NOTICES OF MOTIONS
Date 1st December, 2015
Member of Parliament: Sen. Nabwala

**Contribution She Made On:** ADOPTION OF REPORT OF THE SELECT COMMITTEE ON THE INQUIRY INTO THE AFFAIRS OF KENYA AIRWAYS LIMITED AND ITS SUBSIDIARIES

**Sen. Nabwala:** Mr. Temporary Speaker, Sir, I beg to lay the following Motion on the Floor of this House--- Mr. Temporary Speaker, Sir, I wish to give a notice of Motion.
Mr. Temporary Speaker, Sir, I beg to give notice of the following Motion:
- THAT, aware that Agenda 2030 and attendant Sustainable Development Goals (SDGs) adopted by the United Nations on 25th to 27th September, 2015 in New York, USA will drive global efforts to end poverty and place the planet on a sustainable course over the next 15 years;
- FURTHER aware that the SDGs constitute an interlinked framework---

Date 1st December, 2015

Member of Parliament: Sen. Kittony

**Contribution She Made On:** CIRCUMSTANCES SURROUNDING THE DEATH OF MS. ELIZABETH AKALA

**Sen. Kittony:** Mr. Temporary Speaker, Sir, the statement has just been photocopied. I am not in a position to read it.
Further, the statement has not been authenticated by the Kakamega County Government. I think it will be your discretion on whether you want me to read the statement or defer it. The Committee could not approve the statement because it has got no signature.

Date 1st December, 2015

Member of Parliament: Sen. Nabwala

**Contribution She Made On:** EVICTION OF SQUATTERS FROMCHEPCHOINA FARM, TRANS NZOIA COUNTY

**Sen. Nabwala:** Mr. Temporary Speaker, Sir, I raised the Statement on Chepchoina last year. We had the same issue where 11 people were burned in their houses and others chased away and new people were brought on the farm. There is a dispute over the ownership of the land. The people who are now being chased away are those who were allocated the land in 1994 by retired President Moi. We are aware that new people are being brought from across the border to come and replace the people who are now being killed and their houses being burned. This issue was brought before the Cabinet Secretary (CS)---
Mr. Speaker, Sir, I would like those two Statements combined. This is not a light matter because people have lost their lives. This matter has already been brought on the Floor of this House. What have we done, as the Senate, to protect the people in the counties?
Mr. Temporary Speaker, Sir, yes, I would like the Chairperson to combine the two Statements. In the first Statement, 11 people died and we had a delegation of people led by Sen. Zipporah and I. We talked to the people from Chepchoina and assured them that we were going to take action. The Cabinet Secretary (CS), Madam Ngilu, was interrogated on this matter but there was no solution and you can see the same thing has recurred. This time round, I would like the matter to be taken seriously.
Date 1st December, 2015
Member of Parliament: Sen. Ongoro

Contribution She Made On: RISING INTEREST RATES AND STABILITY OF SMALL BANKS IN THE COUNTY

Sen. Ongoro: Mr. Temporary Speaker, Sir, I beg to differ because we probably only have three days before we go on recess. Looking at our full Order Paper and the matters that we need to discuss in this Chamber--- I do not know whether to appreciate or feel sad because, in my opinion, moving from a being Senator to a Cabinet Secretary is a demotion. I do recognize the fact that he has been considered for that position, but beg that we stick to the Order Paper. If time will allow – maybe on Thursday – we will fix that.

COMMUNICATION FROM THE CHAIR
Date 2nd December, 2015
Member of Parliament: Sen. Kisasa

Contribution She Made On: VISITING DELEGATION OF STAFF FROM KILIFI COUNTY ASSEMBLY


Date 2nd December, 2015
Member of Parliament: Sen. Kittony

Contribution She Made On: VISITING DELEGATION OF STAFF FROM KILIFI COUNTY ASSEMBLY

Sen. Kittony: Mr. Temporary Speaker, Sir, I also would like to join the rest of my colleagues in welcoming the Kilifi County Assembly delegation. We have been to Kilifi County twice. I am happy that they have come to the Senate to learn and see how we are operating. I wish them a good stay in Nairobi and safe journey when they go back home.

STATEMENT
Date 2nd December, 2015
Member of Parliament: Sen. Kittony

Contribution She Made On: STRIKE BY BUSIA COUNTY HEALTH WORKERS

Sen. Kittony: Thank you Mr. Temporary Speaker, Sir. I would like to hail the people of Busia who are very patriotic and have made a resolve to sort out their problems. Our Committee – I must say that we are the majority in the Chamber this afternoon – had planned to have a meeting with the four stakeholders; the Council of Governors, the Ministry of Health and the Dentists and Medical Practitioners Board and it is in the pipeline. Very soon, we are going to meet and look at health problems in the whole country. Our Committee has been very active and we are concerned with what is happening.

Mr. Temporary Speaker, Sir, what the Senator and the people of Busia have done this afternoon is commendable and the others should emulate them. This is because health is a necessity for every Kenyan to have the right to good health and good facilities. We thank you and appreciate the people of Busia. We as the four stakeholders are going to have a meeting very soon to look at the health problems in the country. Thank you.

Date 2nd December, 2015
Member of Parliament: Sen. Kittony

Contribution She Made On: CIRCUMSTANCES SURROUNDING THE DEATH OF MR. ALEX MADAGA

Sen. Kittony: I have the Statement as requested by Sen. Khaniri on the Circumstances surrounding the death of Mr. Alex Madaga. The questions were:-

(1) Explain the exact circumstances surrounding the death of Mr. Madaga and whether he could confirm that the deceased spent 18 hours in an ambulance, while waiting for the Intensive Care Unit (ICU) services at the Kenyatta National Hospital (KNH).

(2) Confirm that prior to his death, the deceased was denied admission into several private hospitals for emergency treatment and if so, reveal the identity of the hospitals involved.

(3) Confirm that the act of withholding an emergency treatment amounts to violation or denial of the constitutional right to the health care services and emergency medical treatment under Article 43 (2) of the Constitution of Kenya and enumerate the steps the Government has taken against the health institutions which withheld medical treatment to the disease and to ensure that the person responsible for the negligent act are prosecuted and the deceased’s next of kin are compensated.

(4) Clarify what other measures the national Government has taken to ensure that the state provides appropriate social security for all Kenyans, in compliance with Article 43 (3) of the Constitution of Kenya, given that the responsibility of developing national health policy is constitutionally vested in the national Government; other than the Health Bill which is currently in the National Assembly.

(5) In view of the recently gazetted National Hospital Insurance Fund (NHIF) rates, what steps the Government has taken to offer universal insurance cover for accident and emergency treatment. The additional information sought by the House included the following:-

1. The list of the names of doctors in charge during the 18 hours that this gentleman was lying in the ambulance and other persons who have been responsible at the time.
2. Specific legal provisions that exist for the Government to enforce the citizens’ fundamental rights and healthcare.
3. If there are any ways of honouring and celebrating paramedics like Mr. Odhiambo, who stayed with the deceased person for 18 hours.

Mr. Temporary Speaker, Sir, I wish to respond as follows: The exact circumstances surrounding the death of Mr. Madaga are indicated in the annex to this response. The deceased did not spend 18 hours in an ambulance while waiting for intensive care unit services at the Kenyatta National Hospital (KNH). The 18 hours was the total duration between the time he left the PCEA, Kikuyu Hospital in an ambulance, at 2330 Hours on Monday, 5th October, 2015, and the time he was admitted at the Intensive Care Unit (ICU) at the KNH, at 1730 Hours on Tuesday 6th October, 2015. The preliminary inquiry committee of the Medical Practitioners and Dentists Board that investigated this case did not find evidence that any hospital – private or public – expressly denied the patient admission due to lack of funds. However, the committee cited various lapses in the referral mechanism between the various hospitals involved. The lapses are as follows:

1. The PCEA Kikuyu Hospital did not ensure the availability of a qualified clinician to accompany the patient who was critically ill at the material time. The purpose of this is to ensure that sound medical decisions are made in relation to the patient throughout the transfer and referral period.
2. The KNH did not take all prerequisite steps to refer the patient to another facility that could have helped under the circumstances of the case. Moreover, the hospital allowed a critically ill
patient to be returned to the referring hospital for oxygen, instead of taking appropriate steps to intervene. As a national referral hospital they should have exercised the highest possible standard of care to the patient, regardless of whether or not they had an ICU bed available.

(3) Staff working at the Coptic hospital at the material time failed to follow the hospital’s ICU admission policy, as explained by the facility’s medical director. We confirm that the act of withholding of emergency treatment amounts to violation or denial of the constitutional right to health care services and emergency treatment, under Article 43 of the Constitution of Kenya. Article 43 (1) of the Constitution provides that every person has the right to the highest attainable standards of health, which includes the right to health care services. Article 43 (2) further provides that a person shall not be denied emergency medical treatment. In an emergency situation a patient has the right to treatment, regardless of ability to pay. An emergency is defined as a situation which is likely to cause death, serious injury or disability, if not attended to promptly. Public and private hospitals have a duty to administer medical care to a person experiencing an emergency. Where a hospital has an emergency facility, it is legally required to provide emergency medical care. Where the hospital is unable to provide emergency medical care, it must provide a referral for appropriate treatment. However, there is no statutory provision guiding how health care providers, private/public, will be compensated in the event that a patient who has been taken in for emergency care cannot clear the medical bill accrued.

Based on the findings of the preliminary inquiry committee of the Medical Practitioners and Dentists Board, the following orders were made against the implicated health facilities:

(a) the committee found that the complaint against the KNH had merit. An appropriate charge sheet will be drawn within 21 days of the committee meeting on the matter. The matter will be referred to the professional conduct committee, to be constituted by the Medical Practitioners and Dentists Board for further inquiry of the complaint; and,

(b) the committee found that the complaint against Coptic Hospital had merit. An appropriate charge sheet will be drawn within 21 days of the committee meeting on the matter. The matter will be referred to the professional conduct committee, to be constituted by the Medical Practitioners and Dentists Board for further inquiry of the complaint.

It is correct that the responsibility of developing and communicating the national health policy rests with the national Government. The Ministry in partnership with sector stakeholders has developed the Kenya Health Policy 2014/2013 which upholds the right of citizens to emergency medical care, as enshrined in Article 43 (2) of the Constitution of Kenya, 2010. However, a policy document can only be enforced through an Act of Parliament. The Kenya Medical Practioners and Dentists Board has additional powers of registering private health facilities and can suspend and deny registration to health facilities proven to have engaged in unethical practices or negligence.

The board has already completed preliminary investigations on the health of Alex Madaga and has escalated disciplinary proceedings in respect to the two hospitals, namely, Kenyatta National Hospital and Coptic Hospital, under the professional conduct committee on grounds of misconduct. The board is continuing with investigations and a full report will be shared with the National Assembly when the exercise is completed. The National Hospital Insurance Fund (NHIF) (1998) mandates the board to cover both outpatient and inpatient medical care in accredited health facilities, for registered members and their eligible dependants. Health providers are at liberty to seek or not seek accreditation with the NHIF to serve the Fund’s
beneficiaries. The recently revised contributions provide enhanced benefits for members and their eligible dependants.

Regarding the list and names of the doctors in charge during the 18 Hours, the gentleman was lying in an ambulance and other persons would have been responsible at the time. As clarified in the answer to the first question, 18 hours was the total time spent from departure from PCEA, Kikuyu Hospital to admission at the KNH. The ambulance was not parked in one facility waiting for ICU admission.

With regard to specific legal provisions that exist for the Government to enforce the citizens’ fundamental right to health care, the Bill of Rights can only be operationalized through formulation of policy and enactment of a health law. The Ministry has completed the formulation of Health Policy 2014/2030. The proposed health care law is currently under review.

With regard to whether there are any ways of honouring paramedics like Mr. Odhiambo, the Ministry of Health has no reward or honour programme through which it can celebrate paramedics like Mr. Odhiambo. However, His Excellency the President has the power to confer State commendation to individuals, in recognition of outstanding or distinguished services rendered to the nation in various capacities and responsibilities. Awards are made by His Excellency the President, upon the advice of the advisory committees in various sectors, as set out in the National Honours Act, 2013. One of the committees is actually in Parliament, which includes the Senate. Individuals are nominated for awards by various organizations, including the county governments, Ministries, religious organizations, Non-Governmental Organization (NGOs), individuals and others. Mr. Odhiambo could be recommended for a State commendation through this mechanism. The Statement is signed by Mr. James Macharia, the Cabinet Secretary, on 10 November, 2015. Thank you, Mr. Temporary Speaker, Sir.

Mr. Temporary Speaker, Sir, could I even be allowed to take water?

Date 2nd December, 2015

Member of Parliament: Sen. Lesuuda

Contribution She Made On: CIRCUMSTANCES SURROUNDING THE DEATH OF MR. ALEX MADAGA

Sen. Lesuuda: Thank you, Mr. Temporary Speaker, Sir. I was worried earlier when the questions were raised. I do not think there is any single Senator in this House who takes this matter lightly whether he or she is a Member of CORD or Jubilee. Thank you, Mr. Temporary Speaker, Sir. I hope that both sides of the House take this matter seriously. The issue of the late Alex Madaga is one that all of us were aware of. We want to know the timelines of some of the things that were asked by Sen. Khaniri and what measures will be put in place to deter professionals from taking such matters lightly. I also agree with Sen. Mbuvi on the need to know the measures that the Ministry is taking to have more ICU facilities in our referral hospitals. The excuse in Madaga’s case was the unavailability of ICU facilities.

Date 2nd December, 2015

Member of Parliament: Sen. Kittony

Contribution She Made On: CIRCUMSTANCES SURROUNDING THE DEATH OF MR. ALEX MADAGA

Sen. Kittony: Thank you, Mr. Temporary Speaker, Sir. I sympathize with the whole situation. When we read the Report in the Committee, it was clear that there was negligence and it was not satisfactory. I appreciate the mood of the House and, therefore, we will go back and seek further clarifications and more information so that we get a satisfactory answer. It is a right of every citizen to get medical attention in this country under the Constitution.
On the issue raised by Sen. Hassan, it is the prerogative of the Cabinet Secretary or the executive to commit the Bill to either House. We will endeavour to ensure that more information is provided to you. The questions that you have all raised are valid and the Committee will go back and bring more information in the next sitting. There is no mention of the deceased’s family and, therefore, we will inquire what happened to the hospitals; the compensation, among others. We have noted everything. Thank you.

Date 2nd December, 2015

Member of Parliament: Sen. Elachi

Contribution She Made On: CIRCUMSTANCES SURROUNDING THE DEATH OF MR. ALEX MADAGA

Sen. Elachi: On a point of order, Mr. Temporary Speaker, Sir. Is my Senator really in order to say that Kshs18 billion was siphoned? It is important for facts to be brought forward. Since the CS is being summoned, it would be very important for the Member to table facts about the Kshs18 billion and say why and who siphoned the money, so that the people responsible can be dealt with by the Ethics and Anti- Corruption Commission (EACC).

Date 2nd December, 2015

Member of Parliament: Sen. Mugo

Contribution She Made On: CIRCUMSTANCES SURROUNDING THE DEATH OF MR. ALEX MADAGA

Sen. Mugo: Mr. Temporary Speaker, Sir, I would also like to add my voice in congratulating the Chairperson and all Committee Members. I would also like to thank the Chairperson of PSC and all the commissioners who were very supportive. There was no doubt that this fund is needed and the Commission appreciated the work of the Senators. I feel that this will enhance the Senator’s mandate. It will also help the Senate to achieve her mandate.

The commissioners were very much concerned with the small percentage that is allocated to the nominated Senators. It was their feeling that the Senate will review that issue and add more resources to the nominated Senators because they also have a big constituency to oversee. I believe that my colleagues are listening keenly and that they will be sensitive to that issue.

Date 2nd December, 2015

Member of Parliament: Sen. Lesuuda

Contribution She Made On: CIRCUMSTANCES SURROUNDING THE DEATH OF MR. ALEX MADAGA

Sen. Lesuuda: Mr. Temporary Speaker, Sir, I would like to echo my sentiments and say that this is an idea whose time has come and congratulate all Senators who are in this Sessional Committee. We, as a Senate, believe in them and the work that they are going to do. It is about time that the Senate was also able to execute its mandate and their presence felt at the county level. We hope that this facilitation will enable us to do that. I also hope that this Committee will find it fit to review what we had agreed in this House and what we had also discussed at the Kamukunji; to review what the nominated Senators were going to get from this Fund. I hope that this Committee will look into all the issues we had raised so that we can all continue to execute our mandate as constituted in the Constitution and for our presence to also be felt in different parts of the country.

Date 2nd December, 2015

Member of Parliament: Sen. Kittony
Contribution She Made On: CIRCUMSTANCES THAT LED TO THE DISAPPEARANCE OF TWIN BABIES AT PUMWANI MATERNITY HOSPITAL

Sen. Kittony: Thank you, Mr. Temporary Speaker, Sir. I beg to move the following Motion: THAT, the Senate adopts the Report of the Standing Committee on Health on the circumstances that led to the disappearance of twin babies who were delivered at Pumwani Maternity Hospital on 6th January, 2015, laid on the Table of the Senate on Tuesday, 15th September, 2015.

Mr. Temporary Speaker, Sir, on 19th February, 2015, Sen. Mugo requested a Statement in the House on the circumstances that led to the disappearance of twin babies who were delivered by Jacinta Wanjiku at Pumwani Maternity Hospital on 6th January, 2015.

Sen. Mugo specifically sought to know:-

1. The circumstances surrounding the hospital’s allegations that the babies were still born upon delivery when the mother had normal delivery and heard her children crying.
2. Why the hospital gave the wrong information that the babies were born dead while the deoxyribonucleic acid (DNA) results have since established that the alleged dead babies are not a match to the parents; Mr. Dedan Kimathi and Mrs. Jacinta Wanjiku, or to each other. They are of different parents.
3. If it is an isolated incident or such incidences are prevalent in Pumwani Maternity Hospital.

Mr. Temporary Speaker, Sir, when the Members of the Standing Committee on Health embarked on this inquiry, we were motivated by our collective knowledge of the challenges faced by the expectant mothers with little or no recourse to access private hospitals. The inquest into the death of the twins pointed to the inadequacies in the internal reporting, handover and filing system at Pumwani Maternity Hospital that were noted by the Committee. The Committee recognizes the complexities of this subject and acknowledges the need for a long term approach in ensuring that this situation does not occur again. This Report presents our observations and views on some of the issues raised by all the concerned parties.

Mr. Temporary Speaker, Sir, on 2nd March, 2015, the Committee visited Pumwani Maternity Hospital and upon meeting with the management and staff, the following issues of concern surrounding the circumstances of the birth of the twins emerged:-

1. Cesarean section was not prescribed until after the examination of the following morning. Student nurse delivered the first baby when the mother had a previous scar. Stated hospital policy and handling a previous scar was not followed and medical procedures require that a doctor or a midwife must perform delivery.
2. There were no handovers. No evidence in the file from the night shift doctor of the day she delivered.
3. The notes that existed in the patient’s file were not in the list comprehensive. But pogrom was not performed until up to 10 hours after the mother was admitted.
4. There was no evidence of the death certificate in the patient’s file by the doctor. The midwife has no authority to certify death. This was exasperated. The Committee was informed that the hospital does not certify death when it is a case of a stillbirth. Spalding sign was not indicated in the file. Spalding sign, meconium, masqueraded foetus and odor are four signs of foetal death yet none of these were recorded in the file.
5. The use of Kangaroo bonding for babies who were deceased. The midwife and the doctor who delivered the babies were not the ones who went to the City Mortuary for the postmortem and Dr. Anyisi who had officially requested the Government Chemist to
perform the DNA test had not received the released report. Doctor Anyisi tabled copies of the letters of---

Date 2\textsuperscript{nd} December, 2015

Member of Parliament: Sen. Kittony

**Contribution She Made On:** CIRCUMSTANCES THAT LED TO THE DISAPPEARANCE OF TWIN BABIES AT PUMWANI MATERNITY HOSPITAL

**Sen. Kittony:** Mr. Temporary Speaker, Sir, Dr. Ayisi who had officially requested the Government Chemist to perform the DNA test had not received the relevant report of the copies of the complaint he had sent which had been included in the annexes of the report. The Committee subsequently met with the Government Pathologist, the parents of the deceased twins, the student nurses and the mortuary attendants. The summary of the Committee recommendations on the issue are as follows:-

1. The Criminal investigations Department (CID) should take up the case and bring it to the speedy conclusion on the whereabouts of these missing twins.
2. Pumwani Maternity Hospital should institute clear procedures on admission and handling of patients especially during handover. The hospital should also beef up security especially in the labour room, nursery and ward areas.

Date 2\textsuperscript{nd} December, 2015

Member of Parliament: Sen. Kittony

**Contribution She Made On:** CIRCUMSTANCES THAT LED TO THE DISAPPEARANCE OF TWIN BABIES AT PUMWANI MATERNITY HOSPITAL

**Sen. Kittony:** Mr. Temporary Speaker, Sir, doctors should write notes whenever they review a patient as per their training. To absolve itself from blame, the hospital should allow at least one relative of the patient to be presented during delivery or immediately after. The hospital should improve its records management from admission, birth, death or discharge. The hospital should find a better system of tagging a mother to her child. The hospital should develop a well-maintained and secured cold room for storing the dead. Still born babies should not be placed in the bed with their mothers after delivery.

The issue of shortage of staff, especially nurses and doctors, should be addressed. The hospital should institute internal disciplinary measures for staff that have been found to be negligent of their duties. Medical ethics should be strictly observed in the hospital from admission of patients to discharge. The City Mortuary should streamline their record-keeping processes, in particular, the receiving of bodies. The Committee acknowledged receipt of the letter written to the Speaker from the Kenya National Union of Nurses and noted that they were welcomed to attend the Committee sittings on this matter and that it was open to the public.

The Committee really deliberated on this issue. We had public hearings, went to the hospital and interviewed several people, including staff at the City Mortuary. We worked day and night because we care for the lives of Kenyans, especially the twins whom we do not know where they are up to now. Our Committee deserves a commendation for this. We have recommended strongly that the Criminal Investigations Department (CID) takes up this matter and brings it to a conclusion and let Kenyans know the fate of the innocent twins. I do not want to believe that they are dead, but let us know what happened, which is what the Committee deliberated on. I would like this matter to be given a serious consideration.

Thank you, Mr. Temporary Speaker, Sir.
Date 2nd December, 2015

Member of Parliament: Sen. Lesuuda

Contribution She Made On: CIRCUMSTANCES THAT LED TO THE DISAPPEARANCE OF TWIN BABIES AT PUMWANI MATERNITY HOSPITAL

Sen. Lesuuda: Thank you, Mr. Temporary Speaker, Sir. I support this Report and I thank Sen. Mugo who requested this important Statement. Before going to the details of my comments, from what we see on the recommendations, it is not in depth enough on what was to be done on this issue. There are good observations and recommendations put forth by the Committee out of their visit to Pumwani Maternity Hospital and listening to various officers at the hospital. However, some of these recommendations are well known to the practitioners and the management and every other officer at the hospital. The Committee should have gone further than that.

Mr. Temporary Speaker, Sir, I do not know whether this Report binds the people who need to take the investigations further and those who need to get justice for the family. We need to move a Motion so that the Report becomes actionable. We know that when many mothers go to maternity, they go with a lot of expectation that they have nursed a pregnancy for nine months and are ready to receive a baby. The subjects here were twins and I can imagine how elated the parents were. By going to a hospital, it is almost a sure way that a mother will be taken care of and have a safer place to deliver. We have been advocating both in the urban and rural areas that mothers should deliver in hospitals. We know of the complications that might arise when mothers deliver at home. The hospitals, which are beacons of hope, have become a place where mothers are afraid to go. They doubt whether they will deliver safely. This is something that worries all of us. A place where mothers are sure that they are attended to with the best services is making them to consider delivering at home.

Mr. Temporary Speaker, Sir, we have been happy that the mortality rate has been dropping because mothers have been delivering in hospitals but it is unfortunate if these hospitals turn out to be places where children are lost. This is not a new issue. It is something that we have been reading in the newspapers dating years back that children in Pumwani Maternity Hospital are stolen. With the high turnover of delivery in Pumwani Maternity Hospital, it becomes a vulnerable facility to lose children. Parents are given various excuses, for instance, claiming that there were stillbirths, among others. Since this matter is alive in this House, it should be looked at keenly with the urgency it deserves once and for all. Just imagine these are the reported cases. How many other parents are losing their children daily in Pumwani or any other maternity hospitals which go unreported?

We have it with us and we should get clear assurance from the Ministry of Health regarding measures being put in place, so that we do not just have a big and good referral hospital in our country and in the region, but which cannot assure parents of the safety of their babies. We want parents to go there satisfied that they will come out with the best results from the hospital. We do not want a situation where parents go to the hospital half-heartedly wondering whether or not they will get their children. I know that this issue is not only rife in Pumwani Maternity Hospital. It is not just about children getting lost, but we also know that there is negligence in some of the hospitals in our counties. For example, in Samburu County, we lost three mothers who had gone to deliver the other day, just because of negligence. One of them delivered on the pavement, while she was already at the hospital. We lost another one through a caesarean section. As a country, I know we have put in a lot to ensure that our children and mothers are safe. There are
areas where we have worked a lot and the free maternity that was introduced by the Jubilee Government has really encouraged many mothers to go to hospitals. However, if they go to the same hospitals and face the challenges that they are facing, we would be negating some of the strides that we have made as a country.

I thank Members of the Committee for the input. Some of the issues that emerged and what they saw are very pertinent. If you look at the bullet points of the issues that they raised, – from the time the mother was received up to the time she went to give birth – you can see the issues and concerns that emerged. From the Committee’s visit to the hospital, you can tell that there are dire issues in the hospital which need to be addressed even further. I hope that those who will receive this Report at the Ministry of Health will make sure that the issues are addressed.

Mr. Temporary Speaker, Sir, the Committee should also do a follow-up after sometime to ensure that their recommendations are put in place by the Ministry of Health, so that we just do not discuss them here and finish. I hope that the Committee will then do a follow-up to see that these issues have been raised, so that once and for all, our biggest maternity hospital will have a good name in this country and not become a shame to parents and mothers. Parents should get justice following the loss of children in the hospital. With those remarks, I beg to support the Motion.

Date 2nd December, 2015

Member of Parliament: Sen. (Dr.) Zani

Contribution She Made On: CIRCUMSTANCES THAT LED TO THE DISAPPEARANCE OF TWIN BABIES AT PUMWANI MATERNITY HOSPITAL

Sen. (Dr.) Zani: Mr. Temporary Speaker, Sir, from the outset, I support this Motion. It is a sad moment because if Jacinta and Dedan, especially the sister of Dedan, did not have access to social media, the whole incident would not have come out. The way the report has been handled – in terms of how the information has been given – it is in such a way that when you look at the documentation, there seems to be a very well planned or orchestrated motive by the health officers who gave this report in terms of explaining what happened. I am looking at the report by the Medical Superintendent, Dr. Akumba. The mother insisted that the babies were the right ones, but the father said that they were not. When Sen. Kittony moved this Motion, she talked about three very key issues that are very critical in hospitals; the internal reporting, the systems of handover and how it should be done, the filing system and how that should be followed through. That seems to be the basis of the problem.

I concur with Sen. Lesuuda that the work of this Committee should not stop at this. In fact, the Committee needs to even extend and look at other cases that have come up and see how solutions were found for those specific cases. First, such cases have become rampant. Secondly, Jacinta was a victim. She became a victim in the first instance since she did not do an ultrasound. Therefore, she did not know whether the babies were dead or alive. Therefore, she was very easy to convince. What percentage of women can access the ultrasound and go for prenatal care, so that by the time they get their babies they know what is happening?

It is really sad because there are two twins growing up somewhere, completely detached from their families. The belief is that the twins are alive somewhere else and not where they are meant to be.

Page 9 of the document needs to be clarified because it gives stages of an abnormal birth. Somebody reading through this section may think that they are reading about how an abnormal birth takes place, but I think they are procedures that need to be taken. The procedures are very important because they give the basis of how things are meant to be done. However, it begs the
question about what is happening to supervisory facilities of health institutions. How was Pumwani Maternity Hospital able to get away with this for so long without somebody identifying it? If Dedan Kimathi and Jacinta had not gone on social media for their plight to be known to the world, nobody would have known. We do not even know whether these were the only lost twins. Maybe there are very many more. So, something needed to be done from the onset. It is amazing that the system that has a lot of clarity, for example, medical notes being taken---. That is what interns are trained to do during their course. Where are the notes and the information that was given? There is a process of handling a pregnant mother. For example, her hand should be stamped as a sign of identification from the beginning. The mother is meant to sign a document stating that she has been informed of a problem, for example, if she is not able to read or write. It is very important that some of the issues tackled in Paragraph 9 should become a mission for the Committee to ensure that every detail is followed in a very clear and orderly manner, so that things are done in the proper way. For example, the bodies had no tags or labels. That is not even standard practice. How were the bodies taken to the mortuary without that being done? On the other hand, the Pumwani Maternity Hospital staff went through all the bodies in the refrigeration and stated that the ones that had been autopsied were not the ones; that they never found the bodies of the dead children. Such form of contradiction is all over the Report.

Various important issues have emerged, but how will they be addressed in the future so that we do not have such sort of inconsistencies taking place? A student nurse delivered the first baby. Is it standard practice that a student nurse can actually deliver a baby without a main nurse at the station? When the mother had a previous scar, how was that possible? Most of the time, an alternative is made the moment it is known that a mother has a scar. There is even a contradiction because the mother seems to have identified that the first baby--- She said that the first baby she saw was dead but the second one was not, but she delivered through a caesarean section. If that was the case, was it half or full anesthesia? How did the nurse put the baby in a kangaroo position on the mother? At what point was this happening? There are so many inconsistencies, and I think they can only point out to one thing; that there is something completely wrong with this specific case and that something has gone completely out of hand that needs to be investigated over time so that people can know and find a way forward.

Mr. Temporary Speaker, Sir, looking at page 23 at the Committee’s observations and final recommendations, it is also good in the final editing to put Committee observations and final recommendations separately. Putting them right at the beginning confuses one. When somebody is reading the first section of the Committee observation, it looks like they are recommendations but this is the section which the Committee is giving the sort of contradictions that they saw coming out of the case as they were looking at it. The actual recommendations come later and they have been titled on page 24 but these are specific recommendations from this particular Committee.

Looking at the observations, the same contradiction that had been noted earlier in the Report keeps coming up, for example, there were gaps in the way the expectant mother was handled because she wrote for herself during the admission but the nurse wrote on her behalf after she gave birth. So, there is a level of inconsistency. The mother; Jacinta, had a previous scar and was scheduled for an ultrasound and a caesarean section but this did not happen until she gave birth. That is not even clear because the ultrasound was given as they were trying to determine whether there was a second baby or not. This is a whole lot of confusion. The mother said that when she asked about her babies, she was told that they were in the nursery. However, we know that the procedure should be that the babies have to be shown to the mother immediately.
Mr. Temporary Speaker, Sir, I think we have taken a lot of advantage of some level of ignorance but may be a lot of trust. Many mothers go into hospitals feeling confident that they will be helped to get their babies successfully. However, somebody somewhere is doing business. It is big money. Shame on that person. It is completely unacceptable that you can actually do such business because you then end up with children who will grow without their parents, never know their culture or background just because you want some little money.

Date 2nd December, 2015

Member of Parliament: Sen. (Dr.) Zani

**Contribution She Made On:** CIRCUMSTANCES THAT LED TO THE DISAPPEARANCE OF TWIN BABIES AT PUMWANI MATERNITY HOSPITAL

**Sen. (Dr.) Zani:** Sen. Wetangula says it is big money. I hope they rot using that money. I hope they are not even able to use it successfully. It is just the whole story. I sympathise with this Committee. Sen. Kittony, it must have been a lot of hard work for this Committee because the contradictions are just enormous. I think I like the way you have put your Committee observations reflecting the level of confusion that was there. There is need to move forward so that they can move on with what they need to do. The parents agreed with the hospital to dispose their babies and yet they had said that the babies were not theirs. So, how did they agree? When finally the DNA was done, the father agreed that those were the babies but the mother disagreed. Finally, the Report is not even clear. Was the DNA finally done? What was the result of that DNA? It is because in one of the paragraphs, I read that the DNA was finally done but then the spurious bit is that a DNA is being done on probably the wrong victims—if we may call them that. You are doing a DNA on the wrong bodies. So, obviously you will not find concurrence between those bodies and those specific parents because the foul play has already been done.

Mr. Temporary Speaker, Sir, I think the base recommendation is that the hospital should institute internal disciplinary measures for staff that have been found to be negligent. It should not be the general warnings that we hear every day because nobody responds to them. It would be good for somebody who is culpable for this situation to be answerable for this specific case. I think it would be foolhardy for such a case to reach the height of the Senate and then end up wishy-washy; neither here nor there. We should not end this case. If we have to spend more time, we need to get that time, get into the details of this case and find the culprits. This is because if it comes to the Senate and we are wishy Washy; neither here nor there, these are the recommendations. What next? The babies have gone. If I wanted to get into the trade of selling babies, I will now be convinced that it is a good one and that I will get away with it. So, why would I not engage in it?

Mr. Temporary Speaker, Sir, I think we need to be really serious. I commend the work of this Committee. I just request that they need to go further and find out exactly what happened and give us more details. We need to hear more about this case. Medical ethics should be strictly observed because these are students who take the Hippocratic Oath to defend and protect life but obviously, there are other issues that are coming up. So, follow-up mechanisms are very clear and that is very critical. Women have to worry so much about so many things. First, whether they will get pregnant at all because not everybody gets pregnant. Two, when they get pregnant, will they or their babies die? Three, when they get their baby alive and whether they will keep them alive or not, is not an issue they need to worry about. If you give birth to your baby, that baby is alive. Enjoy that baby and let that moment not be deprived from you.

Date 2nd December, 2015

Member of Parliament: Sen. Mugo
Contribution She Made On: CIRCUMSTANCES THAT LED TO THE DISAPPEARANCE OF TWIN BABIES AT PUMWANI MATERNITY HOSPITAL

Sen. Mugo: Mr. Temporary Speaker, Sir, thank you for giving me the opportunity to contribute to this Motion. On the onset, I thank the Chairperson and the Members of the Committee because I have witnessed how many hours and how hard they really worked to put together this report. It was a very difficult assignment as there were even contradictions between the mortuary and hospital staff. It was not easy. I congratulate the Committee.

I also thank the Committee for putting so many hours into this in trying to answer the difficult questions. As it is now and as has been said, the babies have not been found yet. Somebody somewhere has to find these children so that we can put a stop to this. I think that is what the Committee has tried to recommend.

Mr. Temporary Speaker, Sir, I note that on bullet 14, the Kenya National Union of Nurses (KNUN) were asking what my interest is in this issue, purporting that I had a hidden agenda. I would like to indicate from the very start that I did not even know these parents. I have never met them and I do not know the family. I saw the story in the Daily Nation and it was a very sad one. The parents were asking who could help them with DNA. They knew those were not their babies but they could not afford to pay for DNA. The parents are quite poor. The father is jobless. I do not like to use the word poor but they are jobless and did not have any income whatsoever. I got their number from the Daily Nation newspaper reporter who had reported on the case. That is how I got to call them and offered to pay for the DNA. It is the same way that I have in the past paid for medical cases even when I was in the Ministry of Health. I cared.

Mr. Temporary Speaker, Sir, I would like to add that part of our job as legislators and Senators is representation, legislation and oversight. This is part of representation. So, I was just doing my work. Luckily, when I called the Director of Medical Services, he said that they would do the DNA free of charge. They said it is part of their social responsibility. In fact, it is the Principal Secretary (PS), the lady, who confirmed that even in the press. I also thank the Ministry for taking that interest. The other question from the KNUN is where I got the results. They were also given to the County Medical Officer. I thank him because he was very cooperative and, in fact, called me to ask me to send the parents to his office, which is what we did. His office took the parents to the Health Ministry for the DNA. It is the county that did that bit. I thank them.

Mr. Temporary Speaker, Sir, I believe that this Report was released to me, the hospital and the county doctor because I had requested and offered to pay. So, there was nothing behind it whatsoever. As I said, I did not even know these parents, other than when they came before the Committee to provide evidence. I would like to add, as has been said by most Senators, that this practice is rampant. It is big business. Parents keep on bearing the pain when their children are stolen from this or that hospital.

Mr. Temporary Speaker, Sir, it is our duty as Senators, Legislators and Members of Parliament to protect the poor. These parents could not hire a lawyer, as one of the distinguished Senators suggested. They are not even employed. That is why they were airing their grievances in the press for somebody to help. So, I believe that it is our duty now to assist them. There are many things that do not tie up. The Committee went ahead even to tell the professionals who are trained how they should run the hospital because from the interviews which were done, you would have been surprised how they are running hospitals as professionals. Every recommendation here, after what I heard, makes sense. We should give this Report to the Ministry of Health, the Director of Medical Services or whoever is in charge to ensure that these procedures are followed. However, because of many inconsistencies, I do not think the
Committee can completely follow to come up with the final course of action unless we have lawyers in this Committee which would take a long time. That is why I support the recommendation that this matter should be handed over to the Criminal Investigations Department (CID) to investigate and come up with the facts because what came out from the staff who handled the twins from the hospital to the mortuary was unbelievable. You could not follow it; there were many contradictions. For instance, one said: “I received the bodies but they did not have any labels on them.” Why would bodies be taken to the mortuary without labels, if they are real? Then they said that the bodies that were provided for the postmortem were fresh yet before any post mortem had been done, this had taken over a week. Therefore, I urge my fellow Senators to support this Report and demand that it does not end here. When we give it to Government officials who are charged with this work, the Committee will follow up the issue to see how it ends and to be convinced that the truth has come out and that nobody has been made to change the story from what it is for some considerations. We must get to the bottom of this so that we support and help many parents who are in tears. I do not want to keep on repeating what has been said because it has been said again and again that this is a multi-billion racket which has invaded not just Kenya but it is an international ring. We do not want it to thrive in our country. We would like to see that it has stopped and make sure that maternities are safe.

Last week, we heard of the other case in Nakuru. We are sure they are rampant; there are many more. Stern action should be taken to ensure that those who are doing it will not do it anymore. This is murder. I call it murder; if you steal somebody’s children and we do not know where they are. The DNA test was done. The children were not found in the mortuary. So, where are they? We have to find them. I believe we will pass this Motion. I urge all Senators to do so, follow it up to the end, see to it that we unravel this mystery and stop this racket from going on. With those remarks, I beg to support.

**Date 2nd December, 2015**

**Member of Parliament: Sen. Elachi**

**Contribution She Made On: CIRCUMSTANCES THAT LED TO THE DISAPPEARANCE OF TWIN BABIES AT PUMWANI MATERNITY HOSPITAL**

**Sen. Elachi:** Mr. Temporary Speaker, Sir, it will be out of order for the Senate to discuss about universities and tell our young people that we have a university for thieves. It would be good if the Senator of Machakos withdrew those remarks, because the young students will wonder whether Senators are serious about their education. Let us not take that route.

**Date 2nd December, 2015**

**Member of Parliament: Sen. (Dr.) Zani**

**Contribution She Made On: CIRCUMSTANCES THAT LED TO THE DISAPPEARANCE OF TWIN BABIES AT PUMWANI MATERNITY HOSPITAL**

**Sen. (Dr.) Zani:** Mr. Temporary Speaker, Sir, we need clarity. What is written in the newspapers is a reality of what is happening. Sen. Muthama said that “the newspapers have said.” Whether or not it will be verified is totally a different process. As a society, we can have that discourse. There is a lot that is happening and people are questioning. Some people are questioning the way certificates are attained. Some of them are fake and have been attained from other institutions. These are the realities. We have been in academia and we have dealt with this. We need to deal with it stringently to ensure that we come back to the glory that Kenya had in terms of qualifications.
Mr. Temporary Speaker, Sir, the point of order is that, he is reporting what the media has said. He has not said that there is such a university. Therefore, he can not substantiate by having to name it.

Date 2nd December, 2015
Member of Parliament: Sen. (Dr.) Zani

Contribution She Made On: CIRCUMSTANCES THAT LED TO THE DISAPPEARANCE OF TWIN BABIES AT PUMWANI MATERNITY HOSPITAL

Sen. Elachi: Mr. Temporary Speaker, Sir, first, I thank Sen. Mugo and the Committee. I pray to God that Ms Jacinta Wanjiku will move on from this tragedy. This is not the first time we are losing children. We need to pray to God that after serving Kenyans for many years, we will hand over to a generation that will change this country. It is unfortunate that leaders who have been in institutions of power are the same ones who are lamenting.

What will happen to the young ones who have come in and need encouragement to move this country forward? It is important for the institution of the Senate to understand that we want to see a new breath and that is why we have a new dispensation of the Constitution. From the Report, there is a family that is crying somewhere. Likewise, a few days ago a patient was killed at the Kenya National Hospital (KNH). There are many questionism that arise. It was a general ward and he was not the only patient. This is the same as when Ms Jacinta woke up and was told that she had a stillbirth, and that the babies were dead. She was taken through a painful process as a mother, of doing a DNA test and later being told that the babies are not hers.

What is happening? What are the challenges? What do we feel as human beings when we do some of these things? Pumwani Maternity Hospital was one of the best hospitals in Kenya. Many people in this country were born in this hospital. It was among the best in East Africa in terms of midwifery. When you look at recommendations of the Committee, you wonder what is happening with our doctors. Doctors have left everything to be done by students. Corruption in this country has many faces. Doctors in many of our health facilities are taking advantage of students. They report in the morning and go to their private clinics. We have seen this happening in all our hospitals. The doctors will just walk around and sign everything that has been done by those young students. At the end of the day, the student will be blamed because he or she has no choice. However, we should not be blaming students, but the doctors.

Mr. Temporary Speaker, Sir, we need to monitor our institutions. It is a pity that when these issues are raised by the media, we start the blame game. We need to monitor and see to it that our institutions are working in order to deliver services to our people. Once something has been messed up, no amount of investigation will remedy the situation. It is no wonder that doctors and nurses who were involved in the disappearance of these twins are still on duty.

They collaborated with others to ensure that when a woman delivers a baby, that baby disappears mysteriously. This is not just happening in Pumwani Maternity Hospital, but in many other health facilities in this country. Women are crying out there for losing their babies.

If we had fully devolved health services in this country, some of these things would not happen. This Senate must do a thorough investigation in all our health facilities. We cannot continue sitting here assuming that everything is okay when many patients are suffering and have undergone wrong surgeries and so on. We have very many pending cases of negligence and wrong prescriptions by doctors. All these cases should be investigated so that patients who have suffered under these doctors get justice.

Mr. Temporary Speaker, Sir, if indeed, as a country we need to deal with the challenges we are facing, the first step is to examine our character and attitude. We should ask ourselves: When I
go to work in the morning in a public office, what is expected of me? Am I doing my job just for the sake of it or because of pay? There were days when doctors and nurses were driven by call for duty. It is no longer a call. Nowadays, they do not treat it as a career. They come in with an attitude. They do not have the attitude to give service, but they are driven by salaries and other things. That is it. These are some of the challenges we face as we move on. We also need to look at the education sector and ask ourselves whether students are enrolled to medical colleges as a career or they are being forced by circumstances. In most of our colleges and universities, we have parallel Module II programmes where students are allowed to upgrade their education in medicine. Are these programmes well structured to produce competent doctors and nurses? Mr. Temporary Speaker, Sir, many people are joining various professions just to have names, for example, to be called doctor so and so. Therefore, when they go to give services, they do not even have the heart to provide the service. It is something we must start looking at critically. The professions which are necessary to transform this country must be merited and students must work for them. If one does not meet the qualifications to be an engineer, architect, doctor or lawyer, they can pursue other professions. That is when the best services are provided.

When I imagine Jacinta, I think it would be prudent if the Senate visited her to hear her story. It will enlighten us on how to manage trauma. As we talk about it, maybe we have traumatized her. Maybe she is wondering if we might be of any help to her. Therefore, we cannot raise her hopes and end up shelving the Report. We have to ensure that we follow up with the investigators to ensure that we get to the bottom of what happened. After that, the Senate must make a visit to the hospital so that we understand how it operates.

When I look at the National Assembly’s Committee on Health, it is trying to ensure that the health sector becomes the responsibility of the national Government. This is because out there, people are crying. The hospitals have not taken the right drugs. Some of the governors have decided to purchase drugs elsewhere. When you visit KEMSA, you find that drugs are unavailable or they are expired because the counties are not purchasing from them. At the county referral hospitals, there are no drugs for the patients. This is because the health sector is not being taken seriously and viewed as a money minting sector. Nobody should use the health sector to make money. This is a service that must be provided to the people.

Mr. Temporary Speaker, Sir, it is this Senate that has to prove that it is a devolved function and it must work. It is not a service that only provides ambulances we see roaming all over. It is time we provided quality service. We ought to reflect on the extent we have provided health service to the people. The governors decided to run it as if it is an administration block and not a health facility. Governors are known to have made it difficult for the performance of the institutions that have been devolved to the county level. Many Kenyans are wondering if they have to go to a county referral hospital or a hospital here in Nairobi. The objective of devolving the health sector was to take services closer to the people. The Senate should ensure that before this current term ends, we look into the health sector in so far as the counties are concerned. By the end of our term, we should, for instance, have three counties that we can derive pride in. It is not about building the medical training institutions that the counties are currently doing. It should be more than that.

Mr. Temporary Speaker, Sir, I remember there was an unfortunate incident that occurred in Embu. We never took it with vigour the way we have done with this. That is why it takes a personal initiative the way Sen. Mugo did. Nobody followed up with the Embu case where infants died while in the Intensive Care Unit (ICU). We talked about it and left yet it was a critical issue we ought to have followed up. Finally, we also need to improve our mortuaries.
Poor people need to enter hospitals and find good attitude by nurses or doctors who are attending to them. I always say character and attitude will kill our country. If a patient visits a hospital where doctors and nurses have a negative attitude and that they are not being paid well, lives of such patient are at stake.

Mr. Temporary Speaker, Sir, I support the Report but it is time we sat and asked ourselves, as Senate, how to audit this devolved function. For at least one of the functions, people will remember that we ensured that the services were devolved and they received better quality services than what they used to receive. All of us here should ensure that the Criminal Investigation Department (CID) takes up this matter seriously. The case should be closed after we have known that either the doctor or nurses who were on duty are in in jail, where the records are and what happened, so that Jacinta can be satisfied that the case was followed to the letter. She will have no child, but at least she will be satisfied that her case was heard and closed. I beg to support.

Date 2nd December, 2015

Member of Parliament: Sen. Mugo

Contribution She Made On: CIRCUMSTANCES THAT LED TO THE DISAPPEARANCE OF TWIN BABIES AT PUMWANI MATERNITY HOSPITAL

Sen. Mugo: On a point of order, Mr. Temporary Speaker, Sir. Is the Senator in order to keep on saying that this Report only states, “investigate” while the reason for this Report is so that we can also enrich it because there is still room for amendment to propose what would make it more forceful?

Date 2nd December, 2015

Member of Parliament: Sen. Kittony

Contribution She Made On: CIRCUMSTANCES THAT LED TO THE DISAPPEARANCE OF TWIN BABIES AT PUMWANI MATERNITY HOSPITAL

Sen. Kittony: Mr. Temporary Speaker, Sir, I take this opportunity to thank all the Senators for their contributions. I read the mood of the House that this is, indeed, a touchy issue and needs our contribution. There is no other place to put things right other than this Senate. This Report has room for improvement. We have heard all what you have said and the Committee acknowledges it with a lot of humility. This Committee did a lot of work. The report that we got was rather chilling and traumatizing. Indeed, we were privileged that we had a team of doctors in the Committee. We were able to get some gist of what we were looking for. I also want to say that we even went as far as seeing those dead bodies in the mortuary although we were not supposed to do so, but we had to do it.

I will, Mr. Temporary Speaker, Sir. As I was saying, the work of the Committee was traumatizing and chilling and we even went to the mortuary and saw dead bodies. That was not our work, but we had to. We have strongly recommended that the Criminal Investigation Department (CID) do their work because none of us has expertise in this. If this Report is handed over to the right department, the truth of this matter will come out. In the Committee, we have a number of doctors who are in the House. We did not have Members with expertise in criminal activities.

We have recommended this Report be forwarded to the CID and with all the support we have noted here, this report may help Kenyans who may be victims of such circumstances. There is no other place to do things right other that this august House. Finally, I want to thank all the Senators who have contributed to this Motion. I beg to Move.
Date 3rd December, 2015
Member of Parliament: Sen. Wangari

**Contribution She Made On:** DELAYED TRAVEL OF THE NATIONAL SOCCER TEAM FOR THE RETURN LEG OF THE 2018 FIFA WORLD CUP QUALIFIER MATCH AGAINST CAPE VERDE

**Sen. Wangari:** Mr. Temporary Speaker, Sir, from the outset, I want to confirm to the Senate that we are taking up this matter very seriously. What happened to the Harambee Stars was a shame to us, as a country, for the manner in which they travelled and arrived just a few hours before the match. It is sad that they did not even have time to freshen up. We have made deliberate efforts to get the statement from the Ministry. We were supposed to meet the Football Kenya Federation (FKF) officials today were it not for the extra sitting and we had to postpone the meeting. The Chairperson and our Committee Clerk have called the Ministry the whole of today morning, but we still do not have a response. However, I want to confirm that we are taking up the matter very seriously. We have not adjourned the Committee sittings. We will make even more effort to get an answer to this issue because it is of national importance. It actually touches on the pride of this country.

Date 3rd December, 2015
Member of Parliament: Sen. Lesuuda

**Contribution She Made On:** MEASURES TO MITIGATE AGAINST THE EFFECTS OF FLOODS IN ISIOLO COUNTY

**Sen. Lesuuda:** On a point of order, Mr. Temporary Speaker, Sir. Since as a Committee we had once dealt with such a Statement to do with floods, we had to sent most of the Statements to the Ministry of Water and Irrigation, especially with regard to **El-Nino** because we know there are programmes that they have had---

Mr. Temporary Speaker, Sir, I wanted to bring to the attention of the Senator that some of the issues she has raised, the Ministry of Water and Irrigation could also be in a position to answer those questions.

Date 3rd December, 2015
Member of Parliament: Sen. Lesuuda

**Contribution She Made On:** REPORT OF THE PETITION ON THE NEED TO REDUCE THE NUMBER OF DEVOLVED UNITS

**Sen. Lesuuda:** Thank you Mr. Temporary Speaker, Sir. I beg to lay a Report on the Petition for the need to reduce the number of devolved units in Kenya by Major (Rtd.) Joel Kiprono Rop.

**REPORT**

Date 3rd December, 2015
Member of Parliament: Sen. Ongoro

**Contribution She Made On:** THE WATER BILL (NATIONAL ASSEMBLY BILL NO. 7 OF 2014)

**Sen. Ongoro:** Mr. Temporary Speaker, Sir, I beg to report progress that the Committee of the Whole has considered the Water Bill (National Assembly Bill No. 7 of 2014) and seeks leave to sit again tomorrow.

**MESSAGE FROM THE NATIONAL ASSEMBLY**

Date 3rd December, 2015
Member of Parliament: Sen. Elachi

**Contribution She Made On:** CONCURRENCE OF THE NATIONAL ASSEMBLY ON THE GOVERNMENT PROCEEDINGS (AMENDMENT) BILL (SENATE BILL NO.10 OF 2014)
Sen. Elachi: Madam Temporary Speaker, I also thank all the Members of the Senate. We close the year knowing that the Supreme Court spoke on the issue of the two thirds gender rule. As we go on recess, it is an issue that we had thought the National Assembly would have also fast-tracked the Bill and see to it that it comes to the Second Reading. This has not happened.

As young people look up to us and have hope that one day they will also sit in this Senate, they will appreciate that it was a House where its Members understood the country, had wisdom and understood why 50 years on, Kenya had to get a new dispensation of devolution.

We also go on recess having disposed of all private Bills. All Senators deserve congratulations. This House has stood firm because of individual Senators doing research and coming up with different amendments that we have done. They have also sponsored various Bills. We hope that the National Assembly will fast-track these Bills so that when we come back next year, 2016, which is the only year that we have to show the country that this Senate is here to stay.

Madam Temporary Speaker, we do not even need the constitutional amendments that we are thinking about. It is time the Senate just picks its niche, get out of this thinking of the way the National Assembly conducts its business and conducts its business differently. Let us go out there and listen to Kenyans. At one point, Kenyans thought that Parliament will reach out to the people so that they can see how parliamentarians debate and present their issues. When I came to the Senate, I thought it would ensure, at least, in the five years we have had the Senate sitting in any county in the country. I hope this will happen.

Madam Temporary Speaker, I hope you will give time to the Sessional Committees. There is work that is pending. For instance, most of the reports have not been tabled yet this is a third year. There is need to fast track them. I hope that the request made this morning will go through to ensure that before the next Sessional Committees are constituted, the current ones will have concluded their work. The reports involve public funds and the necessary persons should be summoned to account for them. Members of public will be happy to hear that their financial reports were tabled in the Senate.

Finally, I wish everyone and especially those who gave us the opportunity to serve under this august House a Merry Christmas. I hope that Members will serve their respective electorate the same way the Pope encouraged us to serve the poor. I support.

Date 16th December, 2015
Member of Parliament: Sen. Elachi

Contribution She Made On: PUBLIC PROCUREMENT AND ASSET DISPOSAL BILL (NATIONAL ASSEMBLY BILL NO. 40 OF 2014)

Sen. Elachi: Thank you, Mr. Speaker, Sir, I also support. However, pursuant to Standing Order No.141(3), I beg to move:-

THAT, the Motion be amended by inserting the following words at the end therefore:-

“Subject to the recommittal of the Presidential recommendations on Clause 51(3) and Clause 124 to the Committee of the Whole.”

Date 16th December, 2015
Member of Parliament: Sen. Elachi

Contribution She Made On: PUBLIC PROCUREMENT AND ASSET DISPOSAL BILL (NATIONAL ASSEMBLY BILL NO. 40 OF 2014)

Sen. Elachi: Mr. Deputy Speaker, Sir, I also thank the House. When the drafters of the Constitution thought of the Senate, it meant that there is a delegation. Within the wordings, it never said that the delegation will be coerced by either of the political parties that brought them
here. Even the Constitution gives Members freedom that you can walk out of your party without being de-whipped from the House, but continue being an independent Member. It is time that in a democratic manner, we must appreciate those women who vote in delegations should also not be intimidated and told that they are not part of those delegations.