

PARLIAMENT OF KENYA

THE SENATE

THE HANSARD

Wednesday, 3rd November, 2021

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

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

PRAYER

PETITION

INTRODUCTION OF CHESS IN THE SCHOOL CURRICULUM

The Deputy Speaker (Sen. (Prof) Kamar): Hon. Senators, I hereby report that a Petition has been submitted to the Senate by Mr. Fred O. Sagwe and other residents of Mombasa County concerning the introduction of the chess game in the school curriculum as a tool for education and promotion of good health.

As you are aware, Article 119(1) of the Constitution states as follows-

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

Hon. Senators, the salient issues raised in the petition are:

(a) That chess is a universal game that promotes key intellectual skills such as problem solving, evaluation, critical thinking and planning. Further, chess education has a substantial positive effect and plays a natural adjunct in terms of mathematical achievements, engineering and physical science.

(b) That chess involves intense intellectual challenge, which contributes to improved memory and attention span ability for young players. Additionally, researchers have found evidence that arising from challenging the memory and critical thinking abilities, chess may help reduce cognitive decline and postpone the effect of dementia for older persons.

(c) That chess is considered as a co-curricular and an extra activity in the current 8-4-4 education system and the new 2-6-3-3-3 Competency Based Curriculum (CBC), which enables teachers to place more emphasis on a learners ability to process issues as well as nurture their competencies based on their skills, talents and interests.

(d) That in 2016, Chess Kenya submitted a memorandum to the Kenya Institute of Curriculum Development (KICD) with the aim of including chess education into the Kenya education curriculum. KICD also engaged with the Ministry of Education with the aim of including chess in the Ministry’s calendar of activities for sports and co-curricular activities.

Additionally, KICD engaged with the Teachers Service Commission (TSC) with the aim of creating Teacher Chess Champions in education centers.

All these efforts have not been fruitful, but the European Parliament has expressed favourable opinion on using chess courses in schools as an educational tool. The Spanish Parliament has already approved the implementation of chess course as part of its curriculum.

The petitioner, therefore, prays that the Senate intervenes in this matter with a view to-

(i) Recommend for the implementation of chess as a core and/or as an elective subject in the new 2-6-3-3-3 curriculum.

(ii) Recommend for budgetary allocation to support chess in schools and other institutions of learning.

(iii) Recommend for the recognition of chess in the Ministry of Education calendar for sports and co-curricular activities.

(iv) Recommend for the establishment of a chess and Mathematics Foundation to empower learners to perform better in Mathematics.

Hon. Senators, pursuant to Standing Orders No.231 I shall now allow comments, observations or clarifications in relation to the Petition for not more than 30 minutes.

Sen. Cheruiyot: Thank you, Madam Deputy Speaker, for giving me this chance. This is a very interesting Petition.

Occasionally, this House receives all manner of petitions some asking us to do things that challenge our thinking even as Senators and Members of Parliament in terms of our appreciation of how dynamic our society is becoming. This is one such case. This petitioner has presented before us something which listening to you present his writings and what he is requesting this House to do, challenges your own perspective as a leader.

Madam Deputy Speaker, on many occasions, citizens have the wrong notion that we have all the solutions to the problems our society faces. However, on a daily basis, we must appreciate and have an open mindset that enables us to grow and challenge ourselves even in terms of knowing what is it we can do to make our society better.

Although I do not know much about chess as a sport, but from a general reading and what I know from a few friends who I occasionally find playing chess, is that it is one of the games that really helps in developing one's cognitive abilities, your concentration in terms of challenging your processing power and quick thinking.

Chess is a game that helps develop skills which the petitioner is rightly pointing to the education stakeholders in this country and makers of policies like ourselves that, if you can introduce these skills to young students at an early age, it will help them become better citizens. They will become problem solvers and critical thinkers from a very young age.

It will be interesting when they appear before this House as petitioners because I believe the Committee will grant them a chance to come and convince them, as they listen to views from other stakeholders, to hear what other things they could not cover in the petition. I want to believe this petition only speaks to the highlights of the issue. I think there are more issues that we will learn once we listen to this particular petitioner.

Generally, it is a whole conversation about sports and you know that the minute we resumed this particular Session, sports has dominated our discussions. You know

about the discussion that was here yesterday. Tomorrow we are looking forward to the Minister coming before this House so that we can express our concerns.

I have seen people say all manner of things that the Senate is trying to sanitize the Federation of Kenya Football (FKF) or the Ministry of Sports, Culture and Heritage. We are not interested in sanctions. We just appreciate the importance of sports in this country and how we have not got it right. Many people are challenging us, saying why now? My question back to them is why not now? When is it ever right or wrong to do the right thing? Therefore---

Sen. Murkomen: On a point of information, Madam Deputy Speaker.

The Deputy Speaker (Sen. (Prof.) Kamar): Would you like some information from Sen. Murkomen?

Sen. Cheruiyot: Has he really heard what I have been saying? I highly doubt because he has just walked in. However, because he is a former lecturer let me listen to him maybe there is something he knows.

Sen Murkomen: Madam Deputy Speaker, I would like to inform Sen. Cheruiyot that what he is saying is true. As a result of the Statement that was brought yesterday to this Chamber by Sen. Mutula Kilonzo Jnr. and also the one Sen. Cheruiyot brought on stadiums, there is a serious conversation going on in the country involving sports, especially football.

Madam Deputy Speaker, I am informing Sen. Cheruiyot that there are people on both sides who feel uncomfortable and are beginning to get jittery about this investigation that Sen. Sakaja's Committee will undertake from tomorrow. They are sponsoring social media posts and calling us from all corners of this world.

This Senate must demonstrate as from tomorrow that they have the capacity to stand firm for the truth. Whether we find fault on FKF side or find it on the part of Government, we now stand at a pedestal for us to become the solution to the problems of sports in this country. We have only two months---

The Deputy Speaker (Sen. (Prof.) Kamar): Senator, you are over informing him.

Sen Murkomen: I would like to inform Sen. Sakaja, his Committee and all of us in the Senate that we have this very honourable opportunity to confront these issues both in the Ministry and also in the sports federations, including FKF.

The Deputy Speaker (Sen. (Prof.) Kamar): Sen. Cheruiyot, you have one minute left because with these 30 minutes we always give Members three minutes each. You have one minute left, but I can see a point of order from Sen. (Dr.) Ochillo-Ayacko.

Sen. (Dr.) Ochillo-Ayacko: Thank you, Madam Deputy Speaker. It may have been overtaken by events, but we are sliding to topics outside relevance. I think if we stuck to this Petition, all of us would be meaningful in our participation.

I thank you.

The Deputy Speaker (Sen. (Prof.) Kamar): Yes, it was a bit overtaken because I was also waiting to see where he was going with his information. He seemed to be informing Sen. Sakaja more than Sen. Cheruiyot.

Sen. Cheruiyot, your last minute.

Sen. Cheruiyot: I have a problem with two people in this House. My wife comes from Elgeyo-Marakwet. Therefore, sometimes even if he pushes the boundary to the limit, if I want to claim my space he threatens to withdraw their daughter. So, I am forced to behave myself. This is one such occasion.

(Laughter)

Madam Deputy Speaker just to wrap it up, just like this Petition informs us about the importance and the pride of sports in our society, tomorrow is a very important day.

Sen. Sakaja should put on his best suit and tie and come with a very open mind so that we engage and people know that we have no sides in the dispute between the FKF and the Ministry. We look forward to engage on behalf of the people of Kenya so that justice is done to our sports people.

Thank you, Madam Deputy Speaker.

The Deputy Speaker (Sen. (Prof.) Kamar): Thank you. Sen. (Dr.) Zani, you have three minutes.

Sen. (Dr.) Zani: Thank you, Madam Deputy Speaker. I wish to support this Petition brought by Mr. Sagwe and the other petitioners. It is a very pragmatic Petition addressing a critical issue in the education sector. This is probably something that not many people have given thought to.

Madam Deputy Speaker, it is interesting that this team of petitioners already engaged the Kenya Institute of Curriculum Development (KICD) and the Teachers Service Commission (TSC).

This Petition, if given a chance will allow the Committee to interact with the various stakeholders. It should be able to catapult this discussion to a different level and begin to answer the question of, if such proposals were given, where did they stall? What are the pros and cons? What are the advantages?

Some of these advantages are very clear. We are moving towards Science Technology, Engineering and Mathematics (STEM). Therefore, encouragement of critical thinking and planning, the issue of intensive challenges, strategy and all these, are taken in very well. The petitioners are concisely asking: Should this be part of the main curriculum or as an extra-curricular?

There are various issues that need to be put into perspective, but by bringing it as a Petition to the Senate, it allows the relevant Committee together with the stakeholders to take it to the next level. Many of the countries that are developed are turning to critical thinking, not only just for the development of a nation, but also for progression within that particular society.

Some of the issues are very fundamental. The issue of budget and support is key. Also key is the issue of ensuring that it is entrenched within the CBC and the curriculum.

There is space for this. Probably as we go into that space, we might want to extend that space into other ways of also infusing critical thinking. Somewhere along the educational terrain, that important aspect of critical thinking seems to have gone and we have ended up moving towards more of a knowledge-based society and forgetting the critical aspects that are very key in terms of building capacity. That capacity is at the education level and at the same time in terms of the role they play as Kenyans and its development.

I thank you.

Sen. (Dr.) Musuruve: Thank you, Madam Deputy Speaker, for giving me an opportunity to air my thoughts. All Kenyans have a right to petition. As we look at this Petition, we need to be very clear that the CBC is already very heavily loaded. Right now it is overwhelming students, parents and everyone.

As a scholar and teacher for many years, when it comes to chess it can very well fall as a co-curricular activity just as much as swimming is a co-curricular activity, football, darts and all that. They can be in different categories like indoor games, outdoor games, but it should not be in the curriculum as a subject. When we make it a subject in Kenya, I highly doubt that every one of our children will have access to it because of budgetary constraints. The objective of co-curricular activities such as chess is to sharpen the mind of the students. Darts, cards, scrabble and chess sharpen the mind.

Sen. (Dr.) Zani: On a point of order, Madam Deputy Speaker.

The Deputy Speaker (Sen. (Prof.) Kamar): There is point of order from Sen. (Dr.) Zani.

Sen. (Dr.) Zani: Thank you, Madam Deputy Speaker. I did not want to interrupt Sen. (Dr.) Musuruve, my colleague in the Senate, but I had to do it because this is a House of records. It is important for her to clarify whether she is talking about extra-curricular or co-curricular activities. Her argument is more on extra-curricular in sports rather than co-curricular. We need to know if chess is an extra-curricular activity or co-curricular for us not to talk at cross purposes. I support what she is saying, but she needs to clarify that for the argument to flow without introducing something that might differ.

Sen. (Dr.) Musuruve: Madam Deputy Speaker, allow me to thank Sen. (Dr.) Zani for being a keen listener. I also thank her for the correction.

I am talking about extra-curricular activities, which are outside the co-curricular. Chess should fall in the bracket of darts, swimming, football and any other extra-curricular activity. It should not be a co-curricular activity in the curriculum because it can be a burden to parents and may be unachievable. That is what I am talking about. We have financial constraints and I do not see it going far.

In as much as it is the right of Kenyans to petition the Senate, we also need to look at the petitions that come on the Floor of this House. We have to see if they are achievable or not. We can meet the petitioners and reason together for purposes of the children in this country.

The Deputy Speaker (Sen. (Prof.) Kamar): Thank you, Senator. The Committee should sort us out on that.

Sen. Halake: Thank you, Madam Deputy Speaker. I rise to support this Petition fully and wholly. If there is anything that I can do to make it happen, then I will.

The people that we give mandate to come with what should be included in our curriculum such as the KICD are our experts. When they research, use their expertise and tell us what we should do then we have to listen to them. As I speak, children in international schools, where the parents have the means, already have a head start. They organize chess tournaments and there is actually a robust chess calendar in this country.

Leaving the Kenyan mainstream education system without the advantage of critical thinking that comes with the competency-based programme that we are introducing will be denying them an opportunity to include new ways of doing things, which is part of modernizing our education system.

For a long time, our education system has been disconnected from the realities in the work place and life. Through chess, we will have a group of children who will be taught to think. You are a teacher and you must have seen the deterioration in our education system. We are churning out students who spew crammed content as opposed to learning how to think and adapt. We should put our resources in a curriculum that will

teach our children to think, analyze and exert themselves. The time for this has come. Resources should be availed for chess.

In any case, there are parents who take their children for chess lessons and those children go through the chess calendar that exists parallel to the mainstream calendar. This country needs equalization. We have to make sure that all our children are equal. We should not have other children doing activities that the others cannot do because there is no money for them. There is so much money in this country that should be invested in our children, their future and their thinking.

I congratulate Mr. Sagwe and the citizens of Mombasa for asking us to look into the advice that was given by the KICD who we actually pay. If there is need for resources, then this House should ensure that those resources are availed for chess and other extra-curricular, which will help us produce citizens who think, analyze and strategize. Those are the citizens who will take the new economy and the new education curricular. Those citizens can function in any part of the world.

When you take our children out of this country for mathematical competencies, you will be told that they need to catch up. They are behind in Mathematics. Those are the kinds of things that we need to correct and we must do it. If we are saying that we are going to support the CBC then we have to begin with this. This a very good thing and I support it. I hope that this House does not take it lightly just because it is called a game. It is actually not a game, but it is an education strategy that we need for our children.

The Deputy Speaker (Sen. (Prof.) Kamar): Thank you, Senator. Sen. (Dr.) Ochillo-Ayacko, you have three minutes.

Sen. (Dr.) Ochillo-Ayacko: Thank you, Madam Deputy Speaker. It is puzzling to listen to us as examples and representatives of the people. When I talk about my experience and my children, as a Senator, I tend to ignore my standing in society. I am not necessarily talking about children in Makueni, Nyatike or Lodwar. As a priority, those children need enough teachers and facilities. We have not provided the basic facilities in those schools and we are talking about chess. I wonder if a child in Kuria, Kitui or somewhere in Pokot will have time for chess, a teacher for chess and those related romantic games. When that child does not---

Sen. Halake: On a point of information, Madam Deputy Speaker.

The Deputy Speaker (Sen. (Prof.) Kamar): There is a point of information from Sen. Halake.

Sen. (Dr.) Ochillo-Ayacko: Madam Deputy Speaker, I do not need the information. I have heard her articulately and passionately prosecute the need for our children to have chess. My children may want to play chess given the fact that I am a person of elevated standing in society. However, we represent poor and desperate families whose children go to public schools.

There was an agenda by the Jubilee party to introduce computers. At the moment, there are no computers and we are now talking about chess. I think we live in a plastic world. If---

Sen. Halake: On a point of order, Madam Deputy Speaker.

The Deputy Speaker (Sen. (Prof.) Kamar): There is a point of order from Sen. Halake.

Sen. Halake: Madam Deputy Speaker, is the hon. Member in order to insinuate and think that poor people do not deserve chess? How much is a chess board? It costs

either Kshs2,000 or less. It is misleading and unfair for us to say that chess is romantic just because we are Senators. That statement should be expunged from the records of this House.

The Deputy Speaker (Sen. (Prof.) Kamar): Hon. Senators, this debate is supposed to try and widen the scope for the Committee. The Committee will come up with the resolutions. So, let us enjoy the debate.

Sen. (Dr.) Ochillo-Ayacko: Madam Deputy Speaker, I largely represent poor rural folks. There is a place called Migingo and there are no playing fields there for those people to play. If you introduce chess in schools, you also have to bring the teachers. One also needs to research on it yet we do not have teachers in the first place.

I am not saying that chess is bad. What we need to do is to bring all our schools up to speed. We need to facilitate them. The time for chess will come when everybody is able to read and write, and to use electronic equipment to communicate virtually.

Chess is good, but for this House I think our children should have it privately. For the public out there, let us provide basic facilities that would facilitate our children in Kenya to learn and catch up with those who have property. For the private sector, international schools, just take your children there. However, for the poor ones let us do better than we have done.

I thank you.

Sen Mutula Kilonzo Jnr.: Madam Deputy Speaker, it was interesting listening to Sen. (Dr.) Ochillo-Ayacko because what he is saying is actually true that the quality of education in Kenya under public schools is wanting.

Recently the Cabinet Secretary for Health announced that only a few people who have qualified to be nurses passed English. He said this despite the fact that they did their examinations and passed nursing even when nursing was taught in English. What does that say about the teacher who marked the examination? How did they pass the examination if they could not pass the English test? These are fundamental issues. I was surprised that the Committee on Education has not questioned this issue.

The Jubilee party introduced what they call the digital literacy programme. Jubilee has also introduced the CBC. When we questioned it here, the Committee on Education did not do much to help us.

The teachers in Makueni who questioned were interdicted. I know of six teachers who were fired for questioning the CBC. They were arrested and taken to court. What they were simply asking is: How can you introduce CBC without training us?

One of my members of staff was telling me that her child was told to go and google the picture of the whale swallowing Jonah in the Bible. Even the quality of CBC is in question.

This Committee should ask the Ministry of Education: How did you come up with this curriculum? What do you want to achieve?

Sen. Murkomen: On a point of information, Madam Deputy Speaker.

The Deputy Speaker (Sen. (Prof) Kamar): Will you accept some information from Sen. Murkomen?

Sen. Mutula Kilonzo Jnr.: Certainly.

Sen. Murkomen: Madam Deputy Speaker, I was with teachers from my county. One of the things that has angered teachers - and I am sure it is the case in all our counties - is the fact that they are now being told that every five years, they must go for a

compulsory course to train, using their own money and get that qualification to retain their status as a TSC teacher.

Why would you pick teachers to go through that process yet you do not pick university lecturers, college tutors, engineers or doctors? You make it compulsory for them to use their own money to train themselves and it is conditioned on their status as teachers. It is terrible.

Sen. Mutula Kilonzo Jnr.: That is exactly what I am saying that the Government does not do any public participation on the quality of education. They want to introduce strange things.

In CBC, for example, they are sending your poor children in Migingo to go and google things with their parents at home. They have trained the teachers, but the parents are not trained. It is possible that some of them live with grandparents who do not have gadgets. So, there is a problem.

It is not about whether it is chess, badminton or any other game. It is not about an expensive game, you can actually improvise if you want to. The point is that we need to interrogate the quality of education. If we want the quality of life, we need to interrogate what it is that we are teaching these children.

We are teaching these children things that will not help them in future. That is what we should be challenging because we are just going to produce people. I interrogate interns and I do pupilage. When you ask them do to applications, you begin wondering how they completed university.

You have been a teacher before and so has Sen. (Dr.) Zani. We need to interrogate the quality of education. We need people to start asking the right questions even before we start saying you can either play chess or any other game you want to.

Sen. (Dr.) Ochillo-Ayacko is right. That poor child in Mandera or Kathonzweni studying under a tree needs many more things more than chess.

I thank you.

Sen. Mwaruma: Thank you, Madam Deputy Speaker. I am happy that this Petition has been brought because it gives us the opportunity to look at the content of the CBC once more. Remember the other day I brought a Statement about the people of Taita/Taveta being taught Taveta and leaving out Taita and Kisagala, which are actually languages in Taita/Taveta. We want Kitaita and Kisagala included in the CBC.

Education is supposed to help us grow all rounded students, students to grow spiritually, physically, emotionally and intellectually. Let us not leave out chess because there are some students who might want to learn chess in schools just like there are those who want to play football. If we do this, we would be discriminating a big chunk of students who want to learn chess.

I am a teacher by profession and I remember a theory postulated by Howard Gardner who said there are around eight intelligences. The first one is linguistic. If we are to cater for all the students, there are some who are good in language. So, in school, we must provide for students who want to tap their talent in debate by allowing them to participate in debate clubs.

Some are good in Mathematics. How do we make students who are good in mathematics develop Mathematical skills? Mathematics is about logic. This game of chess will go a long way in developing the logic of students and they will do very well in Mathematics.

There are students who are good in spatial intelligence or aesthetics. These ones should be given art to develop their talents. They can do drawing and sculpturing. There are some who are good in bodily kinesthetic. These ones should be given opportunity to play games that require energy like football.

There are some who are good in music, interpersonal intelligences, naturalistic intelligences, just to mention but a few. I really support the introduction of chess in our curriculum.

Sen. (Dr.) Ochillo-Ayacko has alluded to the fact that this game could be expensive. We are told that one chess board is about Kshs2000. However, we can innovate and improvise now that we are under the CBC system. Why can we not allow our children to make the chessboards and the pawns that will be moved in the chess game? We do not need to disallow that game in our curriculum simply because it is expensive. We can allow the local people to make the chess game and sell to schools.

There are some schools that can afford games like hockey while others cannot afford. What do we do? We tell the parents whose children want to play hockey to bring hockey sticks to school.

I really wish that the Committee on Education could see how it can bring in chess into the curriculum.

I thank you.

Sen. (Dr.) Ali: Thank you, Madam Deputy Speaker. As is the case, every Kenyan has the right to petition the Senate or Parliament. Whoever brought this Petition has the right to petition, but people should be realistic. We do not mind people having chess where they can afford it.

When I was in Wajir High School those who were in Alliance High School or Nairobi High School used to have some things which were not available to us. If you can afford, well and good. However, it is not practical if you are talking of primary school pupils in a place called Bugo in Wajir North where they do not even have classrooms and you are talking of chess.

In places where you want to introduce chess in the curriculum, you have to bring a chessboard and a beautiful one.

Chess is very good internationally. If you are good enough, you can become a grandmaster and be a multi-millionaire. Is that really what we are talking about? Is that what is supposed to be done in those areas? You can play any game you want. You can play football. When you go to those areas of ours, sometimes you see even elders playing with hooves and some stones. I do not know the real name; it is some sort of thing they do in Mombasa, but they do it on the ground. I am sure the Senator for Turkana County knows what the nomads do.

Games are played in different ways. Our children play in different ways. However, when you talk of bringing chess to every school, I think that is being unrealistic. We have to be serious.

Let us think of the books and teachers that these children need. We do not even have teachers in our schools since they disappeared sometime back. They are not there. You find an old school from Standard One to Standard Eight with two teachers. Form Four students are being taught by Board of Governors (BOG) teachers and yet now we are talking about chess being introduced through the CBC.

Thank you, Madam Deputy Speaker.

The Deputy Speaker (Sen. (Prof.) Kamar): Thirty minutes are done, but let us finally have Sen. (Prof.) Ekal.

Sen. (Prof.) Ekal: Thank you, Madam Deputy Speaker, for giving me the chance to also air my views.

Those of us from counties such as Wajir, Turkana and others up there in the north, or what we call marginalized counties have to think about what this Petition means. It is not that chess is bad; it is good. For those of us who have played chess, it is very exciting, intensive and it has got the ability to develop your mind, but let us be realistic as Sen. (Dr.) Ali has said. If you are living in a situation where there are not enough teachers even to teach English, Kiswahili and other basic subjects, where will you get somebody teaching chess?

Madam Deputy Speaker, we are saying that there must be enough teachers in schools to begin with. After all that is covered, then we can have chess as an extra-curricular kind of subject or something that can be done outside class on clubs or by somebody who is interested. In other words, really chess should be there.

Chess can be played wherever even in counties outside urban areas that do not have those facilities to play chess. It should be available to all students. It is not something very expensive that it is only affordable to the very rich in the society.

It is okay to we have it, but not as a priority. We want to have teachers who teach basic subjects before we go into chess. Chess is pretty good. However, we do not have that chance to play chess since there are not enough teacher?

Thank you, Madam Deputy Speaker.

The Deputy Speaker (Sen. (Prof.) Kamar): Thank you, Senators. That brings us to the end of that. Hon. Senators, pursuant to Standing Order No.232(1), the Petition should be committed to the relevant standing committee for its consideration. In this case, I direct that it be committed to the Standing Committee on Education.

(The Petition was committed to the Committee on Education)

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

I thank you Senators and I call on the Committee to make sure that they check the HANSARD because of the very good contributions that have come in.

Next Order.

PAPERS LAID

The Deputy Speaker (Sen. (Prof.) Kamar): Proceed, Sen. Farhiya.

REPORTS ON THE FINANCIAL STATEMENTS OF VARIOUS COUNTY FUNDS

Sen. Farhiya: Madam Deputy Speaker, I beg to lay the following Papers on the Table of Senate today 3rd November, 2021-

Report of the Auditor-General on the financial statements of Lamu County Emergency Fund for the year ended 30th June, 2019.

Report of the Auditor-General on the financial statements of Lamu County Fisheries Development Revolving Fund for the year ended 30th June, 2019.

Report of the Auditor-General on the financial statements of Kakamega County Trade Loans Fund for the year ended 30th June, 2019.

Report of the Auditor-General on the financial statements of Kakamega County Assembly Car Loan and Mortgage Fund for the year ended 30th June 2019.

Report of the Auditor-General on the financial statements of Tana River County Ward Bursary Fund for the year ended 30th June, 2019.

Report of the Auditor-General on the financial statements of Busia County Agricultural Development Fund for the year ended 30th June, 2019.

Report of the Auditor-General on the financial statements of Bungoma County Youth and Women Empowerment Fund for the year ended 30th June, 2019.

Report of the Auditor-General on the financial statements of Mandera County Education Bursary Fund for the year ended 30th June, 2019.

Report of the Auditor-General on the financial statements of Trans Nzoia County Elimu Bursary Fund for the year ended 30th June, 2019.

Report of the Auditor-General on the financial statements of Kirinyaga County Executive Car Loan and Mortgage Fund for the year ended 30th June, 2019.

Report of the Auditor-General on the financial statements of Kirinyaga County Facility Improvement Fund for the year ended 30th June, 2019.

Report of the Auditor-General on the financial statements of Taita/ Taveta County Education Fund for the year ended 30th June, 2019.

Report of the Auditor-General on the financial statements of Taita/Taveta County Executive Car Loan and Mortgage Revolving Fund for the year ended 30th June, 2019.

Report of the Auditor-General on the financial statements of Taita/Taveta County Assembly Mortgage Scheme Fund for the year ended 30th June, 2019.

Report of the Auditor-General on the financial statements of County Government of Taita/Taveta Emergency Fund for the year ended 30th June, 2019.

Report of the Auditor-General on the financial statements of Taita/Taveta County Datu Sawazisha Fund for the year ended 30th June, 2019.

Report of the Auditor -General on the financial statements of Kwale County Assembly Members and Staff Loan Scheme Fund for the year ended 30th June, 2019.

Report of the Auditor-General on the financial statements of Kwale County Bursary Fund for the year ended 30th June, 2019.

AMU SAND-DUNES GROUND WATER CONSERVATION AREA
ORDER, LEGAL NOTICE NO. 206 OF 2021

Amu Sand-dunes Ground Water Conservation Area Order, Legal Notice No. 206 of 2021.

KIKUYU SPRINGS AQUIFER GROUND WATER CONSERVATION AREA
ORDER, LEGAL NOTICE NO. 207 OF 2021

Kikuyu Springs Aquifer Ground Water Conservation Area Order, Legal Notice No. 207 of 2021.

DIK DIK GARDENS WETLAND GROUND WATER CONSERVATION
AREA ORDER, LEGAL NOTICE NO. 208 OF 2021

Dik Dik Gardens Wetland Ground Water Conservation Area Order, Legal Notice No. 208 of 2021.

NGARELEN SPRINGS CATCHMENT CONSERVATION AREA
ORDER LEGAL NOTICE NO. 209 OF 2021

Ngarelen Springs Catchment Conservation Area Order Legal Notice No. 209 of 2021.

LAKE KENYATTA SUB-CATCHMENT CONSERVATION AREA
ORDER, LEGAL NOTICE NO. 210 OF 2021

Lake Kenyatta Sub-Catchment Conservation Area Order, Legal Notice No. 210 of 2021.

Thank you, Madam Deputy Speaker.

(Sen. Farhiya laid the documents on the Table)

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

STATEMENTS

The Deputy Speaker (Sen. (Prof) Kamar): The first and the second Statements are from Sen. Kwamboka. Sen. Kwamboka is not in. The Statements are deferred.

STATE OF POLICE STATIONS IN THE COUNTRY

(Statement deferred)

STATUS OF AN INQUEST INTO THE MURDER OF MS. AGNES WANJIRU

(Statement deferred)

The third Statement is from Sen. Cherargei.

Sen. Cherargei: Thank you, Madam Deputy Speaker. I would request that I read the Statement on the issue of pricing of fertilizer in the country.

The Deputy Speaker (Sen. (Prof) Kamar): Start with Kenya Urban Ruaral Authority (KURA).

Sen. Cherargei: At least there was some correction on that one.

The Deputy Speaker (Sen. (Prof) Kamar): So, you are not to read that one today?

Sen. Cherargei: Yes. It is deferred.

MANAGEMENT OF ROAD PROJECTS BY KURA

(Statement deferred)

The Deputy Speaker (Sen. (Prof) Kamar): Okay. I have your other Statement which is the one on the Price of Fertilizer.

ESCALATING FERTILIZER PRICES IN THE COUNTRY

Sen. Cherargei: Madam Deputy Speaker, I rise pursuant to Standing Order No.48(1) to seek a Statement from the Standing Committee on Agriculture, Livestock and Fisheries on the escalating price of fertilizer in the country. In the Statement, the Committee should-

(1) Explain the measures, if any, put in place by the Ministry of Agriculture to address the escalating prices of fertilizer which has risen from approximately Kshs2,200 per 50 kilogramme bag in the last three months to retail at between Kshs4,500 to Kshs5,000 per 50 kilogramme bag at the moment. That is an increase of close to Kshs3,000.

(2) State why the Government has failed to provide subsidies on fertilizer and other farm inputs thereby causing a rise in the cost of food production thus threatening to make farming an unprofitable venture.

(3) Spell out measures put in place by the Government to stabilize fertilizer prices and lower the cost of food production in order to ensure the country is food sufficient.

As you are aware, fertilizer is not only used in the planting of maize, but also used generally in the growth of crops, including tea, coffee and many crops.

(4) Explain why the Government has failed to cushion farmers during the prevailing COVID-19 pandemic period which has impacted negatively on both farm gate and market price for agricultural produce. This will even affect the planting season of 2022 if the pricing retails at more than Kshs4,000 to Kshs5,000 per 50 kilogramme bag. Initially, three months ago, it was Kshs3,200 per 50 kilogramme of fertilizer be it DAP or any other form of fertilizer.

I thank you for giving me this opportunity.

The Deputy Speaker (Sen. (Prof) Kamar): Sen. (Dr.) Musuruve, for three minutes.

Sen. (Dr.) Musuruve: Thank you, Madam Deputy Speaker for giving me this opportunity. I congratulate Sen. Cherargei for coming up with this Statement on fertilizer.

It is very clear that Kenya is among the signatories of the international treaties that support farmers, agriculture and all that. It is absurd that fertilizer prices can go high

perpetually. If fertilizer prices are high, it does not matter how hardworking farmers are. If they have not used fertilizer on their produce, then they will not get good yields.

There is need to encourage farmers because of the important role they play, especially when it comes to food security. We keep talking about food security, but this must start with our farmers so that we encourage them.

I would like to state that nutrition is key. There is need for the Committee on Agriculture, Livestock and Fisheries to interrogate this issue. I urge them to ensure that when it comes to fertilizer, it is supplied to farmers with no cost by the county governments, so that they are encouraged to plant.

Remember farmers also get their money from farming. They have school fees to pay, they need to sustain themselves and they also have hospital bills and all that.

I support this Statement. I hope the Committee on Agriculture, Livestock and Fisheries will actually do what is right for the farmers.

I thank you.

Sen. Kinyua: Asante sana, Bi. Naibu Spika, kwa kunipa fursa hii. Taarifa iliyoletwa siku ya leo na Sen. Cherargei ni nzuri. Mambo ya mbolea yamekuwa kizungumkuti katika nchi yetu ya Kenya kwa sababu ukiangalia bei yake imeongezeka maradufu ilhali ukiangalia wakati huu ugonjwa wa Korona umewaadhiri watu wengi kwa njia nyingi sana. Kwa hivyo, hawawezi kujimudu hata kununua ile mbolea. Mbolea inahitajika kwa kupanda chochote ambacho unataka kupanda ili uweze kupata mavuno bora.

Kamati ambayo itaangalia haya mambo iangazie kwa kindani ili tuweze angalau kuwapa wakulima wetu afueni. Ukienda Kaunti ya Laikipia, utaona watu wanapanda mahindi, ngano na nyanya wanategemea mbolea. Hata ingawa bei ya mbolea imeongezeka maradufu, bei ya mavuno haiongezeki. Kwa hiyo, wakulima wetu wanaendelea kusioneneka na kuwa na shida nyingi.

Kwa hivyo, tunaomba ya kwamba kamati iangalie haya mambo kwa kindani na iweze kuwapatia angalau afueni wakulima wetu kwa sababu ukulima ndio uti wa mgongo wa maendeleo nchini ya Kenya.

Nchi yetu inajulikana kwa sababu inategemea ukulima. Ikiwa kamati yetu haitafanya hivyo, tutaonekana kama tumelemewa na kazi ambayo tunapaswa kufanya. Tuwasaidie wakulima ili tukuze uchumi.

Asante sana, Bi Naibu Spika.

Sen. Murkomen: Madam Deputy Speaker, you remember there was an old man when we were in Eldoret in 2018 in your county who said Cherargei and Kipchumba *zungumza mahindi*.

The truth is that the question of subsidies for agriculture and specifically fertilizer for purposes of maize farmers and to some extent tea farmers and the other farmers, has been a very sad story. This Government, in its second term, deliberately decided that they would not continue the subsidy programme for fertilizer for maize farmers.

It is a very sad story because the people this Government is punishing as Sen. Orenge said some time back, are those who voted for this Government more than anybody else.

After doing all this injustice to the maize farmers, the same people who have done this injustice are now running a political campaign to say all the leaders from the North

Rift, Uasin Gishu, Trans Nzoia, Nandi and Elgeyo-Marakwet are not speaking for farmers. What a paradox?

This Government was elected by the people of Kenya to serve Kenyans. How come when an issue is touching maize farmers it is turned to be a local problem to be resolved by Sen. (Prof.) Kamar, Sen. Murkomen, Sen. Cheragei or whoever else? However, when it comes to other sectors of the economy and farming, it is a problem of the Ministry and the Government of Kenya. Is there another President for North Rift?

Madam Deputy Speaker, we want to be treated like any other part of the country in terms of protection of farmers. We want the Ministry to explain why despite the fact that they used to blame all these other people, now that they have a proper hold of the Ministry itself, how come the fertilizer prices have gone higher instead of coming low?

The people of Rift Valley are crying for the days of President Mwai Kibaki and William Ruto as his Minister, when the prices for fertilizer were Kshs1,800. However, now we are talking about fertilizer prices that are between Kshs4,000, Kshs5,000. This is terrible.

Madam Deputy Speaker, I hope the Chairperson of the Committee on Agriculture, Livestock and Fisheries will come with a good answer. He must work with the Chair of Agriculture Committee of the National Assembly in finding an answer to this problem.

I thank you.

The Deputy Speaker (Sen. (Prof.) Kamar): Let us now listen to Sen. Kavindu Muthama online.

Sen. Kavindu Muthama: Can you hear me?

The Deputy Speaker (Sen. (Prof.) Kamar): Yes, we can now hear you, but we also want to see your face.

Sen. Kavindu Muthama: Madam Deputy Speaker, thank you for giving me this opportunity to join my fellow Senators to congratulate Sen. Cheragei for this very important Statement---

(There was a technical hitch)

The Deputy Speaker (Sen. (Prof.) Kamar): There is a problem with her photo. Please try and pick her photo. Continue while they work on it.

Sen. Kavindu Muthama: Madam Deputy Speaker, it is very important for prices of fertilizers to be reduced so that farmers can also gain from whatever they are doing and especially those who sell the crops so that they can have something to use.

The people who buy produce from farmers end up gaining more than the farmers because they put a lot of money in fertilizers and cultivating the *shambas* and everything, but when they sell their produce, they get nothing. They put in effort to produce in order for the country to feed its people. That is why we end up buying food from outside the country when we can produce enough maize for people here. Majority of coffee and tea farmers have neglected the crops simply because they cannot afford fertilizers.

Madam Deputy Speaker, I support this Statement. The Government must do something to reduce the prices of fertilizers.

I thank you.

The Deputy Speaker (Sen. (Prof.) Kamar): Sen. Kavindu, we could not see your photo and yet we are expecting you to read your Statement after this one. Please look for

a more favourable place because officers in the control room are not able to pick your photo.

Let us listen to Sen. (Dr.) Milgo.

Sen. (Dr.) Milgo: Thank you, Madam Deputy Speaker, for this chance to speak to the issue of fertilizers. I want to thank the Senator for Nandi County for coming up with this Statement.

When we talk about fertilizers, we are talking about food. To ensure food security, we must ensure that we have fertilizer. Areas that used to be the food baskets of this country are now like shells because they can no longer manage to plant maize and other crops that used to add to the food basket in this country.

When the price of a bag of fertilizer escalates to over Kshs4,000, we are actually declaring that Kenya shall become a food relief country throughout, yet we can manage this and ensure that our people have food. Lack of food can affect health in terms of growth of children because we normally talk about having a balanced diet. Farmers have given up because there are no fertilizers.

The issue of fertilizers has been a thorn in the flesh. This is one of the issues that we have been speaking about. We have been saying that taxes should be lowered to ensure that fertilizers and other farm implements are received in this country at an affordable price.

Fertilizers have majorly affected the Rift Valley, which has been the food basket. In most cases, that is the area that was affected by maize streak virus. Farmers were relieved recently when cases of the disease were not reported, but they had planted maize and other crops without fertilizer.

I believe that the committee that is going to look into this will get to the root cause to ensure that fertilizers are affordable, so that we are able to feed our people and ensure that our country develops.

Madam Deputy Speaker, while at this, I will not---

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

The Deputy Speaker (Sen. (Prof.) Kamar): Your time is up.

Sen. (Dr.) Milgo: Madam Deputy Speaker, kindly give me a minute.

The Deputy Speaker (Sen. (Prof.) Kamar): You have a half a minute.

Sen. (Dr.) Milgo: Madam Deputy Speaker, I want to thank the Head of State, because during *Mashujaa* Day, he declared that there is Kshs1 billion for fertilizer subsidies, Kshs1.5 billion for maize and tea farmers and Kshs1.5 billion for coffee farmers. I hope the people concerned will take up this very seriously so that that is implemented. I am sure it will be a relief to our farmers.

I thank you.

The Deputy Speaker (Sen. (Prof.) Kamar): Let us now listen to Sen. (Prof.) Ongeru online.

Sen. (Prof.) Ongeru: Thank you, Madam Deputy Speaker, for allowing me the opportunity to contribute to this very important topic of fertilizers in this country. Without fertilizers, the obvious end result would be food deficit. With food deficit, the consequences would be additional importation of foodstuffs from outside the country, which becomes much more expensive than anticipated.

Agriculture is a devolved function. It is therefore timely at this stage that the national and county governments came up expeditiously with a policy of subsidies because we cannot talk of anything else less than a subsidy at this stage. We should have a subsidy immediately and not in the near distant future. It should be immediate because productivity of any products in this country will hinge alongside the quality of the fertilizers that farmers have.

They have also not been asked to embrace organic farming that is equally important. We have got to blend the two aspects of it. However, organic farming depends on the number of cattle you keep and the quantity of cow dung that you collect from various sites, which can also become very cumbersome and expensive.

As far as I am concerned, it is an emergency because food sufficiency is the most vital element for any government to ensure that its citizenry are well catered for in terms of food supply. When you assure people, we can get enough maize, beans and wheat. We should also have fertilizers for other cash crops like coffee and tea.

Right now the yields in tea production are extremely low. In Kisii, the bonuses were very low and farmers are crying out for enough fertilizers. They brought about one or two bags to the ordinary farmers who are worried about the next production and the next bonuses, which will come next year. Therefore, it is an emergency and should be treated as such.

I thank you, Madam Deputy Speaker, for allowing me this opportunity to contribute on an area which I feel is very important for our country, our farmers and the ordinary persons who are looking for something to eat.

Sen. Kihika: Madam Deputy Speaker, let me also congratulate Sen. Cherargei for bringing this Statement, which is extremely timely given that agriculture is the backbone of this country. Talking on behalf of my county, the main thing that most people do is farming. Over the years, prices of fertilisers have shot up because there are no subsidies.

I am also curious to know why the subsidies are no longer there and why that is not a Government priority given the number of people who depend on agriculture. Agriculture is the backbone and without subsidized fertilizers, then the cost of food production becomes high. It is not just fertilizers, but also farm inputs.

I would dare guess that a big percentage of farmers have very small acreage. Without good fertilizer and farm inputs, then they spend the whole year working very hard, cultivating and planting probably even weak or inferior seeds. Without fertilizer, at the end of the day, whatever they harvest cannot really enable them to even break even.

Agriculture has become unattractive to most Kenyans. Most Kenyans are unable to take their children to school. As Members of Parliament (MPs), we receive text messages from people asking for school fees because bursaries can barely support the children in school. This has affected very many other factors of life or areas of our lives in the country.

We want to know why the Government has not made it a priority for its people. If that was the case for many years, we need to know why suddenly the Government does not think that it is important. Once this is resolved, I hope we will reinstate and provide subsidies on fertilizers and other farm inputs so that we can get our farmers where they need to be.

The Deputy Speaker (Sen. (Prof.) Kamar): Let us listen to Sen. Nyamunga.

Sen. Nyamunga: Thank you, Madam Deputy Speaker, for giving me an opportunity to make some comments on this statement by Sen. Cherargei.

First, the plight of farmers in this country is not segregated to particular areas. I think that is one thing that touches all parts of this country. Secondly, agriculture or food security is one of the Big Four Agendas of the Government. If it is one of the agendas of the Government, which is one of the things that they must fulfill before the end of the term, how come they have not put enough emphasis in helping the farmers? I wonder.

Apart from just importing fertilizer, is it not possible for us to produce fertilizer locally? In the Rift Valley, I think we have what it takes for us to produce our organic fertilizer. If I can do it in a small way in my village, I think the Government should galvanize all the waste from our animals, be it pigs or cows, and have proper organic fertilizer for our farmers.

Thirdly, it is not only about the price of fertilizer, but also the quality. For a long time, we have been getting very bad quality. Fertilizers are not for maize, tea or coffee farmers. What about rice farmers? We are now importing rice. I can say with a lot of certainty that 85 per cent of the rice we consume in this country is imported, yet we can have rice from Mwea, Ahero and Budalangi. These are areas that can produce rice.

Kenya being an agricultural country, I think this is a very timely Statement. The Government should come out clearly and tell us what they think of farmers because farming is the backbone of this country. Without feeding our people, we cannot stand anywhere and tell anybody that we are a Government. Therefore, it is important that we take issues of agriculture and more so fertilizers seriously, not only the price but also the quality.

The Deputy Speaker (Sen. (Prof.) Kamar): Proceed, Sen. Cheruiyot.

Sen. Cheruiyot: Madam Deputy Speaker, this is a very important issue. People like yourself and maybe a few other colleagues who had the privilege to serve in Parliament during the days of President Mwai Kibaki know very well that for the 10 years that he was the President, each year the fertilizer subsidy programme featured prominently because he recognized a very important role that agriculture plays in our economy.

We cannot pride ourselves that agriculture is the backbone of our economy yet we continue to impoverish our farmers through lack of subsidy on fertilizers. That is a very important element as well as farm inputs.

If you speak to many of our farmers today, and I think this is something that the Committee on Agriculture, Livestock and Fisheries needs to consider, it is not just about the fertilizers, but even animal feeds and farm inputs that you can think about. Our farmers do not benefit from any assistance from the Government.

Would it not have made a lot more sense to say that, for example, instead of the Kshs60 billion that we are spending on building some of the super expressways, we can run such a successful subsidy programme that enables our farmers to produce more, so that they are able to pay more taxes? Once we collect enough taxes, we will be able to build roads without even having to seek very expensive loans. It is unfortunate.

As one of the leaders observed, if you look at how this programme has been rundown from post-2017, it points to a political malice that someone sat down and realized that perhaps many of the farmers come from a region that someone does not like.

It is unfortunate that a leadership can begin to look at its own people based on their political affiliation. It is completely immoral and gross.

I hope that when the Ministry appears before the committee, they will come up with a revival plan that will ensure that farmers of tea, maize and other crops do not buy fertilizer at Kshs4,800 or Kshs4900. You cannot break even once you begin to buy a 50-kilogramme bag at Kshs4,900.

Madam Deputy Speaker, you are a farmer and I am sure you know this. The Committee on Agriculture, Livestock and Fisheries should speak on behalf of tea and coffee farmers and overall on behalf of all of us who represent people who depend on agriculture as their mainstay and livelihood.

The Deputy Speaker (Sen. (Prof.) Kamar): Sen. (Eng.) Hargura, you have three minutes.

Sen. (Eng.) Hargura: Madam Deputy Speaker, I would like to support the Statement by Sen. Cherargei. Any country must be able to feed its people. Sometimes food is a security issue.

When we claim to be an agricultural country, which actually we are because we have all the capacity, then we must provide the right environment for our farmers to produce. When you withdraw subsidies, food production might go down and we may have to import food. That will not be good for us.

Three quarters or about 70 per cent of this country is arid. With the issue of climate change, we should be moving towards dry area agriculture where we should be thinking of irrigation. That will require us to have firm policies on subsidizing food production even in those areas. I would like the committee to look at the Government policy in terms of subsidizing farmers to provide quality certified seeds and fertilizers. That way, we can invest in food production and be a food secure country.

This is a very important issue, which needs to be looked at. I hope the committee will come up with very clear answers on the policy of the Government. We need to know whether there is a policy that subsidies should be withdrawn or if it is something that just happened by mistake.

The Deputy Speaker (Sen. (Prof.) Kamar): Finally, we will listen to Sen. Wetangula. You have three minutes.

Sen. Wetangula: Madam Deputy Speaker, I also wish to support this Statement by the distinguished Senator for Nandi. You and I chaired the maize inquiry in this Parliament. One of the far-reaching recommendations we made was interventions by the Government in supporting the farmer particularly on inputs and in particular fertilizer, but that report is gathering dust somewhere.

It is a report that was acclaimed by the whole House. However, because this House has no Committee on Implementation, there is no follow up mechanism to see that all those good recommendations are implemented. I understand that the Senate Business Committee (SBC) has recommended the return of the Committee on Implementation. I hope it comes as soon as is practically possible.

Madam Deputy Speaker, our country is agricultural and over 70 per cent of its workforce is in the agricultural sector. For a Government committed to creating jobs, that is the area where the focus should be. During President Kibaki's time the cost of fertilizer at peak planting period for maize particularly was Kshs1,600. Now, we are buying fertilizer at Kshs4500, and some shylocks are selling at Kshs5,000. There is no way,

whether you are a tea, coffee, maize, wheat, or rice farmer you can get any return from farming if the input is that high.

I strongly support this Statement. I do not see, Sen. Ndwiga, here who is quite active. His Committee on Agriculture, Livestock and Fisheries should look into this and compel the Ministry of Agriculture to reinstitute the subsidy programme on seed and fertilizer to help the farmers produce food at affordable cost for Kenyans.

The Deputy Speaker (Sen. (Prof.) Kamar): Please give one minute to Sen. Ngugi and Sen. Farhiya.

Sen. Ngugi: Thank you, Madam Deputy Speaker for this time. I rise to support this Statement by my brother, Sen. Cherargei. Most of us our parents are farmers. I do not understand why my mother should not make profit from her farm. One of the reasons is that the farm inputs are extremely expensive. We must also be very clear, candid and honest to ourselves. It seems there are people who are extremely deliberate in killing our agricultural sector so that they can continue to import what can be locally produced.

Therefore, I support this Statement. I hope that the relevant Committee will come up with a very good report.

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

Proceed, Sen. Farhiya Ali.

Sen. Farhiya: Thank you, Madam Deputy Speaker for giving me this opportunity. I support the Statement and agree that farm inputs should be subsidized. However, we should place responsibility where it belongs. Agriculture is a fully devolved function and, therefore, county governments should also do something about this fertilizer issue because they are on the ground.

Instead of stealing billions, let them invest in counties so that the money can help their citizens to enjoy profit and for agriculture to become a viable business.

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

Proceed, Sen. Halake. You have one and a half minutes.

Sen. Halake: Thank you, Madam Deputy Speaker for giving me the opportunity. I support this Statement by Sen. Cherargei. I also would like to argue that as we look at the agriculture sector that deserves every subsidy, the people of Northern Kenya, who are pastoralists, also deserve support and subsidy especially during this drought season. We want to see the Government looking at both aspects of agriculture. This is because agriculture does not stop with crops, but also goes to animals.

People from Northern Kenya have suffered. We want to ensure that our animals are insured and that inputs that go into livestock-keeping are also considered. Having said that, it is an injustice for things that have been supported to be withdrawn. This should be looked into especially by both national and county governments.

I support.

The Deputy Speaker (Sen. (Prof.) Kamar): Thank you, Senator. We now move to the Statement by Sen. Kavindu Muthama. If you are still online, we hope we can see you so that you can read your Statement.

LIQUIDATION OF DRUMVALE FARMERS
CO-OPERATIVE SOCIETY LIMITED

Sen. Kavindu Muthama: Thank you, Madam Deputy Speaker. Can you hear me?

The Deputy Speaker (Sen. (Prof.) Kamar): We can hear you but we have not seen you yet. We are waiting to see you.

Sen. Kavindu Muthama: Madam Deputy Speaker, I kindly request that you defer my Statement to tomorrow. I will avail myself in the House.

(Statement deferred)

The Deputy Speaker (Sen. (Prof.) Kamar: Sen. Kwamboka, I hear you are online and you have Statements. Are we able to see you or you will read them tomorrow?

STATE OF POLICE STATIONS IN THE COUNTRY

STATUS OF AN INQUEST INTO THE MURDER OF MS. AGNES WANJIRU

(Sen. Kwamboka went offline)

Okay she has left Online.

(Statements deferred)

Hon. Senators, that brings us to the end of Statement Hour. Today, we are right on time.

Next Order.

BILLS

First Readings

THE KENYA MEDICAL SUPPLIES AUTHORITY (AMENDMENT)
BILL (SENATE BILLS NO. 53 OF 2021)

THE IRRIGATION (AMENDMENT) BILL
(NATIONAL ASSEMBLY BILLS NO. 12 OF 2021)

*(Order for First Readings read-Read the First Time
and ordered to be referred to the relevant departmental Committee)*

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

The Chairperson, Committee on Labour and Social Welfare, Sen. Sakaja, was here a few minutes ago. Is he still around?

MOTION**ADOPTION OF REPORT ON STATUS OF LABOUR MIGRATION TO
THE MIDDLE EAST AND PROPOSED POLICY INTERVENTIONS**

Sen. Sakaja: Thank you, Madam Deputy Speaker. I beg to move the following Motion-

THAT, the House adopts the report of the Standing Committee on Labour and Social Welfare on the status of labor migration and proposed policy interventions laid on the table of the Senate on Tuesday, 2nd November, 2021.

This is a very important Motion that comes by way of a report by the Standing Committee on Labour and Social Welfare. It focuses mainly on our issues of labor migration from Kenya to the Middle East.

I am glad that, Sen. Susan Kihika, is a very active Member of the Committee on Labour and Social Welfare and feels very strongly about these issues. We toured these areas as a Committee, including Saudi Arabia and Dubai. We have engaged with other of our missions and Kenyans working in the Gulf Cooperation Council (GCC) countries on this matter.

I doubt there is a Senator here who has not received distress calls from Kenyans especially our ladies, domestic workers who have either been stranded or have loved ones who are sick or lost lives in the kingdom of Saudi Arabia and many other countries.

As I move this, I acknowledge the fact that the countries we are speaking about are indeed countries with a proper diplomatic presence in Kenya. We also we have presence in their countries and we have had diplomatic relations for many years. We are also cognizant of the fact that our main priority as leaders and legislators must always remain in the people.

In moving the debate on this report, it would have been simple and easy for us, as a Committee, to just table a report for Members to see it. However, we want this report adopted. This is because there are specific resolutions that only this House can take in Plenary.

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

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

They will ensure the safety of our Kenyan workers in these countries and streamline labour migration so that we can take care of our people.

I am very happy to see Sen. Shiyonga because she was key in these discussions. Our country has very many people who have gone to these countries. I recognize that labor migration is not a new phenomenon. It remains a key contributor to increasing level labour market.

Mr. Temporary Speaker, Sir, there are two categories of Kenya migrant workers, skilled and unskilled who transcend borders in search of better opportunities. They do not go there because they do not love their country or they do not want the jobs that are available in this country. They go because they have lacked opportunities here. That is

why they seek to make a better living for themselves and something out of their lives to guarantee their children a future.

I am very disappointed. I heard last week a Member of the “Lower” House of the National Assembly insulting Kenyan women who are working in these countries. He said that they have been picked up from brothels like Sabina Joy or Koinange Street and that is why they have gone to work in these countries. Shame on that Member!

These are Kenyans who deserve dignity. I know very many Kenyans who have been brought up by parents who have gone to work as domestic workers in countries like Saudi Arabia. They deserve dignity, respect and we need to take care of them. I will give you the context of this labour market that I am talking about.

Mr. Temporary Speaker, Sir, the search for better opportunities has increased human mobility, rapid globalization, open borders, technological advancement and demographic challenges. In the case of Kenya, youth unemployment currently stands at 34.27 per cent. That is according to the Kenya National Bureau of Statistics (KNBS) Economic Survey of 2021, and hence, a key driver to increase the number of Kenyans seeking employment in other major cities.

Many people say that it is because Kenyans are highly sought after. However, we are a country that does not have rich mineral wealth. We do not have oil and gold. Our great resource is above the ground; it is our people and that is why Kenyans who have gone all over the world have excelled in different capacities. They have made us proud. In fact, many of them should be regarded as the true ambassadors and representatives of the Republic of Kenya.

Mr. Temporary Speaker, Sir, let me narrow down. The Kingdom of Saudi Arabia, Qatar and the United Arab Emirates (UAE) are documented as key labour destinations for Kenyan semi and unskilled migrant workers. According to reports by the Ministry of Labor and Social Protection, at least 88,000 Kenyans live and work in the Kingdom of Saudi Arabia. Majority of them serve as domestic workers. We also have those who are skilled. We visited some who worked for the Mobile Company STC and for Almarai, a huge agricultural company there which has almost 5,000 Kenyans. About 2,000 work in the telecom sector while some are engineers.

I remember meeting, George Odongo, who works for the Saudi Metro, the rail system, which we need in Nairobi. The guys who did the Dubai Metro and the Saudi Metro are Kenyans. Therefore, it is not just domestic workers. I intend to bring them to Kenya when I become the Governor, God willing, *Inshallah!*

Mr. Temporary Speaker, Sir, labour migration is viewed positively for many of them. I must state it here. I want Senators to listen to it keenly. Out of 88,000 Kenyans working in Saudi Arabia, many of them are very happy because they are able to send remittances and feed their families. However, a huge number are suffering. It might be small in terms of percentages, but anybody here will tell you even one life lost, is one life too many. If one Kenyan lady is in distress, it is one Kenyan lady, too many.

I will give an example of the remittances that we receive as a county from those living in the diaspora. This is because it has played a vital role in our social-economic development. In 2015, the Central Bank of Kenya (CBK) reported that diaspora remittances amounted to USD155 billion. That is excluding unofficial remittances. That represents three per cent of Kenya’s Gross Domestic Product (GDP). Further, the Gulf

states and other countries contribute 18.2 per cent at position number three after North America, after 50 per cent of the share.

Recent data between January and June, 2021 shows that remittances from the Kingdom of Saudi Arabia are at third place after United States America (USA) and the United Kingdom (UK). In that regard, there is an urgent need to streamline migration processes and governance to guarantee security and protect the constitutional rights and well-being of all Kenyans, at the same time, leveraging on these gains.

Mr. Temporary Speaker Sir, the Kingdom of Saudi Arabia has more than 13 million non-Saudis working there because of the nature of their lifestyle. Currently, the 88,000 and they said they would want 200,000 this year and maybe, up to a million. If this is streamlined properly and we take care of our Kenyans by protecting them, they will earn a proper salary, have the benefits, move around with their passports and with the documentation. It is indeed a frontier. However, until then, there are certain measures this Committee wants to convince Senators to take for the benefit.

It is needless to say that in the last years with the rising number of Kenyans leaving the country for domestic jobs in the Middle East, there has been a corresponding increase in distress calls by those alleging torture and mistreatment by their employers. For instance, as at 2021, it is disheartening that the Ministry of Labour reported 93 deaths of Kenyans in the Middle East.

If Sen. (Dr.) Milgo was still around, she will tell you that of all the reports, they say it is a heart attack, suicides and accidents. However, we know that there is more than meets the eye. Further, as representatives of the people, we continue to bear the brunt. Many Members who have received distress call me to ask who to talk to when there is an issue.

I have just had a discussion with Sen. (Dr.) Zani and other Members of the National Assembly. I remember Sen. Isaac Mwaura receiving dead bodies at Jomo Kenyatta International Airport (JKIA). Sen. Shiyonga gave me names. We receive these distress calls and appeals from the constituencies for assistance.

Every day, if you go to the airport, you will find plane loads of Kenyans dressed in white T-shirts making their way. We must do something substantive as a House. They are looking up to us to resolve this matter. Some want repatriation of their relatives. I have forwarded many. You have seen videos of people saying they are in distress and they cannot get out of where they are.

There have been media reports. I keep saying we must balance these reports. Yes, we must raise that. The reason for these interventions we are seeking is to safeguard the lives of Kenyans and their economic interests. We should also not jeopardize those who are happy to be there and are supporting their families. Some have built houses and educated their children and if we bring them back, they will have no jobs. So, that is why we are striking a very delicate balance. I urge Members to go through this report. I know the secretariat has shared it on our platform. Just go through it with a fine toothcomb.

Mr. Temporary Speaker, Sir, it is therefore against the foregoing background, that the Committee, in undertaking oversight and legislative roles in the case of labour migration issues, was part of the Kenyan delegation alongside the Ministry of Labor and Social Protection visits in the Gulf Region. We undertook a study between the 10th and 20th April. It comprised Members of both the Standing Committee on Education and the Standing Committee on Labor and Social Welfare. The goal was to review the existing

bilateral labour agreements between Kenya and Saudi Arabia for domestic workers and in the United Arab Emirates (UAE) to establish first-hand the goings in key migrant destinations in strategic labour destinations in the Kingdom of Saudi Arabia and the United Arab States Emirates.

In view of the fact that the issues of labour migration are within the purview of the Committee and further considering the numerous complaints, incidents and claims linked to the unskilled migration to the Arab countries and aware of the economic contribution of labour migration to the economy, the Committee escalated its investigations. We did not stop at just visiting there.

In our report, we reviewed existing opportunities and assessed obstacles for improved processes and labour migration governance and subsequently we have provided practical policy, legislative and or administrative solutions to these processes.

Mr. Temporary Speaker, Sir, I know many Kenyans have been waiting for the report. We did not want to rush it. We went, came back and sat with different entities. We met with the Ministry of Labour, Ministry of Foreign Affairs, Ministry of Interior and Coordinaton of National Government, especially the State Department for Immigration. We also met with the National Employment Authority (NEA) that vets and registers the agents who send workers or rather who facilitate their employment, the recruitment agencies and the two associations of these recruitment agencies.

We acknowledge the efforts of the Ministry of Labour to implement certain specific activities in the course of 2021/2022 and whose objective is to enhance labour migration processes and governance. However, we are concerned about the deteriorating conditions of migrant workers particularly in the Kingdom of Saudi Arabia. We are of the opinion that the processes likely to protect life and welfare of Kenyan migrant workers supersedes all others and, therefore, must be prioritized.

Mr. Temporary Speaker, Sir, while we were there, we met with the Ministry of the Kingdom of Saudi Arabia on human resource and the mega recruitment agencies there. Those mega recruitment agencies are huge companies that deal with recruitment from across the world. It is important to note that for one to be registered as a mega recruiter in the Kingdom of Saudi Arabia, they have to put a security deposit that is equivalent to Kshs3 billion. That is not what we are proposing, but there must be a level of security deposit.

A Kenyan worker who leaves this country should be insured and should have a guarantee of their flight back in case they want to leave. We should know where they are staying, in whose family they have been recruited and a contact number that can be used in case anything happens to them while they are there. They must be protected.

It is important to note that labour, especially labour migration is a huge potential economic frontier for this country. However, our country lacks a comprehensive policy and legal framework useful to guide, govern and create stability in the migration process. The fact that we lack that is not a secret. There is no labour migration law. There is no national migration policy. We engaged a few weeks ago with all those departments and talked about a draft, but that draft speaks very lightly on labour migration, which is the biggest cause of migration. We do not have migration from Kenya because of war or hunger. People migrate from Kenya to seek opportunities.

Mr. Temporary Speaker, Sir, we saw the case studies of other countries that are taking care of their people even in the Kingdom of Saudi Arabia. They have negotiated

Government to Government. They have even negotiated salaries. They have negotiated the rates of calling back home. They have negotiated the rates of remittances and the status of their people. A Kenyan living in Saudi Arabia, Dubai, the United States of America (USA) or in the United Kingdom (UK) is as Kenyan as a Kenyan living in Nairobi, Kisumu or Nyeri. They must be treated with the same dignity.

The National Migration Policy has been in the works for a long time and so we asked: Do we wait? I am glad Sen. Madzayo is a Member of my Committee because he was there when we went through this. Do we wait for them to finish yet we know the policy process? Sen. Wetangula has been a Minister. I am sure that he knows the process of what happens before you can have a sessional paper discussed in memos, sub-committees, for it to come here. By the time all that is done, we will have lost another 100 lives.

Should we sit back and watch as leaders in this great Republic or should we make comprehensive and substantive interventions based on the information that we have received as Parliament? It is my hope that when those policy documents and legislation are brought, we will be able to fast track their passage and enactment. In the meantime, we shall take action.

Mr. Temporary Speaker, Sir, this labour migration to key labour destinations has been going on in the absence of either formal agreements or Memorandums of Understanding (MOUs) for a long time. In fact, there is one that we are really pushing and waiting for, the Bilateral Labor Agreement (BLA) on skilled labour because they are looking for skilled labour. They are building a brand new city. We have engineers, electricians, masons in all those skills who will have opportunities there once we have a proper framework between us.

The MOUs that are in existence are weak and are deemed insufficient in safeguarding the rights and well-being of Kenyan migrants. We did a comparative analysis with other countries, and this explains the numerous ongoing cases of abuse being experienced by those seeking employment in those countries. I am sure the Ministry of Foreign Affairs, the Ministry of Labour and our agencies are listening. With the growing number of migrants to the Middle East, there is need for us to streamline processes for effective governance of recruitment processes and that is a matter of priority.

Mr. Temporary Speaker, Sir, the recruitment agencies, which are in their hundreds in this country should conduct pre-departure training. Some ladies are taken as domestic workers during the month of Ramadhan and they complain that they are not being given food because they have not been trained on the culture and religious practices of their hosts. Some of them have not gone to Form Four or even high school and some are from deep in the village. People in some parts of this country do not have exposure to different religions. Some do not even know how to take care of themselves, what time to get up and many other things. Cultural issues create tension.

There is the issue of migrants' legal identification and registration. What happens when the migrant worker goes there and gives birth after the medical test has been done? What happens to the citizenship of that child? Those are questions that have arisen and we have to discuss how our laws are different. If a child is born in this country and their parentage is not known, but he or she is deemed to be below the age of eight, then they are assumed to be Kenyan citizens. There is need to harmonize what our laws provide

and what the laws of those countries provide. There has to be screening, assessments, referrals, enhanced and formalization of linkages between our ministries and the destination government ministries.

Mr. Temporary Speaker, Sir, Article 221 of the Constitution gives us the mandate to appropriate resources for various government agencies to implement policies and programs. On the same breadth, we have to foster a safe, orderly and regular migration in line with the objectives, principles and values of the Global Compact of which we are a signatory to as a country. We need resources and in this regard, it is unfortunate that in specific key migrant destinations like Jeddah in Riyadh, formal mechanisms including and not limited to requisite consular services, consular assistance for self-improvement, well-being and protecting their rights are absent.

We lack safe houses. Other countries have safe houses in those labour destinations. You all know the size of the Kingdom of Saudi Arabia and we only have one labor attaché; a gentleman called Juma. Mr. Juma is so stretched and strained. Imagine the cases that come to you as the Senator of Laikipia County yet you are here. What about the labour attaché who is there? He is completely overwhelmed. Some people think that he is doing a good job, but some think that he is doing a bad job. He has been responsive every time we have spoken to him, but we need proper labour offices in both of those destinations fully fledged with safe houses.

Mr. Temporary Speaker, Sir, we sat down with the Kenyans working there. We sat with those who had just come in, very excited and optimistic and we exchanged contacts, but a few weeks and months later some of them started sending us distress calls. We also met a category, which I will be very delicate in describing. They are called *Kembois*. They are called *Kembois* because they ran away from their contracts. They are Kenyans nonetheless, but they have run away from their contracts. This is because there are some rogue agents there, who come and tell you, “sister Naomi Shiyonga, you have been hired to this family at Kshs50,000, now you know there is a job for Kshs150,000 job”. She leaves that employment, yet she has deposited her documents.

When she goes to that country, which is very strict, without certain identification, she cannot even get access to healthcare. We have had Kenyans dying at the gates of hospitals in Riyadh and Jeddah. Are these things that we should gloss over as a house and as leaders? Will God forgive us, for glossing over these things; of only looking at the financial benefits that certain people are getting? God forbid. Let it never be said that in our time in this House, we saw such things happening and got information from those involved. We sat with ministries from two states, a kingdom and a government, and yet gloss over such a report. God forbid. I will not be part of that.

That is why this Committee wants to take the move. Some may call it drastic. I have some Senators saying that we are throwing out the baby in the water; we are not. We are recommending as a Committee, that all labor migration of domestic workers--- I need to be very clear. The Majority Whip is distracting the Seconder of this Motion.

Mr. Temporary Speaker, Sir, we are recommending that all labor migration of domestic workers from Kenya to the Kingdom of Saudi Arabia, be immediately suspended upon the passage of this report, until the Executive demonstrates that the following basic minimums have been put in place. The suspension is for a period until certain conditionalities have been put in place by the Executive of the Republic of Kenya.

First, we need the establishment of the status of all Kenyans currently in Al Malaz Prison in Riyadh, Tarhil Deportation Center in Riyadh, Sakam, which is a new deportation center Kingdom of Saudi Arabia, and all the many other prisons and deportation centers within the Kingdom of Saudi Arabia with the aim of repatriating them back to the county. The government must speak to the government.

One of them is Mr. Peter Calisto whom we have met before they abducted and took him. He was a gentleman who had been part of what they call *jaleyat* a community of Kenyans who come together to help.

If you find for instance that, the sister I spoke about, Naomi, has lost status, but she is need of healthcare they come together fundraise and enable this person to get healthcare. They used to have a letter and it is part of the recommendations. The letter said that in as much as the person does not have documentation, they should be recognized as a Kenyan citizen and accorded emergency healthcare first. Peter Calisto has been in deportation since we left the Kingdom of Saudi Arabia to date. There are no charges against him. We want it to be established and we be given a full report, and evidence of the complainant.

This is because they said it was the employer. The employer said they had not complained, but it was the embassy that has sent him there because he allegedly organized a demonstration. There is also a lady called Lucy Wamaita Ndiba. They must give us the status of all the Kenyans in those three prisons and deportation centers and why they are, what they are there for, and whether repatriation process of bringing them back can take place.

Today I have just seen a video of bodies being removed from a mortuary. They must tell us how many Kenyan bodies are lying in Shamesi Mortuary in Riyadh. Secondly, the Executive must establish the current status of all domestic workers in the Kingdom of Saudi Arabia, their contacts and places of work. It must set up a database and lines of communication between them and the labor officers at the embassy. Many of those want to continue working. Until you have established that, even the employers know that there is no government watching them. They can mistreat that Kenyan the way they want to and do whatever they want.

There is a system called *Musaned* where for all new labor migration of domestic workers all that information is there because it is part of a bilateral agreement. I can tell Mercy Waithera left Kenya on this date, landed in Jeddah, went to Riyadh, is living with this family; this is her salary and contact. Our labor *attaché* in Saudi does not have access to it. When we sat down with the head of *Musaned* in the Kingdom of Saudi Arabia, they said our labour *attaché* should get access, because even they want to know, which of their own citizens are abusing other human beings. There must be dignity in this world.

Thirdly, we must have the return of all current and former domestic workers who are in distress, and stuck in the Kingdom of Saudi Arabia and want to come back. There are those who want to come back, and they are not able. That is a conditionality that must be met.

Fourthly, suspended until the investigation and submission of a report to the Senate of the cases of Kenya migrant workers whose deaths have occurred in Saudi Arabia. Apart from the number we were given almost casually of 93 without names and proper reasons, we want a proper report. Amongst other things, this report on that issue,

must demonstrate the linkages between the labor *attachés* and the recruitment agencies in handling of distress calls and other complaints by migrant workers.

Mr. Temporary Speaker, Sir, without imputing improper motives on all the agencies because I know some of them are proper. However, there are some agencies, because of their commercial nature are sending girls away like potatoes. We are told like for every domestic worker who is taken there, the agent receives USD1500 to USD1900. What do you do? You rush, collect people and put them in a dormitory. I saw a news story the other day of Kenyans stuck somewhere in Thika Town and they cannot come out. They were told they were going to do a different kind of work, but later told it was domestic work. It has become so commercial that we are seeing Kenyans as commodities. We need to see that attachment.

We have said that there must be fresh vetting and reregistration of all the local recruitment agencies, with the vetting standards to be determined by the Ministry of Labour through the National Employment Authority (NEA). To this end, no entity will be allowed to recruit Kenyan migrant workers unless it is registered and regulated in Kenya.

There are also foreign entities that have come here and taken the girls directly, yet we have a law. I sponsored that law on the NEA in the last Parliament. The reason we put it in place, having the Ministry of Foreign Affairs, Ministry of Labor and Social Protection, Federation of Kenya Employers (FKE) representations from the technical training institutes and universities was to make sure there was accountability when it comes to labor migration. We are not exporting potatoes. These are mothers and peoples' daughters. These are peoples' children and sisters. We must think of them keenly as Kenyans worth dignity.

Fifthly, before we reopen labor migration of domestic workers to the Kingdom of Saudi Arabia, there must be an establishment of fully-fledged labor offices. There must also be safe houses in *Riyadh, Jeddah*, accessible to any Kenyan in distress, until their status is established, and they are able to be brought back.

I know this will really prick Sen. Halake because she has such a heart for such cases. We have had cases of where a Kenyan domestic worker is being abused and goes to the embassy with her employer from the Kingdom of Saudi Arabia. The case is first of all an allegation, but it could be true. The immediate stance is to take the side of the employer. After she has said everything, she is told to go back with that employer as they process. What happens to that lad when she is going back to that house where she is being abused? We need safe houses for them. What is the cost of putting up a safe house with sanitation facilities, kitchen, beddings which is human dignity? All must be done.

Sixth is the formal recognition of the Welfare Association of Kenyans in Saudi Arabia. I have given the example. This would be what we call *Jaliat*. I hope am saying it right for those who understand Arabic. The Kenya *Jaliat* Group used to relay us with the Embassy, and they worked very well with the former ambassador who became the Governor of Wajir that this House impeached. They worked very well with this *Jaliat*.

Mr. Temporary Speaker, Sir, this system broke down later on. They are not able to respond to distress calls by these Kenyans. They go as far as getting the phone number of Sen. (Dr.) Musuruve, who looks for me, her Chairperson, to sort it out. We cannot do this and must re-establish that.

We must review the regulations of private employment agencies, including the determination of a minimum deposit and insurance to ensure the swift repatriation of any

domestic worker in distress. Those are the conditions under which we are inviting this House to say emphatically. This includes Sen. (Dr.) Milgo, Sen. Kihika, Sen. Ngugi, Sen. (Rev.) Waqo, Sen. Halake and Sen. (Dr.) Musuruve. However, until these conditions are met, let us not take our daughter to a slaughterhouse.

Mr. Temporary Speaker, Sir, there are other things that we said. If you look at our report, the Committee has recommended a raft of other issues that must be taken into account. This includes our skilled labour Disability Living Allowance (DLA), negotiation for salaries and leave days. They are also human beings; they are not machines.

Some of these timelines actually came from the Ministries themselves. They must work together. In some of our interactions, we found that the Ministry of Foreign Affairs had no clue about what the Ministry of Labour was doing, and the Ministry of labour had no clue about what the Department of Immigration was doing.

It should not take a sitting of a Senate Committee to be the first time that departments of Government are sitting together to address matters of life, death and livelihood. It should not be. If they just look at the framework that we provided for them, they are supposed to be sitting on the table together. What more important thing are they doing?

Mr. Temporary Speaker, Sir, we recommend that the Ministries address the recurrent hiccups facing other critical processes that are not limited to pre-departure processes, medical check-ups and pre-departure training. We need to be told how they identify which pre-departure training institutions are being registered. This is so that it does not become a cartel; that it is one person who has the schools of training.

These workers do medical checkups before they leave, but they are told that there are only two or three centers that can do it. Why are all our public hospitals not able to do these checks and certify? The Embassy of Saudi Arabia together with the Ministry of Health can liaise to make sure that the standards required are the ones they adhere to.

Mr. Temporary Speaker, Sir, these people are going through so much. I know that you are a tough man from Laikipia, but if you were there, you would shed a tear if you hear these stories because you have a heart.

I will add an addendum to the report I have tabled, of the photos, videos correspondences through electronic mail and distress calls that I have received today, so that Members can see. I wonder how people feel when they receive and ignore distress calls, and they hear the death announcement of the person that had been crying out to them for help later on. How do they sleep at night?

Mr. Temporary Speaker, Sir, in doing so, we intend to have taken a holistic approach in addressing labour migration challenges. This suspension is ideally for six months because we believe that this can be done in less than six months, even within the current budgetary framework that exists.

I know that we have colleagues from the National Assembly who are also currently there. They have been meeting these Kenyans who still talk to us. We shall not take lightly any intimidation or victimization of the Kenyans there who have given this Committee information. If there is information that is contested, then let them come and we will keep inviting them to contest that information to the Committee.

We sat with the Chief Administrative Secretary (CAS), Hon. Ababu Namwamba, who has been leading this team. He was supposed to go to Saudi Arabia; I hope that he went. He should meet these people that he committed to. We gave him the contacts. We

were supposed to go with Cabinet Secretary (CS), Hon. Chelugui, but the Government put restrictions on the Executive travelling. He is supposed to go there to establish the status.

Mr. Temporary Speaker, Sir, as the House that has the sole legislative authority, I invite Senators to adopt and support these resolutions that will not just protect these Kenyans, but also enhance our labour migration ecosystem as a country. The Committee, having considered the report on the status of labour migration, has proposed those interventions that Members will see.

I beg to move and request that Sen. Kihika, the incoming Governor of Nakuru County, seconds this report.

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

Sen. Kihika: Thank you, Mr. Temporary Speaker, Sir. I rise to second this Motion as Member of the Standing Committee on Labour and Social Welfare, and one of the Members who travelled to the Kingdom of Saudi Arabia and the United Arab Emirates (U.A.E.) back in April.

We saw firsthand what our fellow Kenyans are going through out there. This is an issue that I would imagine most of us have encountered in one form or another because it has been in the news, social media and everywhere. We have seen a lot of distress calls by many Kenyans who are in those countries. I am mostly talking about the Kingdom of Saudi Arabia.

We have heard allegations of torture and mistreatment of the workers and that sort of stuff. Before we even got there, it was interesting to get to the airport and see many groups of generally very young girls wearing T-shirts with a company's name. Perhaps they were always at the airport every time I travelled, but I just had never paid attention, and this is the first time that I noticed it.

Mr. Temporary Speaker, Sir, we came to learn that is how the recruitment agencies get them out to those countries. Once they get over there, they are handed over to agencies from that side. One of the major things that we noticed was the disconnect once these Kenyans get to those countries.

Once they go to a certain family to work, though I believe that the agency from that country keeps up with them, many of the times, the girls lose contact with their families. They do not have phones with which they can reach their families or the families say that they do not know where these girls are.

Mr. Temporary Speaker, Sir, another major issue was the fact that some of these families seem to take away the passports of these workers when they arrive, so that the workers cannot leave. In many of the cases, it seems as though they cannot leave.

We met many of the staff at our Embassy in the Kingdom of Saudi Arabia and tried to get to the bottom of what was happening. When you listen to them, everything initially sounds fine. However, my very able Chairman and soon to be colleague in charge of Nairobi City County, Sen. Sakaja, was very alert. He somehow had some Kenyans contact him and was also able to get more information outside the formal setting of the Embassy.

We were distraught with some of the stories that we came across. When I see my sister, Sen. Shiyonga, I recall that on arrival back to Kenya, we found some girl at the airport. She had a small dirty paper bag and the clothes on her back. She did not seem to have anything else. It seemed as though she had not eaten for days, though I am not a

doctor or a medical expert on that. However, from the look of things, she was distraught and had no one to take her from the airport to her home in Kakamega.

Sen. Shiyonga became a great detective. It was during curfew and I believe some borders had been shut down. Therefore, you could not commute from Nairobi to Kakamega at that time. This girl sat in the cold at the airport. We could not get the agency that had sent her from Kenya to Saudi Arabia on phone. Sen. Shiyonga called and they were not responsive. You could see that there was a problem.

When she came back to the country, she did not even have a penny in her bag to be able to get home and yet, this is a lady who had been out there working for a few years. Clearly, there is a problem.

Colleagues, I wish I had the ability to convey to you what we saw out there, in a way that you would understand, so that you can know how dire the situation is. I also recall that we got from the Embassy a list of Kenyans who had passed away and were being brought back to the country.

Mr. Temporary Speaker, Sir, what caught my attention was the fact that in those lists, 93 Kenyans died in 2021 alone. What was surprising to me is that out of 10 young women, maybe in their 30s and every one of them, the cause of death would be heart attack. This is just an example. I am not a medical doctor; I am far from the medical field as can be. However, common sense would tell you that seemed quite improbable. You cannot have so many people, every one of them dying of heart attack at that very young age.

At number 16, you would see a road accident and the next 14 would be of heart attack. It did not seem right. There is a problem and crisis. What was clear was that our migrant workers have been thrown out there without any support from our Government. That is how it seemed.

In a country where the balance of power is skewed towards the employer, we were told if you want to report, you go to the police to give your side of the story. Your employer would come and give their side of the story, but at the end of the day, you go back with your employer until they investigate.

Actually, when the migrant worker wants to return home for whatever reason, she feels she is not able to continue working in that household, the employer then files a case or reports that to the police. The migrant worker is then put in jail and cannot leave jail until that case is determined.

They are not able to move the case forward or get legal representation. They are at the mercy of the employer who does not want to let them go. It is horrible. We have seen from the families of these other ones.

Many of us are on social media, with our Chair having a huge following. Since we went out there, most Kenyans were able to know we were in Saudi Arabia. We received many messages. You would hear a parent, a brother, an uncle or a sister writing to us saying that their kin was sick or in hospital. Initially, they were told she was in hospital, but the following day, they were told she died and there is no investigation. It seems out of control and we have basically lost it. However, on hearing a bit of what the other migrant workers from other countries go through, you realize that countries like Philippines have figured their migration laws and how to protect their migrant workers. Philippines and India are some of the leading countries in that scenario.

Mr. Temporary Speaker, Sir, what really caught my eye or most of us was the fact that those countries like the Philippines have safe houses, where if, for whatever reason, a migrant worker feels that they are in danger or they need to leave the household where they are working, before they travel back to their country, there is a holding safe house, where they can stay until they are repatriated back. We do not have that.

We were told that our girls would sometimes get mistreated, as some said, and on leaving the household, they would have to run away because the employer would report them to the police. We have had some cases where when they are trying to escape, they get accidents and die. It is a horrible situation and until we figure out a comprehensive policy and a legal framework, it does not seem right to continue sending these girls to Saudi Arabia. It is not just the girls, but I say girls because generally, the bigger percentage is of girls. Most of them are domestic workers, but there are men too.

Mr. Temporary Speaker, Sir, we were also able to meet skilled workers there. We saw some veterinarians and engineers who were working on the roads and the metro there, who had come from Qatar to Dubai and then Saudi Arabia. There were some good cases, but those were few and far apart and mostly for the skilled workers. However, on these domestic workers, there is a problem.

Until we have a comprehensive policy and legal framework, we will not be able to protect our migrant workers. When we talk about 93 deaths in 2021 of those workers out there, as I said, most of those deaths seem very questionable. We would have to be in serious denial if we were to say that everything is okay.

Mr. Temporary Speaker, Sir, in my previous life before I became a Senator, I did a lot of immigration law. I was an immigration attorney. When I look at the scenario out there, it begs the question that we cannot, as a country, continue sending migrant workers out there without any protection and without them being able to reach out to us when there is need for help.

In a place where the laws may be a bit different from most of what our Kenyans are used to, know or are familiar with, sometimes they find themselves on the wrong side of the law, and there is no one to help them out.

They had an office of the Labour Attaché, but there was only one, Mr. Juma, for everybody in the Kingdom of Saudi Arabia. I am talking about one officer when the numbers are about 90,000 domestic workers in Saudi Arabia. Those are the ones we know because it seems as though we do not have good records. As my Chair explained a little bit before me, we have *Kembois* there who are said to help them run, but sometimes the migrant workers are misled, and so, they jump from the frying pan to the fire. It is a bad situation in every way.

We have recruitment agencies from this side that are making money from these people. You also see a group of workers who cannot even communicate when asked questions. Some of them are not even able to communicate. There must be better ways to do this than what is happening out there.

Mr. Temporary Speaker, Sir, as a Committee, we looked at all these issues and saw how serious this is to our fellow Kenyans; the migrant workers, whose only crime is getting out there to put food on the table. I remember, we engaged quite a few of them and found out that most are single mothers who have left their children back here in Kenya and gone to find greener pastures. Some of them said that they are the ones who take care of their siblings, parents as well as the children they left behind. As a country, it

is telling when we cannot take care of the weakest ones; for them to be put in this kind of position.

Migration is not a dirty word. There is nothing wrong with us having Kenyans going out and being migrant workers, but it must be done properly. Most of the advanced countries take in migrants because they need the labour. As much as we want them to find a place to make a living, it cannot be done at the expense of their lives. As a country, we cannot continue to allow that.

As a Committee, having met with the different Ministries and brought everybody to the table together, because it was quite obvious that there was a disconnect between the Ministries of Labour and Social Protection, Foreign Affairs and Interior and Coordination of National Government--- There were too many loopholes and we need everybody to come together. Based on the many sittings where we have had many stakeholders come talk to the Committee, talking to the affected people who are the migrant workers, the recruitment agencies and different Ministries, the Committee made certain recommendations in its report.

We urge this House and our colleagues that this could be your sister, brother or mother. Some of us went there and found cousins that we did not know were out there working. We do not want to be too far removed from this. I appeal to you that you support the Committee and adopt these recommendations. I have worked with all of you and seen how much you take into account those who are not able to stand up or fight for themselves. As a House, I pray and urge that you stand, support and help pass this Motion.

Mr. Temporary Speaker, Sir, I beg to second.

(Question proposed)

Sen. Murkomen: Mr. Temporary Speaker, Sir, I thank you. I have not had the privilege of speaking here when you are in the Chair. I would like first to congratulate you for being a Member of the Speaker's Panel. It is a position I am familiar with, having served in the same capacity in the past. I know that you are more than capable to deliver, now and in the future; and even in a better and higher position.

I want to thank the Committee on Labour and Social Welfare.

The Temporary Speaker (Sen. Kinyua): Sen. Murkomen, I thank you for congratulating me. I follow your footsteps because I was the Chairman of the Committee on Devolution and Intergovernmental Relations as well.

Sen. Murkomen: Mr. Temporary Speaker, Sir, that is true. There is something; I do not know what you are looking for. The only remaining post you should be is the Senate Majority Leader. Congratulations!

First, I would like to thank the Standing Committee on Labour and Social Welfare. I have a lot of respect for Sen. Sakaja and the Committee he leads and the work he has done. The issue of labour migration to Saudi Arabia is something that has bothered this country for far too long.

In the last Parliament, if someone can remind me her name, the Nominated Senator from Mombasa, Sen. Emma Mbura, was so passionate about issues related to violence meted on migrants by their hosts in Saudi Arabia. It was something that was dear to her heart, before and after she lost the position as Senator. Until like two or three

years ago, she used to send me messages. I have not communicated with her for quite some time, but all her messages were related to the work or the advocacy of migrants to Saudi Arabia.

When we are discussing here, we are not removed from the reality. We are discussing about somebody's child, daughter, sister or brother. A lot has been highlighted about women. Most the victims killed in Saudi Arabia have been women. However, it is not just confined to women. There are men going through other forms of abuse in the same country, even though reports of death are not as predominant as women. Most of the people taken as domestic workers from other countries are not men, but women. Men go there for other reasons than working in the homesteads of the persons who are living in that country.

I am aware that the Ministry estimates that we have 104,000 Kenyans who are working in Saudi Arabia. It is also true, as this report captures, that for quite a long time there has never been a clear procedure and mechanism for taking people to work in Qatar, Saudi Arabia, Dubai and many other countries in the Middle East.

Unlike the situation in developed countries in Europe, United States of America and Australia, where most of the migrants are working in the health sector and are recruited by agencies in the countries and little is done by the agencies in this country. In Australia and other parts our citizens apply directly to get jobs there through the links they have.

The unique programme we have at the moment is taking nurses to the United Kingdom which is a Government-to-Government arrangement. It is unfortunate that the Ministry of Health reported publicly that we could not take advantage of the United Kingdom opportunities for nurses because of English proficiency among our nurses. I do not know the truth about the statement on whether English proficiency is a big issue for our nurses. Nursing is a rigorous programme in this country. By the time someone is qualifying to be a clinical officer, a nurse or in medical field, they have gone through rigorous training that uses English.

I suspect that proper arrangement and preparation for the students who were examined was not properly done. This is what is lacking. Even if you talk about the question of going to Saudi Arabia, what is lacking is preparation of those who are going there and the training. It is also the involvement of the State in making sure that there is traceability. It is possible to trace the people who are going to serve in that country, which means that the Government should have a system and a database where we have the contacts of the Kenyans working in such countries and can be traced at any given minute.

Kenyans make passionate appeals to the State that they want to know the status of their loved because they get lost sometimes. Sometimes they send distress messages, and say, 'I am hiding in a toilet or somewhere in a bush'. There are no bushes there, but somewhere within the buildings of the people they are working for. At that point in time, the Government of Kenya at a click of a button should call an agent or Government official in Saudi Arabia, who can quickly get to the employer of the people who have gone to those countries, trace them and ask for the health and security status, as required by the Government of Kenya.

I have not read the report fully. However, I have read the summary. I do not know to what extent the Committee was able to interrogate the victims of violence. How did they go there?

The information that I have, which might not be true and is subject to confirmation, is that most of the victims are persons who went there five years ago when the systems had not been set by the Ministry of Labour. Many reforms have taken place in that Ministry.

The National Employment Authority (NEA) was established and operationalized less than two years ago under your Bill. Therefore, the systems for registration and accountability for the agencies that take Kenyans to other countries is operating.

Even there, they have budgetary challenges. The budget for reinstatement is yet to be strengthened so that they can employ competent staff to perform the oversight work and contact the people who go out of the country. Therefore, is it true that the situation has improved in the last five years and most of the victims went there five years ago?

I agree with most of the recommendations of this Report as read by the Chairperson of the Committee and the seconder, Sen. Kihika. The observations and recommendations of this Committee are upheld.

I totally agree on the part of lack of comprehensive policy and legal framework useful to guide this process. Most of the things that I have alluded to will be properly captured if we have a proper legal framework. We are the ones to establish the proper legal framework. It is either the Committee sits down and comes up with this legal framework or work with the Ministry to improve its Bill and table it in this House. We are talking about the growing number of migrants to the Middle East. Therefore, we need to deal with the recruitment process, agencies and their oversight of the same.

I am aware that pre-departure training has already started. However, what is the training manual and the menu? The people are being trained to use which system to report their welfare or status in the country where they are? Therefore, we must put in place systems that can hold these employers accountable, so that when doing the training, they tell them about their rights and how they will enforce them.

The issue of migrant's legal identification registration and the work of the Embassy in Saudi Arabia and the screening assessment on referrals has been captured by the Committee. The Committee is recommending that in respect of the Kingdom of Saudi Arabia, we must suspend labour migration to that country for six months.

I have a problem with this. I depart and disagree with the Committee on that particular recommendation. These are my reasons. One, we are in this mess because most of the migrant workers that are working in Saudi Arabia went there when the legal framework was not there.

Two, a number of them did not formerly go through the employment agencies. Therefore, when you hold employment agencies accountable, there are people who went there through other reasons.

Mr. Temporary Speaker, Sir, I want to convince Sen. Sakaja that we will formerly pass and vote for this report. However, before we do that, we might need to sit down and see whether we can amend the six months recommendation. We should not remove the formal procedure of taking people there. I would rather we work quickly to make the procedure difficult, rigorous and accountable than close it completely for six months.

What will happen is that there will be a black market. People will go there through underground channels. Some will go in the name of visiting hospital or relatives. They will not be trained or traced. When they die, we will be unable to trace the homes. In fact, they will be exploited more because they would be asked to pay a higher fee. For example, they will be told that they are being taken there for six months, which is difficult, and so, they should pay USD500 to get a fantastic job. This is the only position that I would like to be convinced further. If possible, I would like to convince the Committee that this is an area that we may need to look into. If today we suspend the migration to Saudi Arabia for six months, it is not something that the Senate can just do, then the Ministry implements as it is. It involves a diplomatic relationship between Kenya and Saudi Arabia.

In essence, we are saying the official channels of Government between Kenya and Saudi Arabia are unable to close the gaps that lead to the death of most of our people. Therefore, should we do so through a closure of the migration for six months or it will be better that diplomatic relationship---

The Temporary Speaker (Sen. Kinyua): What is it, Sen. Sakaja?

Sen. Sakaja: Mr. Temporary Speaker, Sir, on a point of information.

Sen. Murkomen: Mr. Temporary Speaker, Sir, I am willing to be informed.

Sen. Sakaja: Thank you, Mr. Temporary Speaker, Sir. I appreciate the remarks by Sen. Murkomen. I would like to comment on that one point because I will reply to everything holistically.

On the issue of diplomatic relations, this suggestion of suspending labour migration until we can assure Kenyans of their safety first came from the Principal Secretary (PS), Ministry of Foreign Relations, who is the custodian of diplomatic interactions, Amb. Macharia. He said that since we cannot guarantee their safety for now, we should halt it, so that we deal with these issues. However, immigration of skilled workers and for religious purposes, for example, to Mecca and other holy sites will go on.

It is not just about those who went there five years ago. As I explained, we met some ladies who had just arrived. We got their contacts. I am sure Sen. Kihika remembers. However, a few weeks later, they were in distress. Therefore, it is not something that used to happen five years ago; it is happening now.

I have clarified the diplomatic and timelines issues. However, in replying, and that is why I am sitting to listen to all the Members, I will give more information. The report has all the meetings that we had and what Kenyans said.

Sen. Murkomen: Mr. Temporary Speaker, Sir, based on that useful information, when Sen. Sakaja will be replying and before we pass the report, I will be interested to know to what extent the Ministry of Labour and the Ministry of Foreign Affairs was involved in this process.

The Government of Kenya has not given a comprehensive report on the cause of death for many people who have died and been buried. Were they strangled or beaten? What is the legal regime of Saudi Arabia? Again, the role of the Ministry of Foreign Affairs cannot be over-emphasized in this matter. We want the Ministry to be accountable. For example, if the American Government suspects that there will be a serious demonstration by the students of the University of Nairobi (UoN) that will cause traffic jam along University Way, the Embassy of the USA in Nairobi will inform their staff to be careful and not to cross University Way at a particular point in time because

there will be traffic snarl up due to the strike. What is the role of our embassies out there and what is their duty in terms of identification and following up?

I am aware because I went to Dubai and spoke to some Kenyans there. They said it is becoming impossible to get support from embassies across the Middle East. When you go to an embassy to look for support, nobody cares. The attitude of the staff of the embassies is deplorable. What contributes to the abuse of our staff is the attitude we have with our Ministry of Foreign Affairs. For example, when you go to the United States of America (USA), because of the hugeness of the states, even if people want to renew their passports, they are just taken round and round. The attitude of people serving in embassies must change if we have to protect our people out there. They must realise that while there, they represent the Government and the welfare of the people of Kenya out of the country.

Mr. Temporary Speaker, Sir, I am sure that the Ministry of Labour deals with bilateral relationships. Even as we discuss whether to block the place or not, they must have bilateral talks with various governments of the Middle East on this important matter and the report from those bilateral engagements must be tabled in this House.

The greatest fear I have is whether some Kenyans who are there are going to be disciplined in terms of sticking to their contracts. When you have a contract of five years and the period is over, instead of renewing it, you get lost to the black market that I am talking about, then become a victim of abuse. How can we work on a legal structure that will ensure that those people are identifiable?

I totally agree with all the provisions of this report. I only have a problem with the suspension for six months because I believe it is going to endanger the citizens of our country who will be victims of the black market. That will worsen the situation in terms of identification and traceability of migrant workers to Saudi Arabia.

Otherwise, Mr. Temporary Speaker, Sir, I congratulate the Committee chaired by Sen. Sakaja, which is also composed of many future governors. I believe that when they become governors, they will do everything possible to ensure that employment is created in our country, so that we do not have to come here and discuss how we will look for jobs in other countries and our citizens suffering in those countries.

I hope that Sen. Sakaja and Sen. Kihika among other sure bets here--- I have not seen any other. Sen. Olekina is looking at me with pitiful eyes, but he will not run for Governor of Narok, unless he declares his candidature. Probably, him and I will be here discussing these issues again and again. I hope that at the time when we discuss such issues, we will be proud of Sen. Sakaja and Sen. Kihika, the governors then.

We should not be like others whose names I do not want to mention. They left this House preaching water, but now they are drinking wine. We must live what we profess. I hope those of us who will be governors will do a fantastic job and take care of Kenyans, including those of us who will remain here.

I thank you.

The Temporary Speaker (Sen. Kinyua): Thank you, Sen. Murkomen, for the advice to the future governors. Let us now listen to Sen. Cheruiyot.

Sen. Cheruiyot: Thank you, Mr. Temporary Speaker, Sir, for this chance to also present my thoughts on this important Report by our Committee on Labour and Social Welfare, one of the very active committees in this House.

I must commend them for diligently undertaking their work and ensuring that they always furnish this House with reports and documentation that supports the work they have been doing every time. I wish we were all equally as diligent.

Parliament works through its committees. When a committee has the right leadership, these are the kinds of issues you respond to. I must say this because it is the truth of the matter. If you look at many of the issues that we struggle with as a country, it falls back to the leadership of the committees in Parliament. That applies to both Houses; the National Assembly and the Senate. If you have a proactive leadership, chances are that they will find a way of wiggling through the challenges of modern day politics.

We all understand that sometimes you try to push a certain agenda and begin to get calls from here and there. If you have a committee with the right leadership in place, then you will know the issues and not compromise your values. You will stand firm and ensure that at least you will be remembered for something. This is a challenge to the rest of us in the committees that we belong to.

Each of us in this House belongs to at least one committee. As we begin to think about wrapping up our work for this session of Parliament, perhaps it is time to think about what will be said of our signature achievement as committees. I say this because I serve in the Parliamentary Service Commission (PSC) and know the amounts of money that we budget that goes to committee work in Parliament. Actually, it is the largest vote head in our Parliament books.

For the billions that we consume, we need to justify the same with similar amount of work, where Kenyans will look back and say it was worth having a Parliament, if we are able to solve issues as they arise.

To the specifics of this particular report, I want to virtually agree with almost every recommendation that has been made by this particular Committee. The gold standards in terms of taking care of migrant workers is Philippines.

If you do a detailed study, 10 per cent of the Gross Domestic Product (GDP) of Philippines comes from remittances by migrant workers. Their GDP is USD361 billion, while ours is a paltry USD100 billion. Almost half of their GDP is because of them organising that sector so well and ensuring that every Filipino that works in every part of the world is protected, not just by the laws of the countries they work in, but even their own domestic laws. How do they achieve this?

In 1995, they passed the Migrant Worker and Overseas Filipinos Act that lists all these things that this Committee is challenging the Executive to first put in place before we continue with the business of ensuring that we have Kenyans working outside, especially in this particular part of the world.

We do not have to worry a lot about, say, Kenyans who went to work in the United Kingdom (UK) and other parts of the world. However, there is a specific reason which, out of respect for our diplomatic friends, I would not wish to delve much into. We all live in this world and know that there are certain regions of this world where, before you send your citizens to go and work, you must have a clear understanding with their governments on how they will be taken care of, the rights they will be guaranteed and the freedoms they will lose. This is so that by the time somebody boards a plane at the Jomo Kenyatta International Airport (JKIA), they fully understand, first of all, what is expected of them and know they will be protected as they work.

By the way, let us face it. Much as we are discussing and talking about producing human resource, why do people go outside the country to look for work? It is because we failed as a leadership. Otherwise, everybody would wish to work at home; forget about outside the country. Probably, people would have wished to work here in Nairobi.

If I am assured of a well-paying job in Kericho, good schools for my children and good healthcare system, the same can be said of the workers that we are talking about. They say East or West, home is best. It is not their wish to leave infants to go and toil in the stifling heat of the deserts of Saudi Arabia and Dubai. Circumstances force them.

I think it was Sen, Kihika who spoke about this issue. I remember on my last travel out of this country, for a minute, I felt embarrassed as a leader. The entire economy class of the flight we were taking was filled with young Kenyans, most of them young girls aged between 17 and 20 years, who were headed to the Middle East to do these kinds of jobs.

To come and read in this report of the things they are not assured of tells you that they just make a practical choice and say, “what do I do?” In my community, we have a saying that ‘death is death, anyway.’ If you stay, you may die of poverty; if you go---

(Sen. Murkomen spoke off record)

I do not think it is Parliamentary, but they say “*meet ku meet*” meaning ‘death is death.’ If I remain, I die; if I go, I die. That sometimes is part of what some of these young Kenyans are faced with. Imagine you have a family to take care of. If you stay here without employment, you may watch your children die. They prefer to go and toil.

This report is challenging us, as a leadership. I challenge you, Sen. Sakaja, that the report on its own is not enough. We must study and replicate an Act of Parliament, similar to what the Philipinos did in 1995. That will ensure that by statute and law, before any Kenyan boards a plane to head to this part of the world, we have signed the necessary diplomatic protocols with these counties of Saudi Arabia, Oman and all the places where Kenyans are working. This is so that as our young people head to these countries to work, they know that much as you respect culture and observe your religious practices, we are also assured of our rights. That is one of the challenges being listed here that many of them are barely literate. Sometimes they engage themselves in certain activities which maybe--- This is debatable because Kenyans sometimes have a habit of exaggerating things that they did not know certain practices are not allowed. Let us just have a clear understanding.

This report goes to details of proposing these six months, which I have heard Sen. Murkomen say might be a bit punitive. I support this measure. We are not saying that we will interfere with the work of those who are already in that part of the world. At least, we must have those measures before we send anymore.

While we sign and agree on additional protocols of safety and human rights observance between us and the governments where these people work, the agencies that are sending many of our young people to these countries also have certain obligations to fulfill. It is not just a matter of putting somebody--- There should be a difference between shipping potatoes and flowers out of the country and human beings.

There must be more stringent rules and protocols needed before getting to that point of being satisfied that the young people being sent out of our country are well protected and taken care of.

I support that clause on the establishment of a formal agreement or Memorandum of Understanding (MoU) between us and the Middle East. Let it be signed. Let these agencies have it written and carry some obligations. I understand this business, though not in much details. I know that most of the agencies that work on this side of the planet have a forwarding agency on the other side.

The agent gets a contract and sub-contracts to these agencies. Let them know that by the time you are entering into an agreement with company “X”, “Y”, “Z”, based in Riyadh, the company has fulfilled the requirements that will be in the MoU. We should not just send our young people. What kind of employment is that? Slavery has been abolished across the world.

If you check the UN protocols on work, free resignation and understanding rolls so high above any contract that you have with anyone. If you get to a point where you feel you can no longer do the work, it does not matter what kind of contract you signed. It should get to a point where these Kenyans have this kind of choice.

Maybe I thought life was better in that area. If I get there and for some reason feel that I cannot stand it anymore, I should not continue to toil and be told that my passport was withdrawn. Those are the stories we hear.

Let somebody know, for example, if they need to serve a one-month notice or lose part of their payment. That is what happens even here in Kenya. Let someone know that if they want to come back home, they can easily be allowed.

Look at even the issue of Kenyans who are in prisons, some for offences where perhaps they lacked legal representation. If they could have afforded a lawyer, even if a state sponsored--- I have tried to scheme through the report and not seen whether these Kenyans who are in these prisons had legal representation when they appeared before the courts of law. Chances are that they never got that chance. They could not afford and, therefore, they were sentenced. They could also have had the challenge of language barrier.

Mr. Temporary Speaker, Sir, you are an elected Member of Parliament, but you know that whenever we travel outside of this country, we even change our mannerisms. Even for those who perhaps take ‘one for the road,’ so long as they are not within their country, they do not do the usual things they do when they are in their country. This is because you are afraid, knowing that it is another land. You still adjust yourself to that level in spite of being a state officer, perhaps with state protection. The government of every country you travel to already knows that there is a Kenyan Member of Parliament.

Imagine what happens to an ordinary Kipkurui or Cheruiyot, who has come from a village in Kericho and is working in a hotel in Riyadh. If they run into trouble, chances are that their minds block out and they cannot even defend themselves. Some of them are even accused of things they have not done.

Mr. Temporary Speaker, Sir, this report speaks to a very important issue; a challenge of our generation. I support it in its entirety. Let us pause for those six months.

Sen. Sakaja, I want to measure my words, but I have my problems with that Principal Secretary (PS) over some things I see him posting on *Twitter*. You cannot do

some things as a public officer. You remember at one time, he made very interesting remarks about neighbouring countries and such kinds of things.

If a PS can tell a Committee, “put a stop to this,” it tells you that he has abdicated his responsibilities. Instead of PS Kamau telling you to put a pause, he should have come before Parliament with a draft policy for us to approve for him. It means that he has given up on his duties and now he is saying, “please save us”.

You know the amount of interest in Kenya in anything where money is involved. This is big business. We are not talking about small money. Kenya is one of those countries where if you see anything chaotic, it is not because there is lack of order, but organized chaos. It had been made to look that way, so that people can make money.

Do not think that these officials of the Ministry of Labour and the Embassy officials do not know the things that Sen. Sakaja and his Committee are proposing. They perhaps heard it long before Sen. Sakaja was born because some of them are very old. They want it to be the way it is, so that they can continue benefitting.

Let us close that window so that we give dignity to Kenyans and the protection of the force of law. By the end of those six months, when we open up our engagements with these countries in the Middle East, Kenyans can be comfortable knowing they are going to a country they have a formal process if they agree with their employer. They will also know that they have a toll free number, where they can call their embassy to say that they have run into a problem.

Organized countries do these even for very specialized and skilled officers. For example, if you go to the United Arab Emirates (UAE), those pilots you see flying those big Emirates planes have these facilities available to them because they understand how the Arabic man is.

If that can be made available to a pilot who is literate and handling a machine worth millions of dollars, imagine how much is needed by a Kenyan officer who is maybe handling USD300 or USD500 a month. They need it more than anyone of us.

Those countries provide it for their citizens because they know that in certain regions of the world, you need those kinds of arrangements and to sign the protocols. Saudi Arabia, as a country, needs to sign on it and say they will ensure that Kenyans are allowed in their consular office to have this kind of relations. When you get to that particular country, it will be known.

Mr. Temporary Speaker, Sir, forget about these stories where we are told that the embassy knows where majority of them are. There should be a way of regularly checking up on them, maybe a monthly filling. It is a way of having a round up check, for instance, Mr. John Kinyua is in Mr. Mansook’s house. They then ask him to confirm if he is okay and work is going on well. You can then reply and say that you are fine and enjoying what they are doing. It is the least that we could do for a citizen. These people toil for hours on end and they send almost 90 per cent of the money they earn back to our country. That is why foreign direct remittance is beating agriculture. It is because of this kind of workers. Do you want to tell me that we will suffer any prejudice if as a country we made the decision to do the right thing for them? I do not think we will.

I support the report in its entirety. Let us implement it as drafted. I have nothing useful to add other than what was done by this Committee.

Thank you, Mr. Temporary Speaker, Sir.

The Temporary Speaker (Sen. Kinyua): Thank you, Sen. Cheruiyot. Proceed Sen. Halake.

Sen. Halake: Thank you, Mr. Temporary Speaker, Sir. I rise to support the report by the Committee on Labour and Social Welfare and congratulate them for the fine job that they have done. The issues around the inhumane and degrading conditions that Kenyans especially in the Kingdom of Saudi Arabia have been subjected to is not something that started yesterday. These are issues that have been with us for very long.

I am glad that the Committee has prioritized this. They have done a good job with it and have gone beyond political pronouncements to specific recommendations and measures that we, as a House, can take. We should make sure that we mitigate, protect and implement some of the recommendations that have been made by the Committee in the report.

Mr. Temporary Speaker, Sir, I would like to congratulate the Committees of this House. This House is a protector of this country and its citizens. While not all committees are at the same level, this House has become the last resort where Kenyans come for help.

I am very familiar with the issues around protection of migrant workers. The International Organization of Migration (IOM) has documented serious degrading and dehumanizing conditions that Kenyans and other nationals in the Kingdom of Saudi Arabia have gone through.

The Human Rights Watch has very robust reports in terms of the protection measures that should be taken. Our country has signed and ratified certain international labour laws. I am not sure which ones, but we need to find out the ones that we have ratified.

Having said that, I ask Sen. Sakaja to go beyond this House and bring all these Ministries together. It can be in a Committee of the Whole with the Ministry of Foreign Affairs, Ministry of Labour and Social Protection, and the Ministry of Public Service, Youth, and Gender Affairs. Apparently, young women are disproportionately affected by this inhumane treatment as migrant workers. They have special needs. They can be brought here so that nobody says that it is a certain person or points fingers at others. We can have this House interrogate what it is that they are going to do. We can then assign accountability on the basis of the recommendations that have been put in that report so that we know that we have done our job, assign appropriate accountabilities and left them to the job on their part.

I hope that Sen. Sakaja can do this because he has really done well to go beyond the kinds of debates that we have. This is more than just talk shop. He has done very well in terms of tabling this Motion and having very specific measures in the report.

Mr. Temporary Speaker, Sir, I support the six-month suspension because we really need to get this right. The Coronavirus Disease (COVID-19) is still with us. I am aware that the detention centres in Riyadh, Jizan and the rest are in deplorable conditions. We know that the highest number of people who occupy those detention centres are Chadians, Nigerians Kenyans, Ethiopians and Somalis, in that order.

For us to be ranked with some of these nations that are in upheaval is unacceptable because we pride ourselves as a democratic and fairly advanced country. We are not even a lower income country; we are now a middle income country. Other than being negligent of our duty to protect that which is in the Constitution, what is the excuse for us to be among nations that have had challenges?

Mr. Temporary Speaker, Sir, Saudi Arabia is one of the richest countries on the planet earth. It has no excuse to put people in such deplorable conditions when it can afford to give them certain basic dignity when they put people in those detention centres.

Sen. Cheruiyot asked whether the country provided lawyers. There are times when that is not even an option because it is detention without trial. Sometimes people are not even aware of the detention. For instance, I know that in Jizan, people are just thrown in detention centres and are sometimes not even aware. What does not mean?

I have worked in the embassy and I know that the number one work of the consular section of any embassy is the protection of its citizens. When people set foot on an aeroplane, the embassy will send you something for you to register with the consular section, so that your whereabouts are known and your protection and rights are guaranteed because your country cares about you and your protection.

Mr. Temporary Speaker, Sir, I do not know if our country has ratified certain international conventions like the 1990 International Convention on the Protection of the Rights of all Migrant Workers. Protection from torture, cruel, inhumane, or degrading treatment is guaranteed in international law under the United Nations (UN) Convention against Torture. I do not know if we have signed it.

We are very good at signing and ratifying international laws, but we do not adhere to or domesticate. We do not even remember that we have signed them. Therefore, a recommendation that I wish to be added to this would be that we list all the international conventions that provide protection for international migrants and see to it that we, as a country, ratify and sign them. If we do not have local laws that support us, we could then go to the international laws that give us second checks and balances.

Mr. Temporary Speaker, Sir, I do not wish to go into this too much. I also want to acknowledge the work that former Sen. Emma Mburu has done. She has been crying out and has been an activist about this. She has been very passionate about this. She has been in touch with me severally and highlighted to me many issues. Sometimes we, as women, end up doing small *harambees* to try and rescue one or two girls, but that is not enough. That is not the job of a Senator. The job of a Senator is to make laws.

I am sure that Sen. Sakaja, his team and all of us will be part of whatever legislative frameworks that will ensure that formal structures are put in place to protect our girls, boys and migrant workers.

Lastly, I have been to the Philippines---

Sen. Sakaja: On a point of information, Mr. Temporary Speaker, Sir.

The Temporary Speaker (Sen. Kinyua): What is it, Sen. Sakaja?

Sen. Halake: Yes, I would like to be informed.

Sen. Sakaja: Mr. Temporary Speaker, Sir, this is to inform Sen. Halake and the colleagues on how live this matter is. Just now as Sen. Halake has been talking, I have received a message from a gentleman called Majanga. He says, "*Mheshimiwa*, I have an issue about my brother who died in Saudi Arabia two months ago. Kindly, how can you help me bring his body back home in Sabatia, Vihiga County?"

I am sure that many Members received this. It is a really live issue. We must focus on how to sort this thing out. I thank her for what she is saying, but just to inform her, those distress calls are coming without any framework for dealing with them.

Sen. Halake: I thank Sen. Sakaja. This is the reality. We cannot just be repatriating dead bodies back home. We should be providing protection because our

people's lives matter. Anybody has a right to work anywhere in or outside this country. It is their international right to do so.

Mr. Temporary Speaker, Sir, the Philippines has put mechanisms in place for labour export. As Senators have said, it is the number one earner of their external revenue and foreign exchange. International labour migration is a legitimate and dignified way of earning a living, but what is not okay is for our country to just neglect its citizens and not provide the protection that is guaranteed in our Constitution and laws.

Mr. Temporary Speaker, Sir, I have had the pleasure of working with Sen. Sakaja in the *ad hoc* Committee on the COVID-19 Situation in Kenya, and I know he cares enough to have supported the protection of migrants, the people who had gone out of the country and could not come back at the height of Covid-19 pandemic. In the last few months, you would find in those detention centres that people had contracted COVID-19 and there are videos to this. He has talked about the addendums that are part of this.

The Human Rights Watch has compiled cases of people where they have contracted COVID-19 within the detention centres with no services provided and with the country not even aware. You will never hear a citizen of the United States of America or Canada or any of these countries being put in those detention centres. The reason being that the consular sections of these organizations and these countries are on top of the welfare of their citizens. It is about time we also did that.

There is no reason as to why we pump so much money into our foreign offices. I do not understand why there is one labour officer when the largest number of migrants in Kenya go to Saudi Arabia. Where is the priority here? Sen. Sakaja please let us have all these Ministries come to this House to be given this work; these accountabilities to be assigned to them with clear timelines as to when and how these things are going to be done.

It is okay within the six months, yes, but it is not enough to say that in the last few years there are some reforms that have been done with our labour laws or in our Labour Ministry. As we speak, the situation is still the same and actually getting worse by the day. I support and look forward to the implementation of some of the recommendations that you have made. Please also check for us that we have ratified and are also part of the International Labour Organization and International Conventions that will give us at least a backup should we then fail as a nation to do these things. I congratulate you.

The Temporary Speaker (Sen. Kinyua): Thank you Sen. Halake. Sen (Dr.) Musuruve.

Sen. (Dr.) Musuruve: Thank you, Mr. Temporary Speaker, Sir, for giving me this opportunity to support this report that has been brought on the Floor of this House by Sen. Sakaja. I congratulate the Senator for coming up with this report and letting Kenyans know exactly what is happening to migrant workers who are out of this country.

I acknowledge that there is scarcity of jobs and certainly acknowledge that people want to eke a living. At one point, I remember I was at Jomo Kenyatta International Airport (JKIA) on transit, I saw many ladies wearing jeans and t-shirts who were on their way to Saudi Arabia. Something surprising is that when it comes to being cleared, they are cleared very fast compared to other people.

Mr. Temporary Speaker, Sir, it is unfortunate that when women go out there, they are going to eke a living. A woman can go to any length to ensure that she provides food,

shelter and the basic necessities for her children. Most of these ladies going there do not come from Nairobi. Most of them come from the rural areas.

When I was in Lugari last week but one, a case came to me of a lady who went to Saudi Arabia and is being mistreated. They do not know how she can come back and all that. This is just one among the very many that Sen. Sakaja has let this House know. Most of them are ladies. This report by Sen. Sakaja is very emotive, but you can imagine your daughter, Emily in Saudi Arabia being maltreated and there is nothing you can do about it. *Baba Emily*, it is painful.

Mr. Temporary Speaker, Sir, as a mother of very beautiful daughters, I feel the pinch. I can imagine my daughters trying to eke a living to support their children and loved ones, but when they go there, they get maltreated. It is an issue that is of great concern.

I want to thank Sen. Sakaja and his team for the recommendations that they have come up with. These recommendations must be a prerequisite for working in the United Arab Emirates (UAE). When you look at the Constitution, Article 43 on Economic and Social Rights; whether you are a migrant worker or living in Kenya, you have a right to socio-economic rights. You have a right to the highest attainable standards of health. You have a right to clean water and housing and you have a right to social protection.

Mr. Temporary Speaker, Sir, it is clear in Article 43(3) that the State needs to provide social security even for those vulnerable Kenyans who are not able to provide social security for themselves and their families. That Kenyan migrant worker in the UAE is helpless and does not know what to do. Sen. Sakaja put it rightly that sometimes a situation can be that a Kenyan is complaining, but when he goes for his case to be listened, at the end of the day, he is made to go back to his employer. You can imagine what they go through. Cases of death have been reported in this report.

We cannot sit on our laurels. As Senators, we must do something. We are obligated to do that because we represent millions of helpless Kenyans who do not know what to do. I remember at one point when I went to Dubai, I had an interaction with some Kenyans and they mentioned that there are some Kenyans who go to the UAE and sometimes get stranded and cannot come back to Kenya because their visas have not been cleared. Some of them end up engaging in illicit behaviour in order to survive.

Mr. Temporary Speaker, Sir, constitutionally, every Kenyan must be treated with dignity; whether a migrant or not. All Kenyans have a right to be treated with dignity. There is need to ensure that when Kenyans are going out there, there is bio data of those who are going out. This is a recommendation that came out from Sen. Sakaja's report. There is need to find out where they are staying, their wellbeing, healthcare and whether they are okay; whether they are being housed and so on.

As Senators, we cannot play the ostrich at a time like this. We want to ensure that we create employment even for our fellow Kenyans. Exporting labour is good. It is a plus for this country. When we are exporting labour, we need to ask ourselves how these immigrants are being treated because it has been clear that the Committee found out that there are skilled and unskilled labourers who go to the UAE.

We also have labour laws. Are they being adhered to even when they are out there? It is in order that when you work hard, your salary is equated to your hard work. It is unfortunate that when migrant workers go out of this country, the salary is pathetic. They cannot support their families rightly. In some areas, they are not allowed to stay

with families. You can imagine being out of the country and cannot invite your wife to stay with you. You are alienated from your family, children and the society.

There is need for the raft of recommendations that have come on the Floor of this House to be implemented. There is need to ensure that we know where our fellow Kenyans are going and what they are going through. When it comes to the demands of the Constitution, are their constitutional rights being violated? We must be our brothers' keepers.

It is absurd and unthinkable that fellow Kenyans can complain and die, yet there is nothing we can do about it. We must be the Senate that is going to make a difference with regard to coming up with policies, implementing the labour policies which will ensure that when it comes to workers they are treated fairly.

The Committee has stated that even for the workers who go out there, their agencies are paid USD\$1900. It is unthinkable. The agencies are also eking a living and want the agency businesses to mushroom. They may not even care whether Kenyans are going to be mistreated or not. We cannot sacrifice the life of Kenyans at the expense of the dollar. I refuse.

It is well meaning and in good breath that Sen. Sakaja has mentioned that after presenting this report, we should bring the curve of migrant workers going to the United Arab Emirates down until we are sure that when they go there, their socio-economic rights will not be violated. They should be allowed to get married while there. Marriage is an institution that is important. When they marry, their children should go to school.

It is unthinkable that someone can work somewhere, but you cannot have a family or take care of it. When I was at the United Arab Emirates, I visited a Kenyan who is close to me. She told me that I could not sleep there because they were not allowed. You visit and leave.

The right to be free and socialise with your significant others should not be infringed in the name of employment. I would like to state and I inform Sen. Sakaja that we are not refusing to export labour. We have to acknowledge that there are skillful Kenyans, but they may lack employment here. Even if we are exporting labour, let us be certain that the labour we are exporting, skilled or non-skilled, is not mistreated. People should not be treated like slaves. Gone are the years when we were slaves. When we got our independence, we were certain that we are free. We cannot decide that we are going to have migrant labourers, only to become slaves wherever they are. Even the Embassy in the United Arab Emirates should be brought to account, so that there is a mechanism of ensuring that the Kenyan migrant labourers who are being mistreated are rescued.

We have been talking about rescuing the girl-child here in Kenya. The migrant workers there and the girl-child being exploited and mistreated ones need to be rescued. She is a Kenyan and need to be protected. The State should come out clearly and ensure that they are fulfilling and implementing Article 43(3) of the Constitution of providing social protection for that helpless Kenyan. As Senators, we should insist that the agencies that are taking our children to the United Arab Emirates need to take them through orientation. Some of them go through culture shock.

Someone has just mentioned Ramadhan. If people have a timeline of eating, you know that you will take your breakfast in the morning and then some tea at 10.00 a.m. especially people from western Kenya take tea in the morning, lunch, 4.00 p.m. and then supper. Then you are told that you cannot eat whenever you want because there are hours

to eat. There is need for orientation to avoid culture shock, which can be stressful. I do not blame the migrant workers there. I commend them for taking a daring move of going out of the country to ensure they eke a living, their children have school fees, afford a home and basic needs to their families and their significant others. However, I am calling upon the State to ensure that comes out fully-fledged to ensure the Kenyans who have gone out there to eke a living are not being mistreated or living like slaves.

As a Senate, we should not rest on our laurels until this case that has been brought to the Floor of this House comes to a favourable conclusion that will ensure that when Kenyans go out work in good working conditions, are paid well, given leave allowance and allowed to come back to the country. It is unthinkable that Kenyans who go out there are not entitled to leave. Some are entitled to leave after two years. You can imagine being in one place for two years, then you are allowed one month to go and see your family. This is unthinkable and we must ensure that when it comes to foreign issues and employment, whoever is taking Kenyans to work for them is not subjecting them to any form of abuse.

I support this report by Sen. Sakaja-led Committee, and hope that at the end of the day, a Kenyan is free to work outside the country and be visited by his family.

The Temporary Speaker (Sen. Kinyua): Sen. Madzayo, Hoja ya nidhamu ni gani?

Sen. Madzayo: Bw. Spika wa Muda, kuna wengine katika mstari wanaopendelea kuongea pia. Mtu mmoja akichukua dakika nyingi, haitakuwa vyema. Ingewezekana, ingerejeshwa ili mtu mmoja achukuwe dakika tano ama tatu hivi. Ingekuwa vizuri zaidi ili kila mtu ambaye yuko hapa ndani apewe nafasi ya kuongea.

Asante, Bwana Spika wa Muda. Hiyo ni kwa hisani yako.

The Temporary Speaker (Sen. Kinyua): *Asante.*

Sen. Cherargei, what is your point of order?

Sen. Cherargei: On a point of order, Mr. Temporary Speaker, Sir. Looking at the gravity of this report and its sensitive nature--- Every county has been affected by this. Three months ago, I lost two young women from Nandi under unclear circumstances. Therefore, it is a sensitive issue and we should be given 10 minutes of debate. This is a serious matter. The people we are discussing are the top foreign exchange earners. In Financial Years 2019/2020, and 2020/2021, they sent over Kshs780 billion to Kenya.

Why is Sen. Olekina behaving as if he is herding cows?

Sen. Olekina: Mr. Temporary Speaker, Sir, on a point of order. Respect is paramount in this House. As a distinguished Senator, I am really embarrassed for my colleague, the Senator from Nandi County. I am sitting here not uttered a word and he has the audacity to utter words which are really un-parliamentary. I would like to ask you to ask him to withdraw and apologise.

The Temporary Speaker (Sen. Kinyua): Sen. Cherargei, can you withdraw and apologise?

Sen. Cherargei: Mr. Temporary Speaker, Sir, as I apologise. Sen. Olekina should at least in future avoid shouting across the aisle. I withdraw and apologise.

The Temporary Speaker (Sen. Kinyua): Thank you. Proceed, Sen. (Dr.) Musuruve.

Sen. (Dr.) Musuruve: Thank you, Mr. Temporary Speaker, Sir. In summary I support this Motion.

The Temporary Speaker (Sen. Kinyua): Thank you. I have listened to both sides. I have heard Sen. Cherargei saying 10 minutes and Sen. Olekina saying five minutes. So, we go for seven minutes. Sen. Faki, proceed.

Sen. Faki: Bwana Spika wa Muda, kuna wale ambao wanataka kuongea kwa muda mrefu. Hatuwakatazi kwa sababu ni haki yao ya kidemokrasia katika Bunge hili. Kuna wale ambao wanataka kuongea kwa muda mchache. Kuweza kupata ule uwiano, wale ambao wanataka kuongea kwa muda mchache wapewe nafasi waongee waondoke. Wale wanataka dakika 10 au 20 watamaliza.

The Temporary Speaker (Sen. Kinyua): Sen. Faki, tayari nilikuwa nimefanya uamuzi nikasema ni dakika saba. Sen. Shiyonga, endelea.

Sen. Shiyonga: Thank you, Mr. Temporary Speaker. I congratulate you. It is Sen. Naomi, I think I heard it right. Maybe a clarification on the names.

(Sen. Madzayo spoke off record)

Sen. Madzayo: Bwana Spika wa Muda, nauliza kama Sen. Shiyonga siku hizi anaitwa Sen. Naomi Stewart ama namna gani. Mmechanganya majina hapo. Mnaweza kufafanua kwamba ni Sen. Stewart Madzayo kutoka Kaunti ya Kilifi ama ni Seneta mteule Sen. Naomi Shiyonga?

The Temporary Speaker (Sen. Kinyua): Nimesema mimi ninamuita Sen. Naomi Shiyonga. Pengine ni kuteleza kwa ulimi.

Sen. Shiyonga: Thank you, Mr. Temporary Speaker, Sir. It is not Sen. Stewart Madzayo, it is Sen. Naomi Shiyonga.

I want to thank you for giving me this opportunity to support our own report of the Committee on Labour and Social Welfare brought on this Floor of this House by our able chair, Sen. Sakaja. I am a member of this Committee and I got an opportunity to travel to Saudi Arabia just to witness what fellow Kenyans are going through. The opportunity was an eye opener on what is happening out of the country to our children who are the citizens of Kenya who have gone to look for greener pastures.

As many say that people go out to look for greener pastures, I want to tell you it is a dark pasture. They go to look for graves. It is no longer as it were that people go to look for greener pastures especially in Saudi Arabia.

Mr. Temporary Speaker, Sir, many countries or states have different powers of leadership and they believe in their governance and the citizens. Policies and acts that govern their citizens differ from one country to another. However, I am very saddened with the policies and framework Kenya has between the Kingdom of Saudi Arabia and Kenya putting into consideration that Kenya has a Ministry of Foreign Affairs, which takes care of the people in the diaspora amongst other responsibilities.

We had an opportunity as a Committee, as the Chair said in his report, of interrogating all the stakeholders that take care of the issues that govern the people of Kenya when they are in the diaspora. What we came to learn is that people are making billions of money from our people here in the name of recruiting them, especially the recruiting agencies.

Mr. Temporary Speaker, Sir, I speak this hurt with a lot of sadness and bitterness in my heart. This is because many of our people who go to Saudi Arabia do not come

back and they are unaccounted for. One of the things that our chair said is true that we do not have a database to analyse.

A whole ministry like the Ministry of Labour and Social Protection, which has a mandate of knowing how many people are out of the country on a particular day going to look for jobs outside in another country, Kenya does not have that. It is not even sure in the embassies and high commissions. The same applies even with the Ministry of Foreign Affairs and even the stakeholders. Things are being done in Kenya vice versa.

Mr. Temporary Speaker, Sir, most of our immigrants are sincerely speaking lured into this because they are promised heaven when actually it is a death stone. The status of poverty, family backgrounds and change of livelihoods are leading and enabling our people go out there without knowing. We also have the so-called recruiting agencies. These recruiting agencies, as you have heard, cheat Kenyans that they train and sensitise our young ladies, youths who go out to look for these jobs. They are liars. They lie to Kenyans that they train them. The only thing they do is that they just try to--- I do not know which language I can use. Let me just use a Kiswahili. *Wanawapaka mafuta kama Wakenya. Wanatupaka mafuta.*

(A hon. Senator spoke off record)

It might be in order because I am just saying let me use a little bit of Kiswahili.

The Temporary Speaker (Sen. Kinyua): No, you have to be consistent.

Sen. Shiyonga: Thank you, Mr. Temporary Speaker, Sir. Okay I will be consistent. They just “oil us.”

(Laughter)

Gone are the days when Kenyans were sold in the slave market. When you get somebody leaving the country to go out and look for a job, you are there and not exposed to any affordable healthcare. The treaties that were signed or the documents that you have are valueless when you step in a place or country like Saudi Arabia.

I am happy that they have suspended and I support the suspension of the migrants leaving Kenya.

The Temporary Speaker (Sen. Kinyua): Sen. Shiyonga, are you insinuating that everybody who travels or they are taken out of this country, they end up becoming miserable from your presentation?

Sen. Shiyonga: Thank you, Mr. Temporary Speaker, Sir. I am not saying everyone, but most of them especially in Saudi Arabia just from the report. I just want to say that I totally support the travel suspension to Saudi Arabia. It need be, let it be indefinitely until they come to a conclusion that the treaties, act, policies and framework is put into place to protect our Kenyans and streamline the livelihood from labour migration that we have here in Kenya.

The ministries should be up in arms to know that Kenyans are suffering. Let them not just sit in those offices and look at Kenyans suffering. We are only informed by social media. We are called on phone the way you were seeing our chair being called here. I am also called. We are called every now and then.

Mr. Temporary Speaker, Sir, I support a lady I saw at the airport from Mumias. I have been supporting others. Why am I supporting them with my own money when we

have the Ministry of Health and Ministry of Labour and Social Protection having a budget? Why would Kenyans suffer when we have these two Ministries? I am a bitter woman; I am a bitter Senator. I am an hon. Member who has witnessed Kenyans suffering.

The Temporary Speaker (Sen. Kinyua): Thank you, Sen. Shiyonga. Sen. Olekina, proceed.

Sen. Olekina: Thank you, Mr. Temporary Speaker, Sir. I rise to support this Motion. First of all, let me congratulate my dear colleague, Sen. Sakaja, for having done what most people would be afraid to do, to visit a foreign country and investigate circumstances that lead to Kenyans going through hardships, some ending up in prison in a foreign country.

I have gone through the report briefly. Looking at the recommendations which were made by the Committee on Labour and Social Welfare, I may have a contrary view to most of my colleagues here because I have lived in the United States of America (USA) for almost 20 years. In fact, part of my family is still there and somehow, I am still a resident of the USA.

Mr. Temporary Speaker, Sir, the reward of working abroad is evident both to the country that receives labour and the country that exports labour. The biggest question that we must ask ourselves today is what we need to do to ensure that Kenyans who leave on their own volition to go to the Kingdom of Saudi Arabia or Dubai to seek for greener pasture are treated with dignity. No one forces a Kenyan to leave this country. They do so on their own volition. Some leave this country because of the hardships they go through.

Mr. Temporary Speaker, Sir, if we understand the reason they leave this country to seek greener pastures in foreign country, maybe we can find a better way of resolving this problem. I have a problem with a recommendation that attempts to suggest that as a country, we should suspend any migrants from leaving this country to another country to seek for greener pastures.

Mr. Temporary Speaker, Sir, the reason people end up in prisons even in the USA is because they engage themselves in criminal activities. Although I sympathise and empathise with Kenyans who have ended up in prison in Riyadh in the Kingdom of Saudi Arabia, but if you are a law abiding citizen who follows the right immigration laws and you decide to migrate to another country, there is no way you will end up in jail. There is no way you will end up suffering because you followed the right procedure when you leaving this country.

I was listening keenly to Sen. Cheruiyot. His submissions in this House today is a clear attestation or demonstration that there are countries in this world that come up with better systems of promoting their citizens who decide to migrate to other countries. The statistics that Sen. Cheruiyot gave are quite clear.

Mr. Temporary Speaker, Sir, the Philippines on a yearly basis exports a million Filipinos to go work abroad for skilled and unskilled labour. I expected my dear good friend, Sen. Sakaja, to sit with the International Labour Organisation (ILO) and examine how the Philippines came up with the policy that governs their citizens leaving their country to work abroad.

I encourage him to look at the framework, which was developed by the Philippines working with the ILO that manages their citizens who leave the country. I have just indicated to you that every year, there are a million Filipinos who leave the

Philippines to other countries. Even in this country, we have many Filipinos working here.

Sen. Sakaja: On a point of information, Mr. Temporary Speaker.

The Temporary Speaker (Sen. Kinyua): Sen. Olekina, do you want to be informed by Sen. Sakaja?

Sen. Olekina: Mr. Temporary Speaker, Sir, absolutely.

The Temporary Speaker (Sen. Kinyua): Okay. Proceed, Sen. Sakaja.

Sen. Sakaja: Mr. Temporary Speaker, Sir, I appreciate that the report could be bulky and many Members have just gotten it. However, what Sen. Olekina is asking for is actually a case study of the Philippines within the report. That was part of our inquiry. We did thorough work. There was a presentation given to us on how they did their bilateral agreements and what they have. It should be part of the annexures in this report.

The Temporary Speaker (Sen. Kinyua): Thank you. Sen. Olekina, you have two minutes.

Sen. Olekina: Thank you, Mr. Temporary Speaker, Sir. I appreciate and thank the good Senator for Nairobi City County for that very useful information. I have looked at several case studies on the Philippines. My point was that we need to look at the ILO framework on management of migrants. There are over ten million Filipinos working abroad.

If you go to Dubai, you will find Kenyans working. The last time I was in Dubai, I met with some Kenyans from Nyeri on the streets. I asked them what they were doing there and they told me they were exploring opportunities. They were looking for jobs. It is not true that the Kenyan Government exports labour. Kenyans leave this country under their own volition to go and look for jobs and other opportunities in other countries.

Globally, exporting labour boosts the economy for both countries. For example, when we export labour, the Kenyan economy grows as well as that of other country. We need to look at what ILO has done to develop policies to manage migrants. However, stopping Kenyans from going abroad to look for greener pastures when we cannot provide them jobs here is literally giving them a knife or a rope to hang themselves.

Mr. Temporary Speaker, Sir, just 30 seconds.

The Temporary Speaker (Sen. Kinyua): Thank you, Sen. Olekina. You were the one who was saying we give three minutes. Sen. (Dr.) Lang'at, proceed.

Sen. (Dr.) Lang'at: Thank you, Mr. Temporary Speaker, Sir. It is my first time to have an opportunity when you are in the Chair. I congratulate you.

I was among the first Senators to bring a Statement here on the suffering of Kenyans in Saudi Arabia. I am very happy to have this important report here today before the Senate. I congratulate Sen. Sakaja and his team. I have read the recommendations and I am happy.

I have read several articles and reports, especially from Haki Africa and Human Rights Watch about the suffering of Ethiopians, Kenyans, Nigerians and Ghanaians in Saudi Arabia. It is really very touching. Most of them are totally enslaved. They are tortured.

Mr. Temporary Speaker, Sir, those who are in the detention centres are living in appalling conditions, especially during this time of COVID-19 pandemic. Most of them are dying and rarely do we get reports. It is only sometimes that we get information through the social media, footages and so forth.

I have a cousin who lives in Nakuru. She had gone to Saudi Arabia to look for job opportunity. She was facilitated by an agency to go there to work in a hotel. Reaching there, she was told that job will be realised in six months' time. She had to work as a domestic worker. She was tortured and punished to the point that she lost her teeth.

I am very sure I brought that Statement here. I am happy during that time, the Ministry of Foreign Affairs managed to locate her and she was brought back to Kenya. However, the challenge that we still have is that her documents, including her degree certificate, which she earned from Egerton University are still under the custody of the former employer in Saudi Arabia.

Mr. Temporary Speaker, Sir, apart from their physical torture, these Kenyans also go through economic constraints in those countries. Much of the money they are paid goes to the agencies. In fact, I want to bring to your attention that some of them do not get their salaries direct, but through these agencies, where they slash them and they earn very little. This report is so important.

I support the suspension of the same until this country comes up with important policies that are protective to human rights in these countries. The greatest challenges that these people go through are as a result of very scrupulous agencies which cheat them on better terms of employment and good jobs. However, after reaching there, something different happens

Mr. Temporary Speaker, Sir, it is until these agencies are properly regulated through the law and policy, Kenyans will continue suffering. I support that this exercise is suspended by the Government. After all, we have been bringing Statements here and nothing is happening. The agencies are still taking these immigrant Kenyans to those countries and they continue being tortured. It is until migrant policies are revised to enable human conditions to prevail for these Kenyans to work in those countries. We must continue supporting this suspension.

Mr. Temporary Speaker, Sir, we have heard from other Senators like Sen. Olekina and Sen. Cheruiyot on other countries. It is important that Sen. Sakaja has also said within the report that there are other countries they have used to benchmark what they are doing. This is so that we may know what happens in those countries that they are getting something to their countries and their workers are working within required human standards.

We must make sure we develop win-win policies so that those countries benefit from the labour and our country benefit from getting something from our workers abroad, I support this report more so the suspension of this exercise until effective policies are put in place that support human rights and labour entirely. That is to regulate this exercise so that our people may live and work within the required human conditions.

Thank you.

The Temporary Speaker (Sen. Kinyua): Asante, Sen. (Dr.) Lang'at. Nataka kumwalika Sen. Faki.

Sen. Faki: Asante, Bw. Spika wa Muda, kwa kunipa fursa hii kuchangia ripoti ya Kamati ya Ajira na Huduma za Jamii ya Bunge la Seneti kuhusiana na wafanyikazi wanaofanya kazi ughaibuni hususan Mashariki ya Kati. Hiyo ni katika nchi za Saudi Arabia, Umoja wa Falme za Kiarabu, Qatar na nyingine ambazo ziko eneo hilo kama Kuwait na kwingineko.

Kwanza, ningependa kuipa kongole kamati hii kwa kuweza kulizamia jambo hili na kuja na ripoti ambayo inaridhisha kabisa. Nimeweza kuisoma kwa mtazamo fagia ripoti hii. Japo kuwa nimesikia Maseneta kadhaa wakisema kwamba kuna pendekezo la kusimamisha uajiri huu kwa muda wa miezi sita, nimeangalia ukurasa wa nane wa ripoti hii ambayo inazungumzia mapendekezo. Sikuweza kuliona pendekezo hilo.

Bw. Spika wa Muda, pendekezo kama hilo litalitea athari mbaya nchi yetu kwa sababu kazi hizi sio kwamba zinakuja Kenya pekee yake. Kazi hizi nizakwenda kila sehemu ulimwenguni. Wengi wa wale watoto wetu na ndugu zetu ambao wanapata ajira kama hizi wataweza kuzikosa kwa huo muda wa miezi sita ambao umeweza kupendekezwa ili mambo yaweze kurekebishwa.

Nakubaliana kwa ukamilifu kwa mapendekezo yote nane ambayo yametolewa katika ripoti hii. Ni mwanzo tu wa kuweza kuondoa donda hili ambalo limekuwa sugu katika nchi yetu. Ajira ughaibuni---

The Temporary Speaker (Sen. Kinyua): Sen. Sakaja angetaka kukuarifu.

Sen. Faki: Bw. Spika wa Muda, ndio aniarifu.

Sen. Sakaja: Mr. Temporary Speaker, Sir, I wanted to inform him in Kiswahili, but I lack the words. If you look carefully at the report, the suspension is not for six months, it is until those conditions are met. If the Government meets those conditions in a week, the suspension is lifted. Our work as an oversight institution, therefore, will be to make sure Government meets those conditions even if it is in a month or less.

This is so that we guarantee that safety. If Government truly cares about the employments and what not, then we should do that. I am just informing the Member. I have heard many Members saying six months. Ideally, that is what we wanted, but we said there are things the Government can do, for example, safe houses, *et cetera*. The Government can do it in less than six months even in a month if it wants to. As soon as the Government does that and demonstrates to us in this House that it has done that, then that suspension is lifted. Otherwise, we are sending people to the death.

Sen. Faki: Asante, Bw. Spika wa Muda, na Sen. Sakaja. Ajira ughaibuni imekuwa ni sehemu kubwa ya mapato ya nchi yetu na pia kwa familia za wahusika ambao wanafanya kazi hizi. Kazi hizi zimekuwa siku nyingi sana. Kutoka jadi, Mombasa imekuwa na watu wanafanya kazi ughaibuni; Uarabuni na kwingineko kwa muda mrefu. Hizi kesi ambazo zinakuja sasa za watu kudhulumiwa haki zao na vile vile kuteswa na kuwekwa katika hali ya utumwa zimeongezeka kwa siku za karibuni. Baadhi ya sababu ya kuongezeka kwa kesi hizi ni kuwa wanaokwenda kufanya kazi hizi wameongezeka kwa kirefu kiasi ambacho ni watu wengi wanaweza kuenda sasa kufanya kazi hizi kuliko ilipokuwa pale awali.

Bw. Spika wa Muda, jambo la pili pia ni kwamba watu wengi sasa wame elimika kidogo kuhusiana na haki zao za kikatiba na kikazi. Utapata watu wengi wanaweza kuja na kulalamika kuhusiana na mambo haya.

Jambo la tatu ni kwamba kuna tofauti ya mila na tamaduni za wale watu ambao wanatoka Kenya kuenda kufanya kazi hizi na wenyeji wao kule sehemu wanakofanya kazi. Wengi wa kule wanazungumza lugha ya Kiarabu. Ni wachache wanaweza kuzungumza Kiarabu na Kiingereza. Unapata kwamba watu wetu wa Kenya wanazungumza Kiswahili na Kiingereza. Kwa hivyo, wanapofika kazini kule wanapata shida ya kuwasiliana na waajiri wao kwa sababu ya ukosefu wa lugha ya Kiarabu.

Bw. Spika wa Muda, pia wengi wanaochukuliwa wakishalipa zile pesa zinazo takikana ya dalali ama walaka wanapandishwa ndege kuenda kule kufanya kazi bila ya kufanyia mafunzo yeyote ya vitu watakwenda kufanya kule kazini. Hii ni ile atakapokwenda kule ajue matarajio yake ni nini na matarajio ya mwajiri wake ni nini.

The Temporary Speaker (Sen. Kinyua): Sen. Faki, wakati tutakapo rejea katika Mswada huu utakuwa na dakika 16.

ADJOURNMENT

The Temporary Speaker (Sen. Kinyua): Waheshimiwa Maseneta, ni saa kumi na mbili na nusu jioni wakati wa kuahirisha kikao chetu. Seneti kwa hivyo imehairishwa mpaka Alhamisi, tarehe nne Novemba, 2021 saa nane na nusu mchana. Asanteni.

The Senate rose at 6.30 p.m.