nakuru County. Everything is possible in this world. They are on the right track. Continue caucusing as women because synergy is what will change this world.

**Sen. Farhiya:** Madam Temporary Speaker, thank you for giving me this opportunity to also join my colleagues in congratulating the women Members of Machakos County Assembly for visiting the Senate where the pace in terms of legislation in this country is set.

I would like to tell the beautiful ladies up there that they can equally do legislation better than anybody else because everybody learns and everybody excels through learning. The fact that they have come to benchmark and build their capacity is only the first step. I am sure they will do extremely well.

Today is a blessed day for women in this Continent. I am saying so because today Ethiopia elected the only woman president in Africa. Her name is Sahle-Work Zewde. The Prime Minister of Ethiopia also appointed 50 per cent women in his cabinet. Not only did he appoint 50 per cent of the women to his cabinet but also gave them the most critical ministries including the equivalent of internal security. Hon. Abiy Ahmed, the Prime Minister of Ethiopia, is smarter than other people in Africa to know that women do a good job. The other African leaders should learn from him.

Our President has also done his part concerning women empowerment and Kenyans should support him in terms of the direction he has taken. I was in an event graced by the President graced - an occasion for women that the Ministry of Public Service, Youth and Gender Affairs organised. I want to tell you that our President, Deputy President and the former Prime Minister are all committed to women empowerment. Therefore, as we discuss the issues around the referendum, women of this country do not want a third but 50 per cent in everything.

I thank you.

**The Temporary Speaker** (Sen. (Prof.) Kamar): Please let us confine ourselves to one minute so that we finish this.

*(An hon. Senator spoke off record)*

Order! Who catches the eye? Let us listen to Sen. Pareno.

**Sen. Pareno:** Madam Temporary Speaker, I can see the men are probably feeling the heat of having many women around here but I think it is good to have all of us here.

I would like to welcome my sisters from Machakos County Assembly. They are led by a very able lady, who is none other than Hon. Florence Mwangangi, a learned colleague. She has been in the legal profession long enough to have the necessary qualities of a speaker. I welcome all of them here.

We had healthy deliberations this morning and I am sure that the caucus will put into use what we all learnt because we are all in a learning process. We shared experiences from those that have been in the Assembly before and those that are new. I am sure the insights will take them far.

Once again, I welcome and thank them for benchmarking with the Senate.

**The Senate Majority Leader** (Sen. Murkomen): Madam Temporary Speaker, as I thank you for this opportunity, I do not know where Sen. Malalah went. I congratulate the team from Machakos County Assembly, led by my colleague in the legal profession and the Speaker of Machakos County Assembly, Hon. Florence Mwangangi. I can see a serious team of women serving in the county assembly.

I hold a record in this House as one of the legislators who have stood firm for gender equity and gender parity. I support a hundred per cent the implementation of Article 81 of the Constitution which requires that a third of a legislature must be persons of either gender.

Secondly, I played a role in drafting the County Governments law that ensured that nominated MCAs serve as required by the Constitution. Despite the numbers that were there, we never discussed the question of progressive representation. I hope that we can do the same in this House and also in the National Assembly.

Madam Temporary Speaker, allow me to say that there is a lot of debate in this country around representation and the cost of running the Government. That debate is extremely misguided because sometimes it targets women who have been nominated to the county assemblies. Most of the women who have been nominated to the county assemblies are doing a fantastic job. We can use the example of Elgeyo-Marakwet and Machakos counties. It is so petty for one to argue about that.

The reason I carried my mobile phone here is because I heard some Kenyan saying that California is the biggest economy in the world but it has a small government because of small representation. I want to warn Kenyans against quoting things they do not know. I will use this opportunity to set the record straight.

For those like Sen. Kihika who have lived in the United States of America (USA) and some of us who visited there and studied for a short period, California has two Senators in the US Senate; 53 House of Representatives in the US Congress; a State Executive with elected Governor and other eight members elected; appointed persons who serve in the County Executive; 227,536 employees in the State Service; over 100 parastatals; a legislature of the State of California which has a Senate of California, forget about the Senate of the USA, with 40 Senators; 80 Members of the Assembly; a judiciary with over 2,000 persons serving there; 482 cities and 58 counties.

There is a direct correlation between proper representation and proper development in a country. When we say we have counties as entities of representation, it means, as Article 176 provides, that development is now being achieved at a local level. People through entities called county assemblies are able to do a fantastic job.

I believe the women who are sitting there, despite the public spat against nominated women, will do a fantastic job. It should not just be in Machakos County alone but all over the country. That is a breeding ground in preparation for people like Hon. Mwangangi and all the other MCAs to prepare themselves to serve the country in even larger constituencies than where they are.

Madam Temporary Speaker, I beg to support.

**Sen. Sakaja:** Madam Temporary Speaker, I was about to protest because I thought that you would not give me an opportunity. Nairobi City County and Machakos County have a special relationship. The Governor for Machakos County lives in Nairobi and the Governor for Nairobi City County lives in Machakos.

(Laughter)

In addition to the fact that they are our neighbours, we have a closely-knit relationship.

As the Senator for Nairobi City County, I welcome them to Nairobi and the Senate. Let me underscore what the Senate Majority Leader has said; that our claim to democracy as a country is tainted whenever half or such a significant level of the population is left outside and is not on the table. We support unequivocally and unapologetically the agenda of women and the one-third gender provision in the Constitution. They should know that they will not get any issue in the Senate. The men in the Senate support--- Those who do not, because I have seen one of my colleagues protesting, should know that a candle does not lose light by lighting another candle.

I congratulate the new President of Ethiopia, who is a woman, and the fact that Prime Minister Abiy also has a 50-50 Cabinet. Half of it is women and half men. I think you will see the brilliance that will come from that country.

Welcome and, please, before you go, make sure that you meet the women Members of the County Assembly (MCAs) of Nairobi. They are brilliant and passionate. I am sure you saw all “criminal” and all that, but they are amazing people. We need to have more of those interactions between our counties and both levels of Government; the county assemblies and the Senate.

*Karibu sana. Sisi pia tukikuja Machakos mtukaribishe.*

**The Temporary Speaker** (Sen. (Prof.) Kamar): Finally, because we have only one minute remaining, Sen. Rev. Waqo.

**Sen. (Rev.) Waqo:** Thank you, Madam Temporary Speaker, for allowing me to join you and my fellow hon. Members in welcoming the women MCAs from Machakos County. We have had a wonderful time with them since morning. I also congratulate Hon. Florence for her good leadership, which we saw as we shared in the morning.

Women are doing great work in this country. When you see this great number here, it clearly shows that women are ready to go an extra mile. They are ready to serve with passion and commitment and would want to do things differently. I congratulate the women who are here together with their staff. I wish to urge them, just as you have always done, to be committed to what they are doing and serve with integrity.

Never give up because sometimes when you are a politician, people tend to give you different names, but you know what you are doing. Make sure you mentor other women and transit from Member of County Assembly (MCA) to the Senate. I am sure that some of you will be Senators after the 2022 general election. Others will be Woman Representatives, while some may even be governors.

**The Temporary Speaker** (Sen. (Prof.) Kamar): Please, wind up.

**Sen. (Rev.) Waqo:** We pray that you will serve with all the integrity that is needed. I also urge other counties, especially women, that the Senate is the best place for them to come and learn. Come and interact with us women Senators and the Senate, and you will learn more.

It will be unfair for me to sit down before I congratulate the first woman President of Ethiopia. I also congratulate Ethiopia because they have done us proud by electing the first women President. The entire continent of Africa needs to congratulate them and thank God for that.

The other thing is---

**The Temporary Speaker** (Sen. (Prof.) Kamar): Your one minute is over.

**Sen. (Rev.) Waqo:** Thank you, Madam Temporary Speaker. I also thank our Clerk who came in the morning and sat in the midst of almost 50 women.

Thank you, Madam Temporary Speaker.

**The Temporary Speaker** (Sen. (Prof.) Kamar): Thank you.

Next Order!

## PAPERS LAID

### REPORTS ON FINANCIAL STATEMENTS OF VARIOUS COUNTY ASSEMBLIES

**The Senate Majority Leader** (Sen. Murkomen): Madam Temporary Speaker, I beg to lay the following Papers on the Table of the Senate, today, 25<sup>th</sup> October, 2018:-

Report of the Auditor-General on the Financial Statements of the County Assembly of Lamu for the year ended 30 June, 2017;

Report of the Auditor-General on the Financial Statements of the County Assembly of Kilifi for the year ended 30 June, 2017;

Report of the Auditor General on the Financial Statements of the County Assembly of Mombasa for the year ended 30 June, 2017;

Report of the Auditor General on the Financial Statements of the County Assembly of Kwale for the year ended 30 June, 2017;

Report of the Auditor General on the Financial Statements of the County Assembly of Taita-Taveta for the year ended 30 June, 2017;

Report of the Auditor General on the Financial Statements of the County Assembly of Tana River for the year ended 30 June, 2017; and,

Report of the Auditor General on the Financial Statements of the County Assembly of Homa Bay for the year ended 30 June, 2017.

Thank you.

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

## STATEMENTS

**The Temporary Speaker** (Sen. (Prof.) Kamar): We expect a Statement from Sen. Moi, but I do not see him in the House.

*(Sen. Halake stood in her place)*

Is it being read on his behalf?

Sen. Halake, could you come forward for some clarification before you do that?

*(Sen. Halake approached the Chair)*



Could we have the Senate Majority Leader give his Statement first on the business of the Senate?

BUSINESS FOR THE WEEK COMMENCING  
TUESDAY, 6<sup>TH</sup> NOVEMBER, 2018

**The Senate Majority Leader** (Sen. Murkomen): Madam Temporary Speaker, I beg to issue a statement on the business of the Senate for the week commencing 6<sup>th</sup> November, 2018, pursuant to Standing Order 52(1).

Hon. Senators, pursuant to Standing Order 52(1), I hereby present to the Senate the business of the House for the week commencing Tuesday, 6<sup>th</sup> November, 2018. As you are aware, pursuant to the Calendar of the Senate adopted on 20<sup>th</sup> February, 2018, the House will proceed on an 11 day recess at the rise of the House today until Tuesday, 6<sup>th</sup> November, 2018. This period will afford Senators the opportunity to be in the counties and engage with their respective constituents.

Consequently, upon resumption of sittings on Tuesday, 6<sup>th</sup> November, 2018, the Senate Business Committee (SBC) will meet to schedule the business of the Senate for the ensuing week. Subject to further directions by the SBC, the Senate will on Tuesday 6<sup>th</sup> November, 2018 consider Bills due for Second Reading, Committee of the Whole and also continue with consideration of business that will not be concluded in the Order Paper.

On Wednesday, 7<sup>th</sup> November and Thursday, 8<sup>th</sup> November, 2018, the Senate will consider business that will not be concluded on Tuesday, and any other business scheduled by the SBC.

Hon. Senators, the following Bills are due for Second Reading stage:-

- (1) The Local Content Bill (Senate Bills No.10 of 2018).
- (2) The Data Protection Bill (Senate Bills No.16 of 2018).
- (3) The County Outdoor Advertising Control Bill (Senate Bills No. 19 of 2018).
- (4) The County Statutory Instruments Bill (Senate Bills No. 21 of 2018).
- (5) The Treaty Making and Ratification (Amendment) Bill (Senate Bills No.23 of 2018).
- (6) The Land Value Index Laws (Amendment) Bill (National Assembly Bills No. 3 of 2018).
- (7) The Statutory Instruments (Amendment) Bill (Senate Bills No. 24 of 2018).
- (8) The Copyright (Amendment) Bill (National Assembly Bills No. 33 of 2017).
- (9) The Statutory Instruments (Amendment) Bill (Senate Bills No. 24 of 2018);
- (10) The Copyright (Amendment) Bill (National Assembly Bills No. 33 of 2017);
- (11) The Public Private Partnerships (Amendment) Bill (National Assembly Bills No. 52 of 2017);
- (12) The County Compliance and Enforcement Bill (Senate Bills No. 25 of 2018);
- (13) The County Early Childhood Education Bill (Senate Bills No. 26 of 2018);
- (14) The Preservation of Human Dignity and Enforcement of Economic and Social Rights Bill (Senate Bills No. 27 of 2018); and

(15) The County Oversight and Accountability Bill (Senate Bill No. 28 of 2018).

I continue to appeal to Standing Committees to submit reports on Bills referred to them for consideration, to facilitate the House to effectively navigate them through the Second Reading and Committee of the Whole stages. Further, I urge all Committees to dispense with the petitions before them within the requisite time.

I also request and urge the Committee on County Public Accounts and Investments to expedite the process, as they agreed with this House in the *kamukunji* and the commitment of the Chairperson of this Committee, and find a way of bringing the audited accounts up to date. Most of the reports that we Tabled today contained completed audited account by the Auditor General up to June, 2017, yet we are still in 2013. We have a great responsibility and I keep emphasizing that to the Committee on County Public Accounts and Investments; that they should bring us up to speed in this oversight responsibility.

I take this opportunity to wish you all a peaceful and productive short recess. I, thank you, and hereby lay the Statement on the Table of the House.

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

**The Temporary Speaker** (Sen. (Prof.) Kamar): Can we have a Statement from Sen. Halake?

COUNTY RECURRENT EXPENDITURE CEILINGS  
FOR THE FY 2018/2019

**Sen. Halake:** Thank you, Madam Temporary Speaker. As communicated, I am doing this on behalf of Sen. Moi. I would like for a correction to be made on the version of the Statement that is in the custody of our clerks. It should read the financial year 2018/2019. I believe there was a typo in the version that they have which is reading 2017/2018. I kindly request that the correction be made.

Pursuant to Standing Order No. 48(1), I rise to seek a Statement from the Standing Committee on Finance and Budget on the County Recurrent Expenditure ceilings for the financial year 2018/2019.

In the Statement, the Committee should-

(1) Explain why there was an increase in the recurrent expenditure ceilings which was higher than the respective equitable share, affecting the development budgets for Baringo, Kiambu, Murang'a, Vihiga, Narok, Kirinyaga, Nyeri, Trans Nzoia, Tharaka Nithi, Kitui and Laikipia counties;

(2) Explain the mechanism put in place for the above mentioned counties to meet their development gaps, in particular, Baringo County whose increase in the equitable share was Kshs103.8 million while its recurrent budget ceiling is Kshs167.7 million.

(3) State whether the Committee considered reports from the office of the Controller of Budget in regards to absorption of funds when making proposals on the county recurrent expenditure ceilings for 2018/2019 and;

(4) Explain whether the absence of a framework on costing of functions of the devolved units disadvantages some sectors in the devolved units.

This speaks to the fact that some recurrent expenditure ceilings were higher than the development budget. The case in point is Baringo County where there is only Kshs103 million for development while Kshs167.7 million is for expenditure. As those who oversight these counties, we need to look at some of our expenditures *vis a vis* the recurrent budget.

Therefore, I hope that the Committee will look at this for it is happening in a number of counties as you can see. It is there in Baringo and it goes all the way to Laikipia County. Was it that the assemblies at the local level did not realize that they are spending more in terms of recurrent than the development budget? As this Senate, if there is one thing that we need to look at, then it is these kinds of disparities. The recurrent budgets are far outweighing the development budget and this should be of concern to this House.

I look forward to the relevant Committee taking the issue of fiscal prudence, stewardship even as we take our oversight role seriously.

**The Senate Majority Leader** (Sen. Murkomen): On a point of order, Madam Temporary Speaker.

**The Temporary Speaker** (Sen. (Prof.) Kamar): There is a way of asking for a point of order, the Senate Majority Leader. You are now requesting to speak. Is that so?

**The Senate Majority Leader** (Sen. Murkomen): Yes, Madam Temporary Speaker.

**The Temporary Speaker** (Sen. (Prof.) Kamar): Sen. Halake, have you finished?

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

**The Temporary Speaker** (Sen. (Prof.) Kamar): Okay, you may contribute.

**The Senate Majority Leader** (Sen. Murkomen): Madam Temporary Speaker, this Statement is confused and confusing in the sense that it is talking about county assemblies recurrent expenditure *vis a vis* county assembly development expenditure. As you know, the work of the county assembly is within the purview of recurrent expenditure which includes committee work and this is the money they use to go for the committee meetings and committee work.

Before we commit this question to the Committee, I feel that the person who drafted the Statement should guide this House on the exact thing that they want because we are accusing the county assembly of not having more money for development yet it is not them who are appropriating for development, it is the county executive. The money for development for the whole county is in the county development budget and it is under the domain of the county assembly to budget for it.

The ceilings that we pass as a Senate is to separate between development of the county assembly which includes building offices for county assembly or infrastructure for the cafeteria and all that versus recurrent expenditure like the one that we have in the Senate for the Committees and so forth. When I heard Sen. Halake make this presentation, she was trying to accuse the county assembly of giving more money to their own recurrent issues *vis a vis* development of the county yet what we call development budget for county assemblies is not development of roads, hospitals and so forth. That must---

**The Temporary Speaker** (Sen. (Prof.) Kamar): Senator, the Chairperson of the Committee is taking note of your concerns because he is here. Let us not answer for him. Let him take note of your concerns and he will deal with that. Have you finished?

**The Senate Majority Leader** (Sen. Murkomen): I had not finished, Madam Temporary Speaker.

**Sen. Halake:** Point of information, Madam Temporary Speaker.

**The Temporary Speaker** (Sen. (Prof.) Kamar): What is your point of information Sen. Halake?

**The Senate Majority Leader** (Sen. Murkomen): Okay, Madam Temporary Speaker. I am willing to be informed.

**Sen. Halake:** Thank you, Madam Temporary Speaker. The Senate Majority Leader, in his zeal to fire back, did not listen. This is about the ceiling that has been increased which then provides an avenue that is bringing a bit of disparity between the expenditure and the development budget.

He is trying to understand the reason as to why we did increase the ceilings and this is now the consequence of that.

**The Senate Majority Leader** (Sen. Murkomen): Madam Temporary Speaker, that information is even more confusing.

As a Senate, and having been in the pioneer Senate which pushed for county assembly ceilings to be increased for them to do their oversight role, it will be interpreted that we are fighting county assemblies, if we do not ensure that they have the necessary and enough resources.

In the last Parliament, we were accused of giving more money to county assemblies for their recurrent expenditure which many people called wastage. If we do not give them enough money, they will not oversight, visit their counties, carry out public participation among other duties. Therefore, as they answer this question, due consideration must be given to the desire to ensure that county assemblies have enough money to perform their responsibilities. I am not raising this issue for Sen. Abshiro Halake but for the Committee to consider in their response - the desire for us to continue empowering county assemblies to do their job.

*(Sen. Halake consulted loudly)*

**The Temporary Speaker** (Sen. (Prof.) Kamar): Sen. Halake, are you on a point of order?

**Sen. Halake:** Madam Temporary Speaker, I do not know what it is. However, I am trying---

**The Temporary Speaker** (Sen. (Prof.) Kamar): Order, Sen. Abshiro Halake. You have to either be on a point of order or information.

**Sen. Halake:** On a point of order, Madam Temporary Speaker. Is it in order for the Senate Majority Leader to bring in something that was not in this Statement? I do not know at what point Members of County Assembly (MCAs) were mentioned. Is he in order? All the Statement is saying is that the recurrent expenditure ceilings were increased. Therefore, there are undesired consequences. At what point did the Statement that I have here mention MCAs or accuse anybody?

**The Temporary Speaker** (Sen. (Prof.) Kamar): A Statement has been sought. Therefore, all we need to do is give additional information or clarifications to the Committee so that they expand. What we are doing is riding on somebody's Statement.

We should not be opposing a Statement. It is only the Chairperson who has the power to say that he did not understand the Statement.

Proceed, Sen. Mary Yiane Seneta.

**Sen. Seneta:** Thank you, Madam Temporary Speaker. I do not want to contradict the Statement from my very active sister, Sen. Halake. However, I want to seek clarification from the Chairperson of the Committee on Finance and Budget. In addition to what my sister has sought, we need to understand why there is a difference in the ceilings for recurrent and development expenditure for the different counties. I also urge this House to make sure that it does not do anything that will deny our MCAs and county assemblies' money to do their oversight role.

What is happening right now is that county assemblies are under the mercies of the executive. Therefore, as a House, we should not stand in a position where we will make our MCAs to be under the mercies of the executive. We need the county assemblies to properly oversight the county allocation budgets. Therefore, I seek that clarification and ask this Committee to make sure they thoroughly investigate and look at the difference. Therefore, the expenditure ceilings for Nairobi, Kajiado, Machakos, Kitui and all other counties should be the same.

**Sen. Cheruiyot:** Madam Chair, I had made the request before we got a better clarification from Sen. Halake. Therefore, now that she has clarified on what she exactly needs from us, I leave it to the Chair.

Earlier on, I wanted to get a proper understanding as a Member of the Committee on Finance and Budget. However, since my Chairman is here, he is best placed to give a response. If there will be anything that will fall short, I will be more than glad to give an explanation on why, as a Committee, we took this decision.

**Sen. Shiyonga:** On a point of order, Madam Temporary Speaker.

**The Temporary Speaker** (Sen. (Prof.) Kamar): What is your point of order?

**Sen. Shiyonga:** Thank you, Madam Temporary Speaker. You are Madam Temporary Speaker and not Madam Chair. Could the Senator clarify that?

**The Temporary Speaker** (Sen. (Prof.) Kamar): Thank you for that observation. The Chair is the Speaker's Chair.

*(Sen. Cheruiyot stood in his place)*

Sen. Cheruyiot, had you finished your contribution?

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

**Sen. Kihika:** Madam Temporary Speaker, thank you for giving me this opportunity. I have also understood better, after clarifications have been sought. However, I would like the Committee on Finance and Budget to take into account the fact that county governments include the executive and the county assemblies. However, I know that the Statement talks about county governments. We cannot compare the two when we talk about recurrent and development budget because it is like comparing apples to oranges.

The primary role of the executive is to carry out development. However, the role of the county assembly is the opposite. They might have some development projects, for example, infrastructure of the Chamber or staff offices. Therefore, they might require some development funds. However the major need for the county assemblies is the

recurrent budget. Therefore, I urge the Committee to make sure that they are cognizant of that.

I remember when I was the Speaker of the County Assembly of Nakuru in the last term, we spent a lot of our time at the County Assemblies Forum (CAF) and the Senate with the Committee on Finance and Budget trying to make sure that our ceilings were raised a little bit so that we could survive. This is because the executive had muzzled us and brought in ceilings for the county assembly which made it hard for them to carry out their oversight roles. This is a concern. I hope that the Committee on Finance and Budget will take this into account and not reduce any of the recurrent budgets, especially for the county assemblies.

**The Temporary Speaker** (Sen. (Prof.) Kamar): Thank you, Senators. I see a last request from Sen. Moses Wetangula.

**Sen. Wetangula:** Thank you, Madam Temporary Speaker. Looking at the Statement, I thought that it was vague. However, I am told that some explanations have been given which try to mitigate the Statement out of the vague status.

Madam Temporary Speaker, I belong to this Committee. The issue that my Chairman should grapple with, however vague the Statement requested may be, is look at the mindboggling figures that are bandied around as money lost through corrupt transactions and unaccounted expenditure for both levels of Government. This House has a duty more than ever before to ensure that county assemblies as primary oversight institutions in the counties are properly empowered to oversight the expenditure of county governments at all levels.

If you look at the national Government, there is nobody over-regulating the national Government. The county governments are a Government like the national Government. Why do we allow the county government to be over-regulated with all manner of clogs, road blocks and ceilings yet they are a government? We have two Governments according to Article 6 of the Constitution, that is the national Government and the county governments. They are both independent and inter-dependent. However, we have a situation where one level of Government is lording it over the other on a daily basis.

Madam Temporary Speaker, the Chairman of the Committee must, in conjunction with the Senate Majority Leader, tell this House why the Senate Oversight Fund is not forthcoming. We cannot, on a daily basis, be called a House that oversights counties and the defenders of devolution yet we are not able to go to our counties and hold a meeting to see what is going on. It is a contradiction. Therefore, the Senate Majority Leader must unlock this jinx.

Madam Temporary Speaker, as I was driving here, I heard of the Machakos delegation which has visited the Senate. Allow me to welcome them and also put on record that my County of Bungoma and my party in particular, recorded the highest number of elected women in the whole of Kenya.

*(Applause)*

Out of 45 MCAs in Bungoma, 13 are elected women, courtesy of yours truly.  
Thank you, Madam Temporary Speaker.

*(Applause)*

**The Temporary Speaker Sen.** (Prof.) Kamar): Thank you, Senators. Proceed, Chairperson of the Senate Committee on Finance and Budget.

**Sen. (Eng.) Mahamud:** Madam Temporary Speaker, whereas we will, as a Committee, engage the questioner of this matter and try to get a proper response, this House must recall that we passed the County Allocation of Revenue Act (CARA). This Act gives details of the expenditure ceilings for both the county executive and county assemblies in Schedule Four. If that is what the statement is asking about, I find it difficult to understand paragraph one to four of the statement, with all the ambiguities therein. All of us were in the House when we passed that Act. When we were debating it, we explained the reasoning behind the county assembly and county executive ceilings.

Therefore, Madam Temporary Speaker, when it comes to the recurrent and development expenditures of counties, the Public Finance Management Act (PFMA) requires that at least 70 per cent must go to recurrent expenditure, and not more than 30 per cent--- We have been unable to reach that level which is desirable. I do not understand when someone says that we have exceeded the sharable revenue, when the figures are in billions. I am not sure that the equitable share for Baringo is also worth Kshs67billion---

**The Temporary Speaker** (Sen. (Prof.) Kamar): Order, Chairman! Are you already responding to the Statement?

**Sen. (Eng.) Mahamud:** I am not, Madam Temporary Speaker. I am only trying to give guidance, because discussions have been taking place here.

**The Temporary Speaker** (Sen. (Prof.) Kamar): No, we want you to go and---

**Sen. (Eng.) Mahamud:** Madam Temporary Speaker, with respect, I will ---

**The Temporary Speaker Sen.** (Prof.) Kamar): You need to go and guide your Committee.

*(Several hon. Senators stood up in their places)*

**The Temporary Speaker Sen.** (Prof.) Kamar): There is a point of order from Sen. Murkomen.

**The Senate Majority leader** (Sen. Murkomen): Madam Temporary Speaker, to be truly honest and not superfluous, this Statement – and I am not questioning how it ended up here---

**The Temporary Speaker Sen.** (Prof.) Kamar): Hon. Leader of Majority, we are not disputing---

**The Senate Majority leader** (Sen. Murkomen): I am reading the Standing Orders; it is a point of order.

**The Temporary Speaker Sen.** (Prof.) Kamar): We are not disputing that, but it is up to me to decide whether it will pass or not.

**The Senate Majority leader** (Sen. Murkomen): Okay, Madam Temporary Speaker. Let me read the point of order

**The Temporary Speaker Sen.** (Prof.) Kamar): What is your point of order?

**The Senate Majority leader** (Sen. Murkomen): Madam Temporary Speaker, Standing Order 50(3) states that-

“A request for Statement shall not-

- (a) be made the pretext for debate;
- (b) be framed so as to give information or suggest its own response;
- (c) convey a particular point of view;
- (d) contain any argument, inference, opinion, imputation or ironical or offensive expression;”

However, I am interested in part (e), which states-

“repeat in substance any matter covered in a prior request for statement or already responded to, either as a statement or in the course of a debate during the same Session;”

Madam Temporary Speaker, when we passed the document provided by the same Committee on the ceilings here, we discussed the parameters of why those ceilings were put there. We also discussed why it was necessary to give every county assembly certain amounts and how much was going to be the recurrent expenditure for the executive, and not for county development. Therefore, I honestly find it very difficult - and agree with the Chair - that this can continue.

**The Temporary Speaker Sen. (Prof.) Kamar:** Leader of Majority, I thought the Chairman of the Committee was out of order when you requested for a point of order. Can we allow Sen. (Eng.) Mahamud to finalize?

**Sen. (Eng.) Mahamud:** Madam Temporary Speaker, we will answer the question but, for sure, we will require the questioner to explain to us in details what he means by the paragraphs here.

Thank you, Madam Temporary Speaker.

*(Laughter)*

**The Temporary Speaker Sen. (Prof.) Kamar:** That is allowed in our revised Standing Orders. You are allowed to follow your question to the Committee so that you can give more information and clarification.

As the Committee Chair has said, I commit the Statement to the Senate Committee on Finance and Budget.

**Sen. Wetangula:** As vague as it is?

*(Laughter)*

**The Temporary Speaker Sen. (Prof.) Kamar:** Next Order.

## MOTION

### USE OF SIGNING EXACT ENGLISH (SEE) TO INSTRUCT LEARNERS WITH HEARING IMPAIRMENT

THAT, AWARE that Article 43 (f) of the Constitution stipulates that every person has a right to education;

FURTHER AWARE that Kenya is among the State Parties that ratified the United Nations Convention on the Rights of Persons with



Disabilities in which the parties undertook to ensure that Persons with disabilities are not excluded from the general education system and that the education of persons, and in particular children, who are blind, deaf or deaf-blind, is delivered in the most appropriate languages and modes and means of communication for the individual, and in environments which maximize academic and social development;

ACKNOWLEDGING that hearing impaired learners have linguistic challenges and perform dismally in academics, since all subjects other than Kiswahili and foreign languages are taught and examined in English;

COGNIZANT that hearing impaired learners who are educable can master the essentials of English language as they are able to sign sing the National Anthem in Signing Exact English (SEE);

NOW THEREFORE, the Senate calls upon the Ministry of Education, Science and Technology to: -

1. Ensure that Signing Exact English (SEE) is used as a mode of instruction for persons with hearing impairment who are educable;
2. Develop SEE instructional materials for learners with hearing impairment;
3. Work with linguists and researchers to develop sign language resources; and,
4. Ensure that sign language linguistics is offered as a discipline in universities and teacher training colleges.

*(Sen. (Dr.) Musuruve on 11.10.18)*

*(Resumption of Debate interrupted on 11.10.18)*

**The Temporary Speaker** (Sen. (Prof.) Kamar): Hon. Senators, the last contributor to this Motion was Sen. Orendo, but I do not see him here; he still had 15 minutes.

I will now allow Sen. Wetangula to contribute. Proceed, Sen. Wetangula.

**Sen. Wetangula:** Thank you, Madam Temporary Speaker, for an opportunity to contribute to this Motion. I commend Sen. (Dr.) Musuruve for bringing into effect what this country should have done a long time ago to assist our compatriots who suffer from disabilities, particularly hearing disabilities, to also enjoy the benefits and fruits of modern science and technology; and to enable them to grow like any other Kenyan.

Madam Temporary Speaker, there has been some progress. This is because if you watch the television these days, there is always some sign language interpreter during news time and in many other programmes. I have also seen that when you go to public meetings, even in remote areas of this country, you will find some people there doing sign language interpretation about what is going on there.

However, the question is this; we have had an organisation called the Association for the Physically Disabled of Kenya (APDK), which owns prestigious properties. For example, they have properties on Kaunda Street and on Rhapsa Road in Westlands. They also enjoy a lot of state patronage in terms of funding, but its presence is

not felt anywhere. I do not know if anybody sees the APDK in other counties, yet it has been gobbling up millions and millions of shillings every year. Somebody has to hold somebody to account.

Madam Temporary Speaker, many children with disabilities of whatever nature in this country suffer from very serious stigma. There have been cases where families lock away their children because they are deaf, dumb or physically handicapped; and they feel embarrassed to be seen to have children who have those disabilities. We are taught from the Bible that we are all made in the image of God and we all represent the good that is Godly. Whenever you have children regardless of what they may suffer from, you have a duty as a parent to be proud that you have a child. There is an Indian scholar who used to complain of having no shoes until he met someone with no legs.

Madam Temporary Speaker, we need to have budget allocations that specifically target the disabled persons in our society. Sen. (Dr.) Musuruve has been a serious champion of the rights of our people. The civilization level of a society is measured by how you treat people with challenges, who are disenfranchised, and who have disabilities. That is when you see a society that is modern and appreciates that everybody has rights and needs attention.

Yesterday, we had a Bill that was talking about buildings. There is a law that says every building must be user-friendly for everybody yet nobody cares. People are busy barricading their buildings and putting all manner of stairs and steps to the extent that persons on wheel chairs and those with other various forms of disabilities cannot get access. More importantly, as they always say, disability is not inability.

*(Applause)*

In fact, whenever I am invited to go and talk to persons with disabilities, there is a common catch phrase where they say, "These are people with special needs." I always tell them, "You are not people with special needs; you are people with special talents." This is because they have that handicap and disability, and yet they are able to live and excel. We have a disabled girl from Western that I am very proud of. She has no hands yet she is a Principal Secretary (PS) doing a fantastic job. Her name is Amakobe. When you sit down and talk with her, you see bubbling and brilliant brains; very articulate.

*(Applause)*

It shows that God may suppress some issues in you but pop up others in a better way. We should have this kind of Motions coming into this House and go even further to carry out; through representatives of the counties here, like my distinguished Senator, my nephew, from Nairobi; a census of how many persons of challenges we have in Nairobi. What attention do they get? Is it adequate? Does the national and county government budget for them? It does not make sense to own prestigious buildings such as the Association for The Physically Disabled of Kenya (APDK) and you do not hear anything about how much they help people with disabilities (PWDs).

I would want to encourage at some point; because the number of people who---. I know we are talking about challenges of deaf and dumb people, but a high number of others are disabled persons because of the carnage and recklessness on our roads. There

are accidents every day; *boda bodas* have come in killing, maiming and disabling people every day. What are we doing as a society?

The moment an upright person gets disabled and is reduced to a wheelchair, the medicare bill goes up. The state must look after these people. We have a country where, unfortunately, you go to hospital and you do not see any queue reserved for persons with challenges so that they can get adequate and quick attention. They are there battling with everybody else and you know how bad mannered some Kenyans are; they will never learn to give way to anybody.

Sen. (Dr.) Musuruve should go beyond a Motion and bring legislation. A Motion has no force of law; we will talk here, we will pontificate and do everything and after this, it will go into the records that we brought a Motion and it ends there. If we can, let us go further and bring a Bill that puts into effect what we want to do. I would want to see in every county--- We have a school in my county of Bungoma called Nalondo CBM where we started a school for children with physical challenges. We got a donor from the United Kingdom (UK) who came and built a modern hospital in the school. We are now a national school taking children from Thika, Hola and everywhere.

Now we have opened a secondary school for it. So that such children are not stigmatised, we take in children who are ordinary and do not have physical or hearing or seeing challenges so that the children who have disabilities do not feel like they have been isolated because of their state. They work, walk, learn and live with everybody. I want to salute the UK Government for building for us a modern hospital in that school. It is fully equipped with nurses and physiotherapists who look after these children that need to be attended to. This is how society should progress.

I have not seen in our most populous City County of Nairobi any special attention to persons with challenges. Instead, every Friday – and the Senator for Nairobi should address this – we have people who exploit disabled persons. There are criminals who every Friday wheel them to roundabouts and sit there with them to beg. We are now getting to a situation like Pakistan where families deliberately burn their children or cut off their limbs so they look so bad and go and stand at roundabouts and roadblocks with them to beg.

I am seeing this happening in Nairobi. Disabled people are being wheeled in on wheelchairs from Kawangware down to Town and standing at roundabouts on Friday from morning to evening. That is a criminal and inhuman conduct. I urge the Senator for Nairobi to collaborate with the state to get rid of this immoral behaviour by persons who exploit others. One even asks how much of that money they get from begging every day from morning to evening ends up in the pockets of the disabled person other than being used as an instrument for raising money. It is an act that should not be condoned in our society.

I support this Motion, Madam Temporary Speaker. I want to see that we have a deliberate legislative framework that supports persons who have challenges of any nature so that they can live like we do. I salute my younger brother, the Member of Parliament (MP) for Westlands. My brother was a footballer in his early age, and a robber, taking away a small car from him, shot him right through the back and crippled him forever. However, my brother lived through it. He has been elected competitively twice in Westlands, beating people with tons of money like Kamlesh Pattni, hands-down.

*(Applause)*

This is how we should encourage persons with challenges to see that whatever you, who can run on your feet can do, they can do even better because they are people with special talent. The moment God puts you in a disadvantaged position, He also creates a special talent in you that will enable you to survive the rigours of life. That is the only way we can be able, as a society, to appreciate that indeed everybody was made in the image of God and everybody deserves attention from all God-fearing people.

Above all, the Government has a legal and a constitutional duty to make sure that persons with challenges get even better attention in terms of health care and education. That is why I saluted the lady who is a PS, and I also salute President Uhuru for appointing and re-appointing this lady to serve as the Principal Secretary.

In some other jurisdictions, persons with challenges are used as instruments of laughter and so on. That is how immoral society can be. We want to be a society where we are all equal in the eyes of God and we can all exploit our talents. There was a great American who died recently and lived on a wheelchair all his life. He won a Nobel Peace Prize for research as a doctor. This is how people's talents can be tapped and exploited.

I beg to support the Motion

**Sen. (Rev.) Waqo:** Madam Temporary Speaker, thank you for allowing me to add my voice to this important Motion. I congratulate Sen. (Dr.) Musuruve for bringing it because it is important. In this House, we are used to Sen. (Dr.) Musuruve's voice when it comes to defending Persons with Disabilities (PWDs). Any minute you say something, she will stand up to defend the rights of PWDs and we are proud of her for doing that.

As Kenyans, we know that without English there is nowhere you can go. In all schools and learning institutions, English is used for communication and everything. In fact, in some homes, people do not speak their languages but instead use English with a lot of pride. We should support this Motion because we want even learners with hearing impairment to be part of this society.

Kiswahili is our national language but the funny part of it is that if I cannot speak Kiswahili, I have no apology but if you cannot speak English, you feel embarrassed because there is nothing you can do in Kenya today. In fact, I can say that; "no English, no job". That is why I support this Motion because PWDs, especially learners with hearing impairment, should be part of us.

We know very well that parents in Kenya also live in denial and they hide their children. They do not talk openly about their children living with disabilities. It is high time we encouraged such parents to encourage their children, be proud of them and always be there and fight for their rights because God gave them those children with a purpose and we need to identify ourselves with them.

There is need for us to urge the national Government to allocate some funds to cater for this group of people. County governments should also focus on this group of people so that we take care of PWDs or have institutions that take care of them. Even if they are differently abled, they are relevant to our society.

I support this Motion and congratulate the Mover. I thank you.

**Sen. Pareno:** Madam Temporary Speaker, thank you for allowing me to contribute to this Motion. Sen. (Dr.) Musuruve has done her best in a lot of fields.

Maybe, this is the time to disclose that she was nominated to this Senate by the Orange Democratic Movement (ODM) Party to represent PWDs.

The first time I met her in our interactions at that level was when we were creating a league for PWDs in the party. Recently as a party, we elevated the Chairman of that league, Mr. Nixon Kakiri, to the National Executive Council (NEC) of the party. That is how we appreciate PWDs and at all times we defend their rights and give them space to be part of the members of the NEC. So, they also make decisions in the party and other structures that we have.

I am proud to say that Sen. (Dr.) Musuruve has taken her space. You have noted that every other time we debate any Bill, Motion or anything, she always rises up to urge us to be sensitive and inclusive. She always fights for the inclusion of the PWDs. I want to say that she is doing her best to protect the rights of the PWDs. She was nominated to actually do that and she has done more than what she was nominated to do as a person. I am saying that because this Motion on the Floor has raised a lot of debate.

I and many of us have been tagged to messages several times by members of our league but specifically by the PWDs league within the ODM Party. You will allow me to refer to one of the messages that I received. That is why I started by saying that they should not misinterpret the actions of Sen. (Dr.) Musuruve because the Sen. (Dr.) Musuruve I have seen in this House is one that has fought for every right. In fact, there is hardly anything that passes without her mentioning that the PWDs' rights have to be respected in everything that we do.

I received a message and this is what it says; "Say no to the Sen. (Dr.) Musuruve's Motion. Deaf kids deserve the best. Being a representative does not mean you have to make every decision in the Senate for us. I resist this Bill. Dear friends, kindly tag any Senator you know or anyone in Parliament who can influence this."

There is so much debate that has been going on over the week about this Motion. First of all, our people have not understood that what is before this House is not even a Bill because they say that let us intervene so that the Bill does not pass. I want to tell them here and now that there is no Bill in this Senate that touches on what Sen. (Dr.) Musuruve has done.

The other thing they have been complaining about is that they have not been given the right to public participation but the time for that right has not yet come. People should take time to know what is before the Senate or what is being debated. This is simply a Motion in which Sen. (Dr.) Musuruve is raising awareness and saying that we need better services for PWDs.

Sen. (Dr.) Musuruve was a teacher before she came to this House. She has taught in a school for the deaf. She did Special Education and Linguistics and got a First Class. She has done masters and did research on the role of sign language in the classroom. She has a PhD in Mass Communication and researched on media portrayal on PWDs. She has written four books that have been approved by the Orange Book. It is interesting that she is a member of the ODM and her books will be in the Orange Book.

Sen. (Dr.) Musuruve, has been speaking on behalf of persons with disability for a long time. Therefore, I would not imagine that this particular Motion is against the rights and interests of the PWDS. However, our people do not understand that what is before this Senate is a Motion. I am encouraging her to come up with a Bill so that those people will have a chance to participate in public participation process.

Madam Temporary Speaker, the people who were agitating outside this House yesterday had every right to do so. They came to Senate entrance with banners demonstrating and they were addressed by one of our colleagues. It is very good that this Motion is before us today. She is doing what is in the interest of PWDs. This particular Motion does not go for public participation because it is not a Bill. Once she tables a Bill, we will make sure their views are heard and taken on board. Nothing will be passed in this Senate that is against persons with disability. She is always passionate about the interests of the PWDs.

Madam Temporary Speaker, I am sure she has heard all these concerns and she will do proper consultation at the right time and ensure that their PDWs interests will be taken care of. I have no doubt that the right thing will be done and their rights will be protected.

I support.

**The Temporary Speaker** (Sen. Prof. Kamar): Thank you Senator. Sen. Sakaja, proceed.

**Sen. Sakaja:** Thank you, Madam Temporary Speaker. I will also join the rest of my colleagues in taking note and appreciating the level of passion with which Sen. (Dr.) Musuruve has been pursuing matters concerning PWDs. I am proud of her as the Chairperson of the Committee on Labour and Social Welfare which deals with these issues and she is my very loyal Member.

Madam Temporary Speaker, we cannot discuss anything in this House; even the Motion of Adjournment or on agriculture, without Sen. (Dr.) Musuruve asking, "What about PWDs." If you want to pass water from the Dispatch Box, the same question arises. I would love the PWDs in this country to know that with her, they have a true champion who does not tire and has not forgotten the purpose of her nomination to this House. Indeed, I know with the next few years left in the Senate, a lot will be done in in their interest.

The controversy that Sen. Pareno was talking about is known to us. Having been dealing with these matters in the last and the current Parliament. In the last Parliament, I was the Chairperson of the Committee on Equal Opportunities. We brought not just Motions, but also legislation touching on PWDs. I was able to understand the intricacies of organizations in Nairobi and across the country dealing with these matters. They have a lot of interests. Some are used properly while others are not and there is a lot of money which is involved. That kind of mobilization that we see always leaves a lot be desired.

When I was coming in, I told him that this is not the way to engage the Senate and your leaders. If you have concerns on a specific issue, present it. Every Kenyan is allowed to bring a Petition to this House at any point on any matter. In fact, I will be inviting various organizations to raise their concerns. For example, there is the Association of Persons with Disability. There is a Government institution where Hon. Sangok, who is now a nominated Member of National Assembly, was sitting, It deals and implements these issues.

Madam Temporary Speaker, if you put crabs in a bucket and one is trying to get up, the rest will pull it down. You do not even need to cover that bucket with a lead. I would love to ask this category of persons, because we care about their issues and concerns, to please come together. Unity must be your marching anthem and be better organized in order to be recognized. This is because the more divided you seem or the

more it seems like you are trying to fight the person who is pushing for your interest, everywhere, then you will not succeed in pushing your agenda. The only place that they do not agree with is the technicalities.

The technicality is simple. There are different forms of sign language. One of them is Signing Exact English (SEE). The Constitution talks about the Kenyan Sign Language. We can speak generally about the principle of ensuring that it is incorporated in the education system, but not in terms of the specific curriculum taught.

I have the benefit of knowing sign language as well. If I were to introduce my name to a deaf person, I will do it using sign language. Sen. (Dr.) Musuruve, will confirm.

When I was growing up - I have not stopped growing because you have to grow wide, thin - in my school at Aga Khan Primary, we were privileged to have a deaf unit. Some of my best friends to date, who I met while in there, are people with hearing challenges. I had to learn how to communicate with them. In that manner, I was able to learn how to address them in Sign Language and also to understand what they were going through.

Madam Temporary Speaker, these forms of manually coded English are different and Sen. (Dr.) Musuruve will appreciate that. We can discuss with them and see what the Petition is about so that we do not exclude.

Article 7 of the Constitution says-

“The national language of the Republic is Kiswahili. The official languages of the Republic are Kiswahili and English. The State shall promote and protect diversity of language of the people; and also promote the development and use of indigenous languages; Kenyan Sign Language, Braille and other communication formats and technologies accessible to persons with disability.”

SEE1 and SEE2 are some of the other communication formats that can be promoted.

Madam Temporary Speaker, this particular form is encouraged because over the years, when they realized that deaf children are having difficulties, especially with syntax and morphology, they looked for a form of sign language that is as close as possible to the perfect English. You can do further research about SEE and learn a lot about it. I have seen parts of SEE1 and SEE2.

Generally speaking, we, as a country, are doing badly when it comes to taking care of persons who are living with disability. Before, it used to be looked at in terms of being sympathetic, these people are suffering, we pity them, but that has changed. It is now a human rights issue. That is the perspective we need to look at, not even medical, but a human rights issue.

Today, if there were no stairs, there is no way I would access my office which is located in the 26<sup>th</sup> Floor of Kenyatta International Convention Centre (KICC). If there is no ramp, there is no way a person with disability can access it. The difference between us is the mode that has been provided for either of us to access the same building.

When I was in the National Assembly, we only realized how difficult it was for a disabled person to access the first floor of Parliament when one of the Members of the National Assembly, Hon. Dennita Ghata got an accident. It, therefore, took one of us to realize how difficult it was to access there. The lifts on that side were not working.

I called for a meeting with the then Ministry of Public Works and Infrastructure, the Chief Architect and the Chief Engineer. We asked them why most public buildings in this country did not have access for Persons with Disability (PWDs) and, at the same time, crossing roads is a problem. The excuse that they gave at that time was that the building code in this country was last done in the 1960s yet in the same room, I had called the Kenya Bureau of Standards (KeBS) because they are the ones who set up the standards for building.

Madam Temporary Speaker, the Director-General of KeBS then demonstrated to us that Kenya has an International Organization for Standardization (ISO); a certified standard for building that even tells you the gradient. It tells you that every pavement in this country must end with a ramp. Builders might say that they do not see many people with wheelchairs in town, and so, they do not build it like that. However, the reason they are not there is because they have not created the facilities for PWDs to be able to access.

We gave him timelines by which every public building must be accessible. The county governments as well as national Government should not approve building plans for other buildings coming up that cannot provide access for PWDs. We have all those plans and the ISO certification for Kenya. The standard is one of the best in the world. It tells you the width of a toilet door for PWDs and the kind of handles they need to have. It even specifies the height of public transport from the payment.

Madam Temporary Speaker, I know that you have travelled around the world and seen in the countries that you have been to, that even where the kerb ends, you find dots on the road. If somebody is walking with a cane, they can feel the difference in texture and know that they have come to the end of the road. The traffic lights have sound and counts down, such that when the PWDs are there, they will know that it is time to cross. You will find them walking alone without help. In Kenya, they need two or three people to move around the Central Business District (CBD) because we have not provided for them.

This is a matter that I will urge Sen. (Dr.) Musuruve to keep pushing. We will do our part as the Committee on Labour and Social Welfare to make sure that, at least, the code of building is implemented. Every public building must be modified and I have seen some. For instance, in County Hall, they had to add a metal rump outside to provide access. All public buildings must have that access and the ones coming up should be modified.

Tomorrow is 26<sup>th</sup> October, 2018, the birthday of His Excellency President Uhuru Kenyatta. Let me tell you how it is related to what we were discussing. I remember when the President turned 50 in 2011, some of his friends came together - I was one of them then and I still am - we decided to visit a place called Therapies for Kids. It is run by the sister of the Senator for Kajiado County.

What we heard there was so heartbreaking; that the number of children in Nairobi locked up like sheep and goats in the slums because they have disabilities and their mothers are wage earners – in Kiswahili we call them *wamama wa kufua* – is high. The mother then comes in the evening. If the child is left, they cannot go to school. Some of them have mental issues and so on. They are tethered like goats and sheep.

Madam Temporary Speaker, I remember going to ask His Excellency the President to get me one or two buses to go around Nairobi and be collecting these children and taking them to either Simaton's centre at Therapies for Kids or other centres.



I am glad that he kept his promise and gave me the first bus which was handed over to Therapies for Kids, and I am pushing for the next bus.

We need a county government that is concerned and responsive to these issues. Every primary school in my county needs to have a unit for disabled children because the numbers are increasing. In fact, we are wondering what is happening. Is there an epidemic? The number of children being born with deformities is increasing at a time when the level of health is supposed to be increasing. I keep saying that the strength of a country or a House like this is not with what we do with those who are able to do for themselves, but what we are able to do for the most vulnerable in society, who cannot provide or speak for themselves.

What my good uncle from Bungoma, Sen. Wetangula, has said is true. I have grown up in this City and if you ask who the blind beggar, who has been on Kenyatta Avenue from the 1990s is, I know him by name. We also know the family that is normally at the Nakumatt Ukay and even at the Kenya Railways Station.

Suddenly, we find persons being wheeled down from Kawangware, Shauri Moyo, Westlands and other places. Many of them are from Tanzania. There is a racket that is exploiting these people to make money. I am glad that he raised it. This is something that we need to follow up. I will speak to the Nairobi County Police Commander, ole Tito because he is a good man, to get to the bottom of that racket. That money does not get to them.

I still have time, but let me not exhaust it. We always urge the Speaker to provide for us mechanisms within committees to institutionalize the sub-committees. Sen. (Dr.) Musuruve together with Sen. Mwaura chair the sub-committee on PWDs, in my Committee. Please, run with this issue and take it more seriously. Let us make sure that in the next budget, there are serious allocations – maybe even conditional to counties – to take care of PWDs. If that is the state they are in Nairobi, I can only imagine how these people are being treated and their issues dealt with in Nakuru, Bungoma and Vihiga counties.

Madam Temporary Speaker, I would like to give comfort and confidence to those who had issues. We will listen to you when it comes to the Bill. We will look at how you promote Kenyan Sign Language (KSL), but also make sure that the issues of syntax and morphology, and how it engages with SEE1 and SEE2 is dealt with. There is even the American Sign Language (ASL) which was prior to this. We need to find out how we can have the best bet for our children.

I support.

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

Sen. Seneta, proceed.

**Sen. Seneta:** Thank you, Madam Temporary Speaker, for giving me a chance to support this important Motion. From the outset, I congratulate my sister, Sen. (Dr.) Musuruve, for her great concern and also the much experience and skills that she is bringing from her background of being an educationist in this sector. She is helping us to look at policies and regulations that would suit this particular group of people whom we need to take care of as a country.

Education is a human and constitutional right. Good academic performance in this country means good employment, good Curriculum Vitae (CV) and good certificate. Therefore, education needs to be made in a way that everyone can achieve some good

grades and performance to be able to have a good certificate. Therefore, the means and language for instruction should be understandable to everybody. The deaf and persons with hearing problems must be taught in a language that they understand.

Madam Temporary Speaker, the other day, Sen. (Dr.) Musuruve shared with me a composition from a certain deaf student. The student had just written her own things, simply because she never got the right interpretation of the question. She never understood the wordings, sentence and question that required her to write a good composition. All our subjects, except Kiswahili, are taught in English and questions in examinations in this country require one to understand English. To be able to do or interpret mathematics questions and perform well, one needs to understand English.

Therefore, it is a noble idea for Sen. (Dr.) Musuruve to suggest that we must ensure that English is understood well by this group.

Madam Temporary Speaker, I join my colleagues in saying that we need to do much more for Persons with Disabilities (PWDs) in our counties to enable them to enjoy the constitutional gains of devolution. When you go to Kajiado County, for example, I only know of one school for the deaf in Ilbisil. It is, however, not even well equipped and facilitated in terms of teachers. We, therefore, need to have a department for PWDs in every ward or school so that they can be attended to properly.

We may not also be able to take that child living with disability to those special schools, they can also be taught in a normal school where all other children are taught. Therefore, it is high time we had sections in our schools that are equipped to cater for every child living with any type of disability.

Madam Temporary Speaker, it is high time we also tried to understand more about what the new curriculum contains for PWDs – from pre-school to university – so that we can know what concepts have been designed for them, because we need to take care of them. I assure the public that Sen. (Dr.) Musuruve is an educationist and she cannot come up with a policy that will not suit the education of children with disabilities. We shall also scrutinize any law that will be introduced so as to assist our children.

Madam Temporary Speaker, I know that we shall be going for recess, and I do not want to pre-empt that debate. However, I request that you give me a chance to congratulate the female President who has been elected in Ethiopia.

*(Applause)*

I also thank the lawmakers of Ethiopia for having trust in women once again, and for giving us the first female President from Ethiopia. I wish her all the best and believe that God will assist her so that all other African countries can have faith in us and copy Ethiopia to elect women to the Presidency.

Thank you.

**Sen. Shiyonga:** Thank you very much, Madam Temporary Speaker, for giving me this opportunity to contribute to this Motion brought by Sen. (Dr.) Musuruve. I want to reiterate my colleagues' sentiments that this Motion is timely and it has been brought by a champion. Sen. (Dr.) Musuruve, you do not need to shy away or to get distracted by anyone from pursuing what is right for PWDs.

Madam Temporary Speaker, I also concur with Sen. Wetangula on the need to have a database for these people with special needs. It is true that the population of

PWDs is much more than what we are told, and it is only by conducting research that we can get the actual numbers. Doing so will enable us provide the much needed facilities to cater for their needs.

Madam Temporary Speaker, I once visited the offices of the APDK, which caters for PWDs in Westlands, Nairobi. However, it is just an institution by name and it needs to be more than it is now. This facility was brought about to assist people with special needs, especially those who are physically challenged in terms of motion. However, it is dilapidated and the only thing remaining there is just a physical structure with only few activities taking place. We, therefore, also need to take note of that so that when we are discussing about how to assist PWDs, we also look at disabilities in general.

Madam Temporary Speaker, the counties we oversee have very many PWDs. Therefore, it is high time that sufficient funds are allocated to facilitate PWDs. Once we do this, we shall oversight the use of these funds to check whether they are doing the work that they were intended to do for the PWDs.

I say this because I recently witnessed a football tournament of the Kenyan Amputee Team that had just qualified for the Amputee World Cup, who travelled to Mexico yesterday. These are PWDs, and some do not even have limbs and some parts of their bodies. However, they are able to participate in the Amputee World Cup. However, I want to put it on record that this is a team which has gone to Mexico frustrated, because they were begging for funds to support them. A World Cup qualifier begging for funds? This is abusive – I do not know if I can use the word “abusive” – or is it that we do not want to take care of them?

Madam Temporary Speaker, with such a Motion – which we hope will graduate into a Bill – we hope that the PWDs shall be given priority so that we do not look down upon them, especially those agents who are abusing them in the community.

It is, indeed true, that most of the structures, including the roads that are being constructed nowadays, are only suitable for a physically normal person. However, we need to consider the structural needs of the PWDs so that we can facilitate their mobility and also make them look like they belong to us, because these are our sisters, brothers, daughters and even relatives. We, therefore, need to work hard and look to them as relevant people in the community, and not just any other people who are at our mercy.

Thank you. I beg to support the Motion.

**Sen. (Dr.) Langat:** Thank you very much, Madam Temporary Speaker, for giving me this opportunity to also support this Motion and to appreciate Sen. (Dr.) Musurube for her passion in issues to do with PWDs.

May I begin by creating awareness on what a language is, since I also come from the field of linguistics. The current definition of a language is that, “it is a system of arbitrary vocal and symbols of communication.” Therefore, for a language to be complete, in its own definition, it must include the vocal part of it. The alternative is the use of symbols for communication. Therefore, currently sign language has equal strength with the vocal language.

We have the usage of Signing Exact English (SEE) as a mode of instruction in teaching other subjects. I want to tell anybody who is trying to oppose this that they are limiting people with disability in enjoying the status like any other person in the world.

Currently, there are about 1.5 billion speakers of English language all over the world. Among them, we have around 360 million people with hearing impairment. This

is an opportunity of people with hearing challenges in Kenya to join the rest of the world in using English language as a means of communication.

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

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

A scientific manual has been developed already. A group of professors in language communication met in 1971 and developed a system and a manual that can be used. This was a great pointer towards the scientific discovery that English language in form of its systems and signs can be used as a means of instruction for people with hearing impairment.

Another scientific support on this was also reached through the research by another professor of sign language by the name McDonald or something like that and the greatest support in our country was reached when its full system was developed in the university by Prof. Okoth Okombo, who was my teacher of sign language at the University of Nairobi.

Most of his thesis are already a foundation to develop this particular Signing Exact English (SEE) or what is sometimes called Signed Exact English. It has been proven scientifically that it is viable so anybody misleading these people and bringing them around the gate to disregard or to think that Sen. (Dr.) Musuruve is going against their rights is misleading them and taking advantage of them. It is viable and it can be used.

Madam Temporary Speaker, Language is a means of instruction of teaching most of the subjects in Kenya apart from Kiswahili and foreign languages. English is a medium of instruction for teaching mathematics, sciences, history, geography and other art subjects. Denying people with hearing impairment to use SEE as a means of instruction is limiting them in understanding mathematics, history and other subjects, hence discriminating them.

English language as a means of communication facilitates global business and commerce. Denying them this important opportunity is denying them the opportunities to engage in global business and commerce in the future. English is also a means of expression or language is a means that can be used by human beings to express their feelings.

People with hearing impairment have a lot of challenges because very few people understand their feelings and expressions in terms of their attitudes and needs. Therefore, to expand by teaching them using SEE is giving them more opportunities that they will use outside to express their love, sad moods and general feelings. We must understand that people with hearing impairment have got very few ways and opportunities of expressing their feelings and their attitudes. Therefore, introducing this particular mode of instruction is expanding their avenues to express their feelings.

Language is an element of culture. How I wish that people would understand that teaching these people using SEE will expand their cultural expression and lives. Language is a means of expressing our culture and denying these people this particular opportunity of using English as a mode of instruction, especially the sign part of it, is

denying them an expression of their culture. This particular mode of instruction is scientifically viable.

Madam Temporary Speaker, language can be used for examination in various subjects. English language facilitates several functions in the global aspect of human practices. Language is a means of cultural expression and English language is the most spoken language on earth. Therefore, denying these people the opportunity of learning through SEE is denying them all those opportunities.

We will support Sen. (Dr.) Musuruve and I will arraign before her and anywhere else, all the gurus in the field of linguistics to support this Motion and tell the world that it is high time we supported it, to expand the language parameters and the environment of people with hearing impairment. Sen. (Dr.) Musuruve, continue doing research and we shall support you so as to give the people with hearing impairment an opportunity to live like any other person.

I support this Motion.

**Sen. Kihika:** Thank you, Madam Temporary Speaker. I rise to join my colleagues in supporting this Motion by Sen. (Dr.) Musuruve. As long as I have known her in this House, she has been in the frontline fighting for issues of persons with disabilities and has done well for the constituency for which she is supposed to serve.

I support her in what she is doing and like my colleagues said, I would wish to see her bring a Bill. I have heard the noise that is out there, I would call it noise but it is their right to protest and do whatever they can. However, as a previous Senator stated, it is not the right time to demand public participation since we are only debating a Motion. However, as she brings in the Bill, then at that point, those who are not content or have a different opinion or have a different way of getting where we are trying to get to, can then have their day to bring in their opinions during public participation.

Madam Temporary Speaker, as most of us know, in most of the counties, and especially Nakuru County, I have gone round in many of the special education classes. For one, we do not have enough of those classes for the number of kids who need special education. As Sen. (Dr.) Musuruve brings this Motion, it is obvious that there is a gap in this area. As a country, through the 8-4-4 system of education, I do not like this system. It seems set up for the kids who are academically strong and tends to leave behind those who have special needs or any other kind of needs or are not even as competitive in class.

I would wish we had a system that carried everybody along and left no one behind. From seeing what Sen. (Dr.) Musuruve is trying to do, she is trying to make sure that even for the population of special needs that has hearing impairment, they are not left behind.

I am a bit astounded that there are people opposing this noble idea in the sense that it is trying to make sure that these kids get education. We all know that 90 per cent of what is taught in classes in this country is in English. Therefore, without having this Signing Exact English as one of the ways in which these kids can be taught consistently across the country and tested in a consistent way. My background is not in education, but I have caught on from reading the Motion that Sen. (Dr.) Musuruve has brought. It will go a long way in making sure that these kids get a syllabus that is consistent like the other pupils in class.

Although, they are disabled, we should make sure that they are at par with the other pupils. Just because they have hearing impairment, it does not mean that they do

not have the cognitive level of the other pupils in classroom. It simply means that they have to be taught differently.

I am surprised that anybody and especially from the community of people living with disabilities would be so opposed even to messaging Senators as we have heard, trying to lobby for us not to pass the Motion.

I stand here to make sure that this Motion passes. I also pray that Sen. (Dr.) Musuruve will not stop here and will not be intimidated. However, we do acknowledge that it is their right to have a different opinion but I hope for this noble Motion that she has brought, she will push it forward as I have seen her do. We have heard a lot about her background; she has done a lot of schooling and so, she is a professional in this filed. She did not bring this Motion without knowing or understanding what she wants to achieve.

I hope and know that Senators - from what everybody who has talked before - will rally behind her and support her. We see the kind of passion that she can bring in the area of people living with disabilities.

In my life, I have grown up with a brother who had polio at an early age. I have seen how difficult it is for a person with disability to maneuver in this country. When you look at buildings, either offices or apartments, they are constructed without considering people with wheelchairs who cannot use stairs to get to where they are going. It is extremely discriminatory. By Sen. (Dr.) Musuruve bringing this Motion, she is solving one of the obstacles that people living with disabilities have, especially, with those who have hearing impairment challenges. They are unable to be taught properly like the other pupils in class.

Madam Temporary Speaker, as I said, passing examinations in this country is everything. It is a winner takes it all, so to speak. Thus, those who do not perform well in the Kenya Certificate of Primary Education (KCPE) or Kenya Certificate of Secondary Education (KCSE) get left behind. By bringing this Motion, the Mover is making sure that they have an opportunity to compete with their peers in class, despite having a different way of being taught. I salute Sen. (Dr.) Musuruve for that.

Also, having said, I grew up with a brother who was disabled. I also have a daughter who has a learning disability and I know how difficult it is to get help and the necessary support that these PWDs need. I have visited many schools in my county and when you enter in some classes---

In one of the schools which I will not name, an existing toilet block was repaired a little bit and the pupils with special needs were put in there as their class. It makes you mad because it feels like they are treated as second class citizens in this country. We cannot and must not allow that.

As we work together hand in hand with the other Senators, we must make sure that everybody living with disability is given dignity and the same opportunities as their peers who do not have disabilities. I dare say, if anything, those are the people we should be putting a lot of resources in. We must carry those who are weaker than the stronger ones.

As I had said, we seem to be a system that is set up where the strongest are the ones we care for. In our homes and classes, the children who perform better tend to be favored. We must stop that. By this first step of bringing this Motion, Sen. (Dr.) Musuruve has started a journey where many of these obstacles for people who have special needs, as far as learning is concerned, will be accorded the support. We must

create an enabling environment for them to learn and achieve their dreams just like the other children. I support the Motion.

We know that every person has the right to education. However, we cannot say that we have achieved it when we have children who, because of their needs, cannot competitively get that education. We also know that jobs in this country are based on who has what they call “papers”, that is, degrees, certificates *et cetera*. If these children cannot have an environment where they can catch up with the others and learn, excel and succeed, once we get to the recruitment process, they are also discriminated against. This is because they will not be at the same level with those who have been taught in the language they understand, so to speak. We must do everything that we can as a country to make sure that we do not leave anybody behind.

This Motion by Sen. (Dr.) Musuruve is an important step towards achieving that goal. I congratulate her.

With those few remarks, I support.

**Sen. Cheruiyot:** Madam Temporary Speaker, thank you for giving me this chance to support this important Motion by my colleague, Sen. (Dr.) Musuruve. I will be brief because I have a cold and, therefore, cannot speak for long.

From the onset, I want to congratulate our colleague and tell her that she has given great honor to the title of being a nominated Member of Parliament. On many occasions, there has been a discussion about whether we need nominated Members of Parliament or county assemblies. The examples people quote include, what are the deliverables that we get from this lot of people. You are either nominated to represent persons living with disabilities, youth, women or marginalized groups.

On many occasions, we do not see this category of legislators who come with the kind of gusto and passion with which you speak to matters to do with PWDs. Therefore, I encourage you to continue to soldier on and not be discouraged by anything. I also encourage you that this Motion speaks about something that is so important that cannot be left at the level of a Motion.

What you are proposing must be captured in a Bill. There are many issues that have been canvassed by various Senators about challenges that are not specific to citizens with hearing impairment but of PWDs in general. Therefore, I feel that on this specific matter that you have addressed yourself to, it is important to come up with a Bill to support this initiative.

Madam Temporary Speaker, earlier on, during the beginning of this current session of the Senate, I sponsored the Persons Living with Disabilities Bill. There are a number of issues that are addressed in that particular Bill. However, somewhere along the line, my colleague, Sen. Mwaura, who is also nominated under the category of looking up for the needs of PWDs, presented to me another separate Bill which he was sponsoring. There were certain areas of shared interest and concerns. Therefore, we collapsed it into one Bill which we are jointly co-sponsoring with him.

The great linguistic scholar, Noam Chomsky gave us a quote that if we seek to silence those who we despise, then we cannot speak as people who have any regard to freedom of speech. If a person suppresses the voices of those they despise, they are not defenders of any freedom. Therefore, with regard to this particular matter of Signing Exact English (SEE), which is the kind of language that is used for this specific people, I

listened during the presentation by the Mover of this Motion and I learnt so many things which are not known to a normal person like me.

I did not know that these are the challenges that these special group of people is going through. A person could be seated in the classroom and believe that since there is sign language for people with speech difficulties and Braille for the blind, the level of understanding will be the same. However, as I listened to her and other colleagues who spoke later, I have learnt that so many things get lost in translation midway through the presentation, once a trainer is moving from English language to the specific language used as a medium of communication for people with special needs.

Therefore, it is important for us to try and find ways for children in schools who have special needs to be as competitive as possible. The primary school that I attended had a special class called the Special Unit Class. Unfortunately, with our little innocent but extremely ignorant minds, we kept on looking at those children as if they were the wretched of society. It did not help their course that they had been given a separate class at the furthest corner of the school, somewhere close to the fence. That is where they used to sit.

May God bless Mrs. Juma who used to teach these special children. Somehow, she would always find a way to communicate with them. The rest of the teachers in the school could not calm them down when they had fits of rage or difficulties in communicating. However, when Mrs. Juma was called on, she would always find a way to calm them down, get the right information and put it across to them.

Therefore, I learnt from a very early age, although it was not the right set of education, that there is a special need for this group of children. However, as a country, we have not grown in our sophistication to the level that we can propose proper solutions and ways of taking care of them. We should know that they are not poor to understand. We should avoid the kind of attitude that we normally show them. We should understand that God gifted them separately from what we consider to be normal.

Madam Temporary Speaker, a living example is Richard Branson, one of the most successful British business icons who grew up as dyslexic child. He is the type of child whom in Africa, we consider not to have the proper brain capacity. Therefore, we do not train or give them proper kind of education. However, because Britain had advanced in matters of taking care of children with special needs, he went through school up to the level that his brain capacity could support. After that, he was given specific training that enabled him to communicate and take care of his own business. As we speak today, he is one of the most celebrated entrepreneurs in the whole world.

Madam Temporary Speaker, it leaves me wondering how many Richard Bransons we have in Kenya that are not able to live their lives to the full potential because we have not matured as a country, to take care of children with these kinds of needs.

Therefore, Sen. (Dr.) Musuruve, it is my deepest believe that you are in this Senate for an extremely specific purpose. Please run in the path that you have chosen. Bring Bills to this House that will enable the country to realize that we need to advance and progress. For example, we need proper schools. I know this because in the county that I represent in this House, there are number of schools for children with special needs. However, when you visit them, you understand that we need an attitude change as leaders and managers of these institutions. The most dilapidated institutions in any county, even



the County of Nairobi, are schools that take care of children with special needs because of lack of understanding.

Sen. (Dr.) Musuruve has only picked a specific segment of how we communicate. I believe that later on, she will propose to us better ways of taking care of the holistic life of children and adults with specific needs, for example, how they are able to access education in a way that does not disenfranchise them so that they can live to achieve their full potential. Therefore, I congratulate her. She has my 101 per cent support. We should set the bar higher. The children that shall live thereafter the passage of that law will enjoy the fruits of the good work that she would have done.

Madam Temporary Speaker, Early Childhood Development Education (ECDE) classrooms are built by our county government. However, out of 100,200 or 300 that are built, how many county governments have set aside particular classrooms for children with special needs? I am yet to hear of any. Therefore, it is important that we speak about these issues so that we learn and become better managers of public resources.

Madam Temporary Speaker, in conclusion, I take this opportunity to pass my condolences to one of our colleagues, Sen. Mohammed Faki, Senator 001 of Mombasa County, who has lost his son this afternoon. As his colleagues, we pass our heartfelt condolences to him and his family. We pray to God to give them strength as they mourn him. I want to request Senators who will be in Mombasa tomorrow to attend his burial. More details of the burial will be communicated in due course.

With those many remarks, I support this Motion.

**The Temporary Speaker** (Sen. Pareno): Thank you for concluding on that note of passing condolences to the family of Sen. Faki, the Senator for Mombasa County. We hope they will cope. It should be taken to come from the Senate as a whole.

**Sen. (Prof.) Kamar:** Thank you, Madam Temporary Speaker, for giving me the opportunity to support this Motion. Speaking after Sen. Cheruiyot, I can only add to the condolences that have been given by you and him to our dear brother Sen. Faki for the loss of his son. We know it is a painful time. Our prayers are with him and the family that they may be comforted at this difficult time.

I join my colleagues in congratulating Sen. (Dr.) Musuruve for this Motion that has not only been brought here to take care of a special group in society, but has also been brought to train us, as leaders, on how to deal with inclusivity. I want to join the colleagues who said that she should not stop at the point of a Motion, but transcend it to be a law.

It is very important that whatever provisions we have in the Constitution are actualized through legislation. The only way to deal with Article 43(f) of the Constitution is by actualizing such Bills. It may be one Bill for those who have hearing impairments, but you may also need to address issues of the blind.

Special children are our children. The Constitution says 'every person'. We need to ensure that every person accesses the rights in the Bill of rights in the Constitution. I congratulate Sen. (Dr.) Musuruve for making a mark in the one year she has been here. Not only through this Motion, but also remember when we were in Eldoret, she had carried with her teaching material for those who have hearing impairment problems. She approached the Committee on Education and we embraced her.

I was one of those who were excited about this. First, there is a special school in Eldoret for those who have hearing impairment. This is a school that I grew to love as a Member of Parliament, particularly because these in a way, are special children.

I have never gone to a school where all the children are happy at the same time. You go to this school and they will all dance away in joy. I have always enjoyed the company of children in our Special School for the Deaf in Eldoret. It was a great opportunity for me to go and introduce Sen. (Dr.) Musuruve to them. I had no idea how to greet them. I always danced with them, but I could not talk with them. However, it was good to have her there. In fact, we managed to bring in the Speaker. We were honoured that she was ready to launch her book and the teaching materials she had. The place is still excited up to now.

The teaching materials that were distributed by Sen. (Dr.) Musuruve courtesy of Members of this Senate who had donated books will go a long way in satisfying the needs of the children in special schools. I want to appreciate the Senators who joined us in the school and those who bought teaching materials. The material did not just remain in Eldoret, but were distributed to other schools.

We had teachers from special schools outside Uasin Gishu County. They had come for that function. They had never felt appreciated before. They had never known there is someone who considers them, especially for teaching materials.

We must also recognize the work that the Kenya Institute of Curriculum Development (KICD) did. We, as a Committee, had the Chief Executive Officer (CEO) of KICD and asked them to work with the Senator to ensure that the materials are ready. I have never seen people work for 24 hours for 7 days. That is what one calls 24/7. It was real and they got the material on time. When the Speaker confirmed his attendance, Sen. (Dr.) Musuruve did not sleep for the 7 days. She would make calls even in the wee hours of the night. We will be grateful to her forever. God brought you here for a purpose and you will change our country as far as PWDs is concerned.

As we talk, we have three special schools in Uasin Gishu County. These are the School for the Mentally Challenged, the School for the Deaf and the School for Children with Albinism. The challenges that we still have, leave alone the children with Albinism because they follow the current system of education, is that, we do not have any secondary school for the children to exit. That is why I support the issue of a Bill. It will guide the country on how to develop them from early childhood up to a level where they can exit formal or informal education and be able to do things for themselves.

We are honoured to have Sen. (Dr.) Musuruve here. She is a university lecturer who has been writing books and teaching material. She will work closely with KICD and come up with the teaching material.

In fact, one of the recommendations is the need to ensure that we have sign linguistic material developed. I told myself, 'are we not lucky to have someone able to do that?' For many of us only watch on television and see someone using sign language, we go to church and see someone use sign language, and have had no idea whether the sign language is in English, *Swahili*, *Luo* or *Kalenjin*. We just see sign language.

I was privileged to hire a deaf secretary. I can tell you she was the most amazing and the best performer I have ever had. When I was a Member of Parliament, I hired this girl from church. She told me she had good typing skills and I hired her both as a typist and a Personal Assistant (PA).

Nobody would bring anything that was not proper in that office. She was able to receive visitors and did everything until everybody said that it was amazing. It appeared like she was even speaking more than we did.

A friend of mine, who has a water bottling project, hired eight deaf youth. He told me: "I do not want noisy girls in my project. I want quiet busy girls." The performance tripled when he hired the deaf youth, because they just took instructions and moved. Therefore, if we enable them, they can do much more than those of us who think we are able. The youth have a lot of distractions and when you hire them, they need close supervision. However, those with hearing impairment do not have a lot of distractions. If it is time to work, that is all they know and they do it perfectly.

I have had experiences with youth who have hearing impairment and they are able to do many things. It was when I encountered this group that I realized that it is true that disability is not inability. More than that, disability is a description by the observer. It does not belong to those who we think are unable. We thank God for that.

Madam Temporary Speaker, I wish Sen. (Dr.) Musuruve well as she continues with this agenda. We are all happy because we have recognized that inclusivity is her agenda in this House. Whenever we are not inclusive, we know that she is watching. We thank you for that and ask those people who are still doubting your performance here that they need to hear from the horse's mouth; that Senators have recognized your performance and will support you to move this section of Kenyans even higher.

I support.

**The Temporary Speaker** (Sen. Pareno): Let us have Sen. (Prof.) Imana Malachy Charles Ekal.

**Sen. (Prof.) Ekal:** Thank you, Madam Temporary Speaker. It is one of the few times that somebody has said my name correctly.

I congratulate Sen. (Dr.) Musuruve for all the things she does. I once told her that she is very dedicated to the work she is doing not only for those she represents, but the entire country. She is always advocating issues and matters that affect the whole country. That is a great soul and big heart. Those are the kind of people that, in my view, should be given the chance to do things that affect others. She is somebody that is selfless and tirelessly works with other people.

As Sen. Cheruiyot said, the country is growing and maturing slowly, and has made a number of steps. We are now at a point where we have started to pay attention to those that are in need. There is surely a lot of need in the country on issues and people like that. It is human to look at people in terms of the way they look, walk, do things and so on. So, we criticize and sometimes say bad things about People with Disabilities (PWDs).

Sometimes we ignore them and say that they are not fully-grown human beings or people to be respected and so on. That comes from the fact that we are illiterate in our own ways. We do not understand the meaning of humanity. We do not know what a human being is. In my view, a human being is the brain. If the brain is there, we still have a human being in that body. If that brain dies, then we say that, that person is not there. All that is left in a brainless body is a hunk of flesh.

Madam Temporary Speaker, I am in support of this Motion by the fact that it will affect many people. Sen. (Dr.) Musuruve, I did not come for those books from you because I am not aware that there are schools, like the ones you advocate for, that take

care of children with special needs in Turkana. I am still investigating and trying to get that information. Since you know, I fully support being an educator and understanding the idea of being in need, I will obviously get some of those books, so that I can take them to Turkana.

There are many people in need out there. It is just that society does not care much about them. They look at them and say: "Forget this one. You do not hear, walk well or see clearly." They just let them be and say that they are not fully human. That is the mistake that this Motion will correct. These people will be looked at differently, respected and given their proper place in society. What Sen. (Dr.) Musuruve is doing is a noble thing and I am glad that she is in this Parliament. She is taking her time to go out and help other people that are in need.

I support this Motion.

**Sen. Wako:** Thank you, very much Madam Temporary Speaker, for giving me this opportunity to speak on this important Motion. I commend Sen. (Dr.) Musuruve for her indefatigable work she is doing to assist Persons with Disability (PWDs). It is true she was nominated to represent that category and I can attest that both inside and outside the House - almost 24 hours a day, seven days a week - she is actively promoting the welfare of PWDs.

Madam Temporary Speaker, English is a very important language. Article 7 of our Constitutions states that the official languages of the Republic are Kiswahili and English.

However, most important is what is provided for in Article 7 (3) (b). It says:-

"The State shall promote the development and use of indigenous languages, Kenyan Sign language, Braille and other communication formats and technologies accessible to persons with disabilities."

When we were drafting this Article, we were very conscious of the fact that PWDs can be disadvantaged. Personally, as the Attorney-General, I experienced this when I began constituting taskforces to consider and review various important areas of law. One of the taskforces that I set up was to review the legislation and policies relating to PWDs, and I budgeted for it. I remembered, of course, that persons must be involved in any decision-making process that affects them.

In fact, I appointed almost a 100 per cent PWDs to the task force which was chaired by Judge Aganyanya who is a PWD. The membership should be comprised of people from all types of disabilities. I learnt my first lesson that I had not budgeted for the task force adequately because each member in that committee required somebody to assist them in translation, braille, sign language and many other things. So, the budget was double what I had thought. I learnt that PWDs need to be assisted. That is why we had to put that Article in the Constitution.

To me, what Sen. (Dr.) Musuruve has done is to further put into legislation the enactment of the Constitution to ensure that everybody is considered, especially on the issue of language. Nobody should be disadvantaged just because they use all manner of languages.

Without going into the technicalities of this, the usage of Signing Exact English (SEE) as a mode of instruction is important so that we do not have different types of modes of instruction like the Kenya Sign Language or American Sign Language but just

one sign language so that they are also at par with those who have gone to school and learnt the language.

I congratulate Sen. (Dr.) Musuruve for this and I support the Motion.

**The Temporary Speaker** (Sen. Pareno): I see no further interventions on this one. I now call upon the Mover to reply.

**Sen. (Dr.) Musuruve:** Madam Temporary Speaker, thank you for giving me this opportunity. Before I reply, on behalf of my family and on behalf of PWDs in this nation, I condole with the family of Sen. Faki who has lost his son. It is a painful thing but my prayer is that God may strengthen Sen. Faki's family because it is a trying moment for the family.

Now back to the Motion, allow me to thank all fellow Senators who have stood to support it. They have come out strongly to support the Motion objectively. I thank each and every one of them because they have given important input that could take this Motion to the next level of a Bill.

I also thank them because most importantly they have been impartial and objective. As they were giving their input concerning this Motion, they had in mind the deaf learner in the classroom and I commend them for that.

I know that quite a number of Senators have commended me for the passion I have when it comes to issues of PWDs. I want to make it very clear that issues of PWDs have been dear to me throughout my teaching life. I even researched on them. It is not only in this House that I have talked about issues of PWDs. Even when I was a student in university, I was concerned about issues of PWDs. Somehow, in all the studies I did, I touched on issues of PWDs.

Disability found me when I was already concerned about issues affecting PWDs. I acquired my disability just recently in 2013 when I got cancer. As a result of the cancer treatment, God chose to spare my life. He decided that I will walk with crutches but I will not go back to Him. So, I thank God for this disability because it allows me to do what He intended me to do for this nation and in this world. That is why I do things with passion because I know I am doing so for the glory and honour of God who has allowed me to be in this House. When I was written off in 2013, doctors thought I was going to die but God decided otherwise because I still have a lot to do. So, I am doing what God allows me to do.

Sen. (Prof.) Kamar talked about the Kenya Institute of Curriculum Development (KICD) and I commend the institute for what it did. It came out strongly to ensure that instruction materials were up to the standard. The KICD is mandated with developing the curriculum and ensuring that materials used in schools and institution are verifiable and stand the test of time. I commend the KICD for what it is doing. May those people continue doing what they are doing because they are hawk-eyed when it comes to issues of curriculum development.

Madam Temporary Speaker, I will be mean if I do not commend my Committee on Education. I have a lot of support and encouragement from my Chair and Members of the Committee on Education to do what I am doing. These are things I do without being compelled or told what to do. Anytime you find me reading, it is about issues of PWDs and I do that without any struggle at all.

I thank Members of my committee because they were behind this. When I shared with some of them and told them that I do not know what to do regarding issues of

PWDs, they encouraged me by telling me to go ahead. When I said I did not have funds and all that, they told me not to worry but to go ahead. So, I am doing what God allows me to do even without funds from anywhere. I have taken loans to do what I am doing and I am doing it for God.

When it comes to issues of education for the deaf, Senators have come out strongly that there is need for intervention because deaf learners need to be helped so that they get the essentials of modern English. Senators have come out strongly to say that English is important across the curriculum because all their subjects are taught and examined in English. Sen. (Dr.) Langat mentioned that English has a global appeal because it is an inter language.

Some Senators also mentioned that it is important that we prepare deaf learners for inclusivity. I know of a school that is already admitting learners with hearing impairment. Ensuring that deaf learners get the proper language will allow them to also interact with those who can hear and that will expand their social network. My fellow Senators have also talked about the issue of expanding their social network.

It has also come out clearly from my fellow Senators that it is in the school environment that the learners get the proper language and there is no other opportunity or avenue. From what Senators have said, deaf learners should be given the opportunity to learn the language so that they do not miss out in any way.

Madam Temporary Speaker, Senators also said that what we speak and write defines us. We, therefore, have to be fair to the deaf learners so that we prepare them for the work place. Sen. (Prof.) Kamar said that she employed deaf people at one point and they did a superb job. My fellow Senators are in agreement with this. I am also happy with what Sen. Kihika just mentioned; that she is a “significant other” of PWDs in her family and that she is feeling the pinch.

Madam Temporary Speaker, it has come out clearly from my fellow Senators that there is need to intervene so that money is set aside at both the national and county levels. This is for the purpose of developing instructional materials for PWDs and that we should not eventually limit the deaf persons. It has also come out clearly that there is need to reserve Early Childhood Development Education (ECDE) classes as a special unit. Similarly, sign language should also be taught to everyone so that they learn the basis of sign language for the purpose of inclusion.

Madam Temporary Speaker, as I reply to this Motion, I am aware about the deaf community which has written on Facebook and also talked a lot about the SEE, to the effect that I am coming up with a new sign language. Even from Sen. Sakaja’s presentation, it was very clear that this is not a new sign language. It is what the Constitution says in Article 7(3)(b)-

“The State shall-

promote the development and use of indigenous languages,  
Kenyan Sign language, Braille and other communication formats and  
technologies accessible to persons with disabilities.”

Therefore, the SEE is among the other formats of communication.

Madam Temporary Speaker, I am on record, even in the HANSARD, for supporting the Kenyan Sign Language (KSL). I have never, at any one point gone against it. The HANSARD is clear and it is my witness. There is need to use the KSL to help the deaf learners to master the essentials of the English language. It is very

straightforward, because even when the deaf learners are young and in the lower primary level, they sing the National Anthem because they have been taught.

They do it from the beginning to the end in perfect English. It is, therefore, something that is doable. Senators have also said that, scientifically, the deaf can learn. This Motion is also addressing the deaf who are educable and who we think should go up to Form Four and continue vertically academically.

Madam Temporary Speaker, I have even been psyched more by my fellow Senators who suggested that I should think of coming up with a Bill that will address this issue. I assure this House, as a seasoned scholar and a teacher before, having taught in a school for the deaf before and interacted with the deaf community, that the Bill that will come to this House will address all these issues we have talked about. It will address the SEE, the KSL and all upcoming issues with regard to language needs of the deaf.

Madam Temporary Speaker, apart from sign language, I have been pricked to go ahead and think of other Bills that will help more than just the deaf community. This is because I am not here to represent the deaf, but all PWDs in the country. I want to do it with a passion and give it my best. I am sure that with the help of my fellow Senators, scholars in this House, Senators who are objective and have interacted with PWDs, we are going to come up with very many Bills that will ensure that the life of PWDs in this country will be better than it is now.

Madam Temporary Speaker, one Senator talked about the Association for the Physically Disabled of Kenya (APDK), which owns many prime properties. Let me say candidly on the Floor of this House that it is unfortunate that we have these organisations that deal with PWDs. They need to be brought to task and be asked what they have done in this area. This is because some of these organisations get a lot of funding to deal with issues of disability. However, when you go to the ground or to the classrooms, you will find that there are neither books nor the necessary infrastructure.

Unfortunately, when you ask for funding from the same organisations to carry out noble tasks on disability, they will not fund you. I say this without blinking and without fear; that even the National Council for Persons with Disabilities (NCPWD), which was set up for the purpose of fighting for issues of disability, falls in the same category. If you go to them with a proposal on developing instructional materials for the PWDs, they will not fund you, get back to you and they do not give a damn.

Madam Temporary Speaker, this country needs to get serious about issues of disability and ensure that PWDs are not used as a rubber stamp. Gone are the days when PWDs were seen in the charity paradigm. Right now, we have to be inclusive and ensure that we are handling our PWDs objectively. They are not objects of pity, but we have to carry them and develop with them. As we develop economically, let us also develop with our PWDs.

Madam Temporary Speaker, I thank all Senators for supporting me in this Motion. I believe that it will go to the next level of a Bill.

I beg to reply.

**The Temporary Speaker** (Sen. Pareno): Hon. Senators, I determine that this is a Motion that does not affect counties and, therefore, does not qualify to a vote by delegations. I, therefore, proceed to put the question.

*(Question put and agreed to)*

Let us move on to the next Order.

NOTING OF REPORTS OF ON THE 20<sup>TH</sup> CONFERENCE OF  
COMMONWEALTH EDUCATION MINISTERS AND  
THE TVET CONFERENCE

**Sen. (Dr.) Langat:** Thank you, Madam Temporary Speaker, for giving me this opportunity to move this important Motion in its amended form to join together two Reports because their themes were similar.

I beg to move the following Motion-

THAT, this House notes the Reports of the Standing Committee on Education on the 20th Conference of Commonwealth Education Ministers (20CCEM) held in Nadi, Fiji from 19-23 February, 2018 and the TVET Conference held in Victoria, Canada from 27th April-2nd May, 2018, laid on the Table of the House on Thursday, 12th July, 2018 and Wednesday, 1st August, 2018 respectively.

Based on the limitation of time, I will give a summary of it. In the introductory part of it, the Conference of Commonwealth Education Ministers is a high level meeting held every three years where education ministers from the 52 Commonwealth countries meet to discuss key issues and engage in meaningful dialogue on education.

The 20<sup>th</sup> Conference of Commonwealth Education Ministers (20CCEM) was held in Nadi, Fiji from 19<sup>th</sup> to 23<sup>rd</sup> February, 2018 and convened under the theme: Sustainability and Resilience. The great question was: Can education deliver? The main themes were on the following three key areas: The first one was education for sustainable development, building resilience through education, governance and management.

When it comes to the first theme on education for sustainable development, we understand the definition of what sustainable development is and the most common use for it is that sustainable development means the ability of the current generation to utilize the present resources without compromising on the same use by the future generation.

This Conference debated the current status of education in addressing sustainable development. The valuing of the future over the present is essential to meet their needs. These are things such as the protection of the environment and the ability of humanity to manage its planetary burden so that it does not irreversibly deplete geological, agricultural, maritime and atmospheric resources. This requires a fundamental shift in pattern of consumption and new economics of production, reusing and recycling. It needs an understanding that sustainable solutions require global consensus and cooperation.

Sub-themes on the same included equitable access to education. Universal access to basic education and equitable access to the other levels is built on commitment to education as a human right. Without equitable access to education, equitable access to economic growth will be hampered, social mobility impaired and social cohesion placed at risk.

The other sub-theme that was addressed is what is within our mandate as the Senate. They were issues surrounding early childhood development, care and pre-primary education. Early childhood care in education lays the foundation for the behavior and attitudes that underpin sustainable development. Effective pre-school kick starts the journey of child development which evolves from egocentric world views to empathy;



from selfish to collaborative behavior and from concrete to abstract reasoning. This area was also dwelt in widely.

The other sub-theme was primary and secondary education which was also touched on without limiting an area that concerns this particular Senate, which is Technical and Vocational Education and Training (TVET). In this particular area, it was noted that TVET was important for several reasons. First, it can help translate school knowledge into applicable skills and promote economic growth.

If these are acquired, with an awareness of sustainable use of resources and disposal of waste, this can be reflected in more environmentally friendly production. The second effect is that career education and training can help students identify occupation and livelihoods that are attractive and available. A balanced national curriculum will include knowledge and skills directly related to common vocations to the importance of sustainable development.

The other sub-theme was on tertiary education. We also touched widely on this particular theme because this is also a great investment to most countries.

The second theme touched on building resilience through education. Resilience was defined in many ways but our agreement in that Conference of the definition of resilience is that it refers to those attributes that enable an individual community or a system to respond to change and to recover from adversity. In ecological terms, resilience refers to the ability of a system to manage change within its ecosystem.

In biological terms, it is similar to homeostasis. In the social sciences, resilience refers to those attributes that enable an individual or community to respond to and recover from unfavorable situations or crisis in any dimension of life. The great question was: Are the current education systems all over the world in a position to help our learners, who are also future citizens, be resilient to most of the dynamics that are occurring in the world?

We also touched on sub-themes within the same on areas like quality of education in supporting resilience and inclusivity. We looked at whether education is inclusive in supporting resilience and the development of indigenous knowledge to respond to various challenges that are occurring in the current society. We also looked at unemployable skills in response to resilience and other areas.

The last sub-theme that the Conference dwelt on was education governance and management. Good governance and effective education management practices are central to realizing equitable access to quality education. Governance in education systems promotes effective delivery of education services and it encompasses governmental processes of developing and implementing education policies.

Good governance is the ideal in which political processes translate the will of the people into public policies and establish the rules that efficiently and effectively deliver services to all members of society. It implies value judgment that may differ across Commonwealth countries about what is good but these are more likely to reflect divergence of goals and system levels, aims and objectives that different assessment of the mechanisms that translate aspirations into action.

In the same governance, sub-themes touched on management capacity building, assessment and data collection in the area of management, education financing and equitable access to education through management. Several recommendations were made.

Madam Temporary Speaker, I want to get to the conclusion part of it because of time. There was a great question on whether education can deliver sustainability and resilience. The answer qualifies as yes. If there is a political commitment, resource mobilization coupled with the persistent promotion of sustainable development and transformative potential of education system, it can be realized. Within that conclusion, there are several recommendations based on education, governance and management.

In Early Childhood Development Education (ECDE), we were able to make seven recommendations. In the area of empowering the Commonwealth Secretariat we also made three major recommendations that are in soft and hard copy. Therefore, all Members can access them in whichever way they want. We also made recommendations in the integrated patterns of forums. Recommendations were also made in the area of association of Commonwealth universities. We also made recommendations on knowledge and transformation, so that knowledge can transform the society.

Madam Temporary Speaker, Ministers expressed their thanks and appreciation to the Commonwealth and the people of the Republic Fiji for their warm and generous hospitality in hosting and organizing the 20<sup>th</sup> Commonwealth Conference on Education Ministers (20 CCEM) and also recognized the strong leadership and support from the Commonwealth Secretariat. I also wish to thank the delegations who collaborated to make this event successful.

The document is huge. I urge all Senators to have a copy and see the important recommendations and deliberations of this particular Conference in line with our mandate as the Senate when it comes to areas of education especially in ECDE and TVET.

Madam Temporary Speaker, I beg to move this Motion and ask Sen. Mary Seneta to second.

**Sen. Seneta:** Thank you, Madam Temporary Speaker, for giving me a chance to support and second this Motion.

From the onset, I congratulate my able Chairperson and his delegation who attended this very important 20CCEM, a high level meeting which was held in Nadi, Fiji.

I also want to thank the Parliamentary Service Commission (PSC), through the Office of the Speaker and the Office of the Clerk, for facilitating Members to attend such important forums. More so, these important conferences normally deliberate and discuss wide range changes, reforms and policies in education.

Madam Temporary Speaker, in this particular Report there are issues of concern in major areas. The theme of the Conference was “Sustainability and Resilience”. There is the question of whether education can deliver and how education systems should change to promote sustainable development that does not deplete or exhaust economic, cultural and social resources of the planet. How can an education system in a country contribute to meet the needs of the people without interfering or exhausting resources for future economic development? How can our education system contribute to the building of the economy without exhausting the future resources? How can education contribute to the growth in culture and social resources without exhausting the very important resources that already exist? Education is meant to help countries grow economically, culturally and socially.

Madam Temporary Speaker, the education system of a country is intended to make future generations proud of their culture and appreciate their social resources. Education is supposed to help the future generation grow economically. How do we

develop the skills of young present generations through TVET courses? It is important to understand that we cannot also survive without technical and vocational skills that can help us build future generations.

Madam Temporary Speaker, this particular Report also talks of important issues of building resilience in terms of natural disasters, climate change, environmental uncertainty, high rates of school drop outs, persistent illiteracy, poverty, increased cyber crime, ethnicity and religious tension.

How can we use the education system to make a community understand the importance of the environment and how to conserve it? This is a very important aspect. Issues of environmental conservation need to be entrenched in our curriculum so that we make it a culture and tradition that our children grow knowing that they are supposed to have a clean environment for good health.

Our children should also grow knowing that we are the custodians of the environment. The environment we live in should remain clean, good and be conserved for future use. Our education system should be used to ensure that we have a clean environment. We needed to have educated our children through a system that appreciates a clean environment rather than leaving our people to grow up knowing that the county government is supposed to clean the environment for them, and that employed staff need to clear waste that is dumped everywhere in our town. We need to have a system that instills that culture and tradition.

Our education system should also take care of ethnicity and religious tensions we see in our regions. We need a system that makes people learn how to integrate and appreciate each other's religion and diversity in terms of colour, tribe and clan. The education system should also make our present and future generations to benefit in diversity. They should understand and take advantage of the diversity in the education system.

The education system should also build resilience in poverty. Our countries and regions have high levels of poverty. How can education deliver the present generation, country, region and the planet out of poverty now and in the future? This Conference looked at how education systems can be applied to change the perspective of poverty. How can we develop a perspective of changing the history of poverty levels for a better future?

The Conference also discussed how the education system can address increasing cybercrimes. How can we make our youth learn the importance of technology to better their present lives and not damage their future? How can education assist to reduce the increasing cybercrimes?

Education policies were also discussed at length. The Conference highlighted that education investment lies at the heart of public policies.

The existing policies and laws should also help in terms of building a future that is bright. Building resilience and preparedness was also discussed in the Conference. This was an eye opener for us on how we, as a country, can be prepared to manage disasters rather than waiting for them to happen.

Madam Temporary Speaker, this Report is very important. It should be adopted and implemented by this House. We should also ask ourselves the same question that the delegation of the 34 Member States asked: Do we have an education system that can

deliver? In some cases we can reply in the affirmative. However, we still need to improve our education system to address the present and the future.

Madam Temporary Speaker, I second the Motion.

*(Question proposed)*

**The Temporary Speaker** (Sen. Pareno): Sen. (Dr.) Musuruve, proceed. Please, note that your time has been reduced to five minutes because we have a lot of business to transact today.

**Sen. (Dr.) Musuruve:** Thank you, Madam Temporary Speaker, for giving me the opportunity. I will be very brief. The Committee that went to Canada for this Conference did a commendable job. It was not waste of resources. Educational for sustainable development is a very important theme in any country. It is only with education that a country can achieve sustainable development.

I hope the team that represented us in the Conference learnt a lot that will improve our education system. The theme of education and governance is equally important to us. We can only have sustainable education if there is good governance. The issue of political good is cardinal in any education system.

Madam Temporary Speaker, the team also talked about Technical and Vocational Education and Training (TVET). This is also something very important to borrow, because not everyone will go through the education system vertically. This will help them acquire skills that can help them, so that they can be self employed. Since not everyone can be employed, self employment is very important. So, TVET institutions will give an opportunity to Form Four and Class Eight leavers to do something.

Madam Temporary Speaker, for different reasons some children are not able to proceed to secondary schools. Such children can join TVET institutions and get skills that will help them become productive in this country. Therefore, it was not a waste of resources for the education team to go for this Conference, because they have come up with noble ideas that will help this country.

Madam Temporary Speaker, they have also talked about issues of technology. At the moment, everyone is applying technological and our education system is no exemption. For example, if you want any information, you do not have to go to the library. You can use the internet to get it. Therefore, technology is core to sustainability in education.

Madam Temporary Speaker, I support this Report.

**The Temporary Speaker** (Sen. Pareno): I now call upon the Mover to reply. Kindly, be brief.

**Sen. (Dr.) Langat:** Thank you, Madam Temporary Speaker. I would like to thank my fellow Senators for their contribution to this very important Report, which came through this Conference. Members have touched on the importance of the deliberations that took place surrounding early childhood education and care and the importance of the discussions that were made concerning TVET education. It is becoming the only solution to the issue of unemployment of youth in our country.

Madam Temporary Speaker, we also congratulate the Government for the steps that it has taken. As we saw yesterday, the skills-based education programme was being

launched at the Kenya Technical Teachers College (KTTC). This is in line with the deliberations that were made in this Conference.

Madam Temporary Speaker, I also thank the Members for touching on the importance of this Conference in terms of sustainable education and development. Currently, good education must emphasize on sustainable development. Every growing child must have skills, knowledge and attitude that will enable him or her to utilize the current resources without compromising on the utilization of the same resources by the future generation.

Madam Temporary Speaker, Members have also touched on the importance of the contribution of this Conference with respect to resilience. We are in a generation that is facing a lot of challenges brought about by technology and ecological systems. Therefore, all education that is worth appreciating must prepare the learners to engage themselves effectively on the issue of resilience. Once again, I thank all the Members for supporting this Motion.

Madam Temporary Speaker, I beg to move.

**The Temporary Speaker** (Sen. Pareno): Hon. Senators, I determine that this is a matter that does not affect counties. I will, therefore, proceed to put the Question.

*(Question put and agreed to)*

**The Temporary Speaker** (Sen. Pareno): Hon. Senators, in view of the fact that this House will be proceeding on recess, and looking at the time available, we are yet to process the Motion for the Adjournment of the House. I, therefore, defer business appearing as Orders No.10 up to No.18 for purposes of that Motion.

## MOTIONS

### NOTING OF REPORT OF THE SENATE DELEGATION TO THE INAUGURAL COMMONWEALTH PARLIAMENTARIANS' FORUM

THAT, this House notes the Report of the Senate Delegation to the Inaugural Commonwealth Parliamentarians' Forum held at the Westminster Palace, London, United Kingdom from 26<sup>th</sup>February to 1<sup>st</sup>March, 2018 laid on the Table of the House on Thursday, 10<sup>th</sup>May, 2018.

*(Motion deferred)*

### ADOPTION OF REPORT OF THE 138<sup>TH</sup> ASSEMBLY OF IPU AND RELATED MEETINGS

THAT, this House notes the Report of the 138<sup>th</sup> Assembly of the Inter-Parliamentary Union (IPU) and related meetings held in Geneva, Switzerland from 22<sup>nd</sup>-28<sup>th</sup>March, 2018, laid on the Table of the Senate on Thursday, 21<sup>st</sup> June, 2018.

*(Motion deferred)*

NOTING OF REPORT OF THE APNAC CONFERENCE, 2018

THAT, this House notes the Report of the Senate Delegation to the African Parliamentarians' Network Against Corruption (APNAC) Conference held in Ghana from 17<sup>th</sup> to 18<sup>th</sup> March, 2018, laid on the Table of the House on Tuesday, 19<sup>th</sup> June, 2018.

*(Motion deferred)*

NOTING OF REPORT OF THE 62<sup>ND</sup> SESSION OF THE COMMISSION  
ON THE STATUS OF WOMEN

THAT, this House notes the Report of the 62<sup>nd</sup> Session of the Commission on the Status of Women laid on the Table of the House on Tuesday, 17<sup>th</sup> July, 2018.

*(Motion deferred)*

NOTING OF REPORT OF 49<sup>TH</sup> SESSION OF THE ACPPA AND  
INTER-SESSIONAL MEETING OF THE ACP-EU JOINT ASSEMBLY

THAT, this House notes the Report of the 49<sup>th</sup> Session of the ACP Parliamentary Assembly and Inter-Sessional meeting of the ACP-EU Joint Parliamentary Assembly held on 20<sup>th</sup>-22<sup>nd</sup> March, 2018, in Brussels, Belgium, laid on the Table of the House on Tuesday, 31<sup>st</sup> July, 2018.

*(Motion deferred)*

ADOPTION OF REPORT ON THE 2018 COMMONWEALTH GAMES

THAT, this House notes the Report of the Standing Committee on Labour and Social Welfare on the 2018 Commonwealth Games held in Gold-Coast, Australia from 4<sup>th</sup> to 15<sup>th</sup> April, 2018, laid on the Table of the Senate on Wednesday, 1<sup>st</sup> August, 2018.

*(Motion deferred)*

NOTING OF REPORT ON ROLE OF PARLIAMENTARIANS IN POPULATION AND  
THE 2030 AGENDA FOR SUSTAINABLE DEVELOPMENT

THAT, this House notes the Report of the Senate Delegation to the Conference on Enhancing the Role of Parliamentarians in the Interlinkage between Population Issues and the 2030 Agenda for Sustainable

Development, held in New Delhi, India from 13<sup>th</sup>-15<sup>th</sup> September, 2017, laid on the Table of the House on Thursday, 2<sup>nd</sup> August, 2018.

*(Motion deferred)*

REMEDIES FOR CLOSURE OF SCHOOLS DUE TO FLOODS  
AND INSTANCES OF INSECURITY

THAT, AWARE that Article 43(1)(f) of the Constitution of Kenya provides that every person has a right to education and Article 53(1)(b) of the Constitution states that every child has the right to free and compulsory basic education;

COGNIZANT that on 5<sup>th</sup> January, 2018 during the flagging off of national delivery of core course books for schools at Cemastea Karen, His Excellency the President Uhuru Kenyatta stated that his administration has focused on initiatives that ensure every Kenyan has access to quality education, so they can acquire appropriate skills and knowledge that make our country globally competitive;

FURTHER AWARE that recently the country has suffered floods in many parts of the country leading to deaths and people being displaced and rendered homeless;

DEEPLY CONCERNED that some schools have also remained closed even after other schools reopened while others have been closed as a result of floods and instances of insecurity;

FURTHER NOTING that closure of schools due to the said floods as well as insecurity places students and pupils in those schools at a disadvantage as they are unable to access education which is their right, while some of the students in those schools are expected to sit for their national exams at the end of the year and their performance risks being negatively affected by the lost time out of school;

NOW THEREFORE, the Senate resolves that the Committee on Education investigates this matter with a view to-

1. Identifying strategies to ensure that the affected students are able to access education as soon as possible;
2. Outlining preventative measures to ensure that more students are not affected by the floods and insecurity; and
3. Submitting a Report to the Senate within sixty (60) days outlining the short and long term strategies, that are being put in place to ensure that schools in flood and insecurity prone areas are not affected in the future.

*(Motion deferred)*

COMPENSATION FOR VICTIMS OF  
HUMAN-WILDLIFE CONFLICT

AWARE THAT tourism is amongst key sectors of Kenya's economy contributing billions of shillings to the country as well as generating employment and livelihoods to millions of citizens;

FURTHER AWARE THAT, Kenya is endowed with different wildlife species which contribute substantially to the national economy through tourism;

NOTING THAT, cases of human-wildlife conflict are on the rise as a result of many factors key among them climate change and encroachment on parks and nature reserves leading to deaths and maiming of people by wild animals;

FURTHER NOTING THAT there's need to create a conducive environment for peaceful coexistence of humans and wildlife in the same space given the importance of wildlife not only to our economy but to ecology as well;

CONCERNED that victims and families of victims of human-wildlife conflict are not being compensated for loss of lives, being maimed or loss of their means of livelihood due to failure of the Treasury to allocate adequate funds for this purpose contrary to the Wildlife Compensation Management Act, 2013;

FURTHER CONCERNED that the regions and communities hosting the wildlife are marginalized and do not benefit from the proceeds of tourism in their area;

NOW THEREFORE the Senate calls upon the National Government to-

1. Allocate adequate funds during the current financial year and subsequent years for compensation;
2. Ensure that victims and families of victims of human-wildlife conflict are always compensated within 90 days of submitting their claims; and
3. Come up with innovative ways of ensuring host communities benefit from the revenue accruing from wildlife tourism.

*(Motion deferred)*

**MOTION FOR ADJOURNMENT**

ADJOURNMENT OF THE SENATE PURSUANT TO  
THE APPROVED CALENDAR FOR THE 2018 SESSION

**Sen. Kihika:** Madam Temporary Speaker, I beg to move the following Motion-

THAT, pursuant to Standing Orders 28 and 29, the Senate do adjourn until Tuesday, 6<sup>th</sup> November, 2018.



Madam Temporary Speaker, it is important that as a House, every now and then after working very hard, Senators get a small break. In this case, it is about ten days so that they can go recharge, take a little break and handle their constituency matters. In addition to that, the Senate Business Committee (SBC) brought a calendar to this House, which was approved. Therefore, this recess is in the calendar.

Given those few factors, I wish to move this Motion and ask Sen. Halake to second.

**Sen. Halake:** Thank you, Madam Temporary Speaker, for giving me this opportunity to second this Motion by our Majority Whip, that this House adjourns.

Madam Temporary Speaker, as Sen. Kihika has mentioned, this is one of our calendar items of the Senate. As she rightfully said, Senators have a lot of issues that they need to resolve while they are on this recess.

As you know, the Senate has been on a blitz of committee work, including *ad hoc* committees. In fact, for the few days we will be away, this will be a working recess. Many of our committees have actually scheduled county visits and hearing of petitions in the committees. Therefore, in as much as this is going to be a working recess, it is important that we also take a break to look at these other things. It has been a very intense few weeks for Senators, I believe from August.

Thank you, Madam Temporary Speaker. I beg to second.

*(Question proposed)*

**Sen. (Dr.) Langat:** Thank you, Madam Temporary Speaker, for allowing me at this particular moment to make my contribution to this important Motion of Adjournment. We have been busy around, rushing home and coming back. This Motion is important because it will allow us to go back to our counties to visit our people and also to do some oversight.

Madam Temporary Speaker, I also would like to take this moment to pass my condolences to Sen. Faki for losing one of the members of his family. This recess will enable us to organize ourselves and support him during this particular needful moment.

Thank you, Madam Temporary Speaker. I beg to support this Motion.

**Sen. Seneta:** Thank you, Madam Temporary Speaker, for giving me this chance. Before I support the Motion of adjournment, on my behalf and that of my family, I would like to sincerely pass a message of condolence to our colleague Sen. Faki and the family for the passing on of his beloved son. We pray to God that he gets strength and peace during this trying moment.

I support the Motion of Adjournment by saying that Members need to interact and oversight their counties. They will also have a chance to learn what is affecting their counties, meet the people and know major budgetary, social or any other issues.

Through the committees, they will also visit the counties. It also gives our committees time to continue with oversight. This is the right time for Members to retreat to their counties to learn what is happening there. I wish them all the best and safe journey to their counties for these ten days.

**The Temporary Speaker** (Sen. Pareno): Sen. (Dr.) Musuruve.

**Sen. (Dr.) Musuruve:** Thank you, Madam Temporary Speaker. I rise to support this Motion. Indeed, it is important for the House to adjourn to give Senators time to engage with their constituents. As Senators engage with constituents, they express themselves. Self expression is a constitutional requirement. We will listen to our constituents and return with plenty of information for Motions, Statements and Petitions because the House needs to listen to the people since they are sovereign.

This will be a chance for me to engage with my constituents. I hope to engage with Persons with Disabilities (PWDs) and in the process be able to represent them in a meaningful and relevant manner. I will listen to them and get to know what they want and bring it to the Floor of the House.

I support this Motion.

### ADJOURNEMENT

**The Temporary Speaker** (Sen. Pareno): Hon. Senators, we have come to the end of the business for today. The Senate, therefore, stands adjourned until Tuesday, 6<sup>th</sup> November, 2018, at 2.30 p.m.

The Senate rose at 6.25 p.m.