JANUARY 2017 KEWOPA MEMBERS HANSARD [NATIONAL ASSEMBLY]

CHAIRS

Date: 26th January 2017

Member of Parliament: Hon. (Ms.) Jessica Mbalu

Contribution she made on: The Temporary Deputy Speaker

Date: 31st January 2017

Member of Parliament: Hon. (Dr.) Joyce Laboso

Contribution she made on: The Deputy Speaker

PAPERS LAID

DATE: 17th January 2017

Member of Parliament: Hon. (Ms.) Sunjeev

Contribution She Made On: Adoption of Report on Appointment of EACC Chairperson/Members

Thank you, Hon. Speaker for giving me this opportunity.

I support the appointment of Archbishop (Rtd.) Dr. Eliud Wabukala Wamukekhe – I hope I have pronounced it correctly.

From the outset, I must say wholeheartedly that I support this appointment. As Kenyans, we need divine intervention. We have reached that time of the year and period in our lives when each one of us needs divine intervention. What a better way to look at this one human being who has come in the name of Archbishop (Rtd.) Dr. Eliud Wabukala Wamukekhe! I know we are all looking and having highest regards and demands of him. But, we also have to remember that he is, first of all, a human being. I know cartoonists have a habit of making fun of people, but I am sure the Archbishop knows what he is up against.

Having listened to what he said when he was being vetted; I must say that the few objections that were relayed regarding his background lack merit. But, what happens in life when a person really excels? People just want to pull you down. That is the nature of all human beings. We must not ignore that. We must commend the fact that this gentleman has been appointed to one of the most respectable positions in this country. Look at his track record. He might say
what he owns. He has one of the most important qualities in a human being these days. In any position of Government, you must have integrity and honesty. These days, those attributes are not bought. You cannot buy them in any street. For me, even if we feel that a candidate requires some experience in a job he is about to do, if he has integrity and honesty, I think he deserves the chance.

At this point, I would like to also say that, as a House, we must join hands today and support this appointment wholeheartedly.

Thank you, Hon. Speaker.

DATE: 17th January 2017

Member of Parliament: Hon. (Ms.) Kering

Contribution She Made On: Adoption of Report on Appointment of EACC Chairperson/Members

Thank you, Hon. Speaker for giving me this opportunity. At the outset, I would like to support this great man, Dr. Archbishop Wabukala.

I also want to congratulate the Anglican Church for having raised such a person. As we talk about him, we know the history of the position that we are fronting him to take; that it has had problems. From the reports that we have gone through about him, he is a consistent man, very articulate and somebody that is attached to whatever issues he is handling. From history, he rose from the lowest to the highest rank of the church. In instances where there have been controversies in the church, we have always seen him step in and made the church glued together.

This country, probably, has been waiting for this man because of his track record that all of us are aware of. From the time he worked for the church to being a member of the NCCK, we know of his track record and the good things that he did even after post-election violence. He actually took up a very critical role and he made sure communities came together and continued living together.

As we support Archbishop Wabukala, it is also the responsibility of this country to pray for him so that he does not change because we know him. Since the position is one that attracts a lot of corruption, he is one man who is allergic to it. Looking at his age, he has seen a lot that we are sure is going to clean that sector. I am sure everybody will have a position.

The Report says that Archbishop Wabukala will help fight corruption in this country. I rise to support the Report and say, all of us in this House know the people who have come before and everyone who has been associated with corruption. However, this is one person whose report was very straight and clean. This is one man that we need to support. He has always gone through the Bible. He wakes up, walks and sleeps with a Bible. Therefore, we can be sure that there will be no more corruption in this country.

I rise to support Archbishop Wabukala. Thank you very much.

DATE: 17th January 2017

Member of Parliament: Hon. (Ms.) Kering
Thank you, Hon. Speaker. I rise to support the nominees to the IEBC. I want to thank the Committee for doing a good job by identifying these nominees who come from diverse backgrounds and different regions. Among them is a legal expert, a diplomat and academicians. I would like to congratulate and also thank the Committee for identifying Mr. Boya Molu who comes from a remote part in North Horr. This is an area that nobody at anyone time would identify an expert. He is a vibrant and young person who has grown through the ranks and has been doing a wonderful job for this country.

He comes from my region. Through the process of vetting they identified even a person from a minority group who might not even had a chance to represent Kenyans at any one point. We have gender balance. There are women who are highly qualified like Roselyn and Margaret who have served both at local and international levels, and have been identified to represent this country and ensure that, at least, we have credible elections.

Kenyans vet people who are looking for jobs and I am happy that none of the identified nominees has been said to have any dispute in terms of integrity. They are fresh people who have served at different levels. I believe they are going to take this country to a different level. The process of identifying these nominees has been a long one. For example, if I can take Kenyans back, I remember people died, the Opposition went to the streets and people talked about the sitting commissioners whom I believe did nothing wrong to this country. People poked holes on an Electoral Commission which did a credible election in 2013. Kenyans are sending home Commissioners who did a wonderful job.

The Commission has experts in constituency coordinators, Directors and Election Managers who have been trained for a long time. Having been a former Commissioner in the Interim Independent Electoral and Boundaries Commission (IIEBC), I know the kind of expertise which we have at the IEBC. I believe over the years they have been able to conduct elections in this country but because of political interests we have pulled out people who have been a source of inspiration to this country.

I would like to urge Kenyans that it is important they trust their systems. We talk about a system which is not good and engage in politics. At the end of the day, these commissioners are removed. We bring in people through a competitive process which is participatory and has taken Kenya some time and cost money and then we do not trust them. I believe that the nominees who have been identified from across the country are people who have experience and love this country. We should not destroy them but we want them to unite this country and hold a credible election which we will all trust and believe in.

Elections are about trust and perception. We have already said we do not trust the people who are currently holding the positions. We have now given Kenyans an opportunity to identify people they think can take them through the elections. I rise to support and congratulate the panelists who identified, shortlisted and even interviewed them. I would also like to thank the Departmental Committee on Justice and Legal Affairs for having done a wonderful job and ensuring that we have a credible team.
I would also like to thank and appreciate our President for being very patient with many things which are going on even when he knows that some of the things are just politics. He has always given Kenyans an opportunity to ensure that a process is subjected to public participation so that we come up with solutions which can hold this country together. This is because he loves peace and Kenya.

Hon. Speaker, I know it is now the campaign period and we will push each other because of different political interests. I urge Kenyans to go out there and register as voters. You cannot have a government or system that can take care of Kenyan interests if you do not register. I also urge Kenyans of goodwill who love this country and who love the President to go out there and register as Jubilee members so that we take this country forward because you have always been good. I believe that we are going to take this Kenya forward with His Excellency the President because he has always done a good job.

DATE: 25th January 2017

Member of Parliament: Hon. (Ms.) Abdalla

Contribution She Made On: Limitation of Debate on Individual Members’ Bills

Hon. Speaker, I request for the Mover to reply since there is no interest in debating this Motion.

DATE: 25th January 2017

Member of Parliament: Hon. (Ms.) Abdalla

Contribution She Made On: Limitation of Debate on Individual Members’ Bills

Put the Question! It is a new year, Hon. Speaker.

DATE: 25th January 2017

Member of Parliament: Hon. (Ms.) Abdalla

Contribution She Made On: Limitation of Debate on a Report of a Committee

Thank you, Hon. Speaker. I beg to second.
I have only one item that I would like to urge especially the secretariat of Parliament to note. Under this Motion, Report of a Committee includes report on a mediated version of a Bill. Therefore, if this process is used, the Chairs of the Mediation Committees will have more time to expound on what they have agreed under mediation.
With those remarks, I beg to second.

(Question proposed )

(Question put and agreed to)
Thank you, Hon. Speaker. I beg to move that the Sexual Offences (Amendment) Bill (National Assembly Bill No. 33 of 2016) be now read a Second Time.

First and foremost, I want to take this opportunity to thank the Legal Department of the Kenya National Assembly, the Kenya legal fraternity, the Departmental Committee on Justice and Legal Affairs and all the relevant stakeholders who made this Bill a possibility. Despite the passage of the Sexual Offences Act in 2006, the issue of sexual offences in our society is one that still requires us to take urgent action to address. An incident that occurred to a minor in Busia County in the year 2013 remains a chilling reminder of what can happen when we as leaders and the agencies tasked to ensure the safety of citizens fail to take action.

You will recall the story of Liz who in late June 2013 was brutally gang raped by six men and thrown down a pit latrine where she was left to die. Upon her rescue by villagers in the area, the vicious attack was reported to the relevant authorities. What followed was shocking as the attack was recorded by the officers merely as assault and the alleged offenders given a punishment of cutting grass around the police station.

Hon. Speaker, since the incident, Liz is confined to a wheelchair and requires constant support to perform normal bodily functions. Liz and her family have received threats to their lives and they had to abandon their homes. The characterisation of the incident by the National Police Service (NPS) seemed to diminish the viciousness of the attack, and to an extent blame Liz.

Hon. Speaker, the 2013 Annual Crime Report released by the NPS indicated that the rape cases in the country had increased by 20 per cent, followed by robbery and murder at 19 per cent and 11 per cent respectively. The report recorded a total of 882 rape cases in the country. The 2014 Annual Crime Report corroborated this statistics and further revealed that there were 893 rape cases, 685 defilement cases and 240 cases of incest, which were an increase of the previous year numbers. These statistics, without taking into account the unreported cases, are an indication of a troubling trend in sexual offences across the country.

The 2013 United Nations Multi-Country Study on Men and Violence in Asia and the Pacific revealed that a vast majority of men who had perpetuated rape did not experience any legal consequences. The above lack of legal consequences reveals that impunity is a major issue when dealing with the violation of reproductive health rights worldwide. The absence of legal sanction and possibility of out of court negotiations reinforce the socialisation that a woman’s body can be violated freely without any legal recourse. This notion must not be allowed to breed within the national context.

The Sexual Offences (Amendment) Bill of 2016 seeks to amend the Sexual Offences Act with an aim of ensuring its better implementation. It also seeks to cure the defects witnessed in its implementation over the last 10 years. More specifically, the Bill aims to expressly prohibit out of court negotiations and collusions in sexual offences which help perpetrators of sexual
The Bill further seeks to require both the national and county governments to promote public awareness of sexual offences through a comprehensive nationwide education and information campaign conducted through the relevant Ministries, departments, authorities and other agencies. The education and information campaign is to focus on sexual offences and shall be carried out in all schools, institutions of learning, prisons, remand homes and other places of confinement amongst the discipline forces, all places of work and communities throughout Kenya. Further, the Bill compels the Ministry of Education, Research and Technology to prescribe guidelines on the inclusion of sex education at some agreed level in the school syllabus.

Hon. Speaker, please permit me to refer to some of the key clauses in the Bill. Clause 2 of the Bill seeks to redefine the term “indecent act”. It reads: “Indecent act” includes an unlawful intentional act which causes—

(i) any contact between any part of a body of a person with the genital organs, breast or buttocks of another, but does not include an act that causes penetration;

(ii) exposure or display of any genital organs, breasts, buttocks or pornographic material to any person against his or her will.”

In the mother Act, the word “indecent act” is not clear. I will give a case of Mr. Kenneth Mwaniki versus the Republic where the court observed that the use of fingers to indecently assault a complainant does not fall under the definition. I will also give an example where women have been complaining that they undergo indecent acts in the ferry in Mombasa that when they are crossing, men do indecent acts behind them but they do not have ways of reporting since it is not in the law. We have redefined the indecent Act.

Clause 4 of the Bill seeks to amend Section 30 of the Act to enhance the applicable penalty for contravening the section from Kshs50,000 to Kshs500,000. Section 30 of the principal Act requires a person who has been convicted of a sexual offence to disclose such conviction when applying for employment which places him or her in a position of authority or care of children or any other vulnerable persons. The safety and security of our children is paramount, and enhancement is sure to act as a deterrent to persons who intend to contravene the section. We have heard of cases where people rape disabled people.

Clause 5 of the Bill seeks to introduce a new Section 30A to require an employer to confirm that a person seeking employment to a position of care or access to children or any other vulnerable persons has not been charged or convicted of a sexual offence under this Act. Under the new section, an employer who knowingly employs a convicted sexual offender in a position of care or access to children or any other vulnerable persons commits an offence, and is liable upon conviction to imprisonment for a term not exceeding three years or to a fine not exceeding Kshs1 million, or to both. The safety of our children and other vulnerable persons is a legitimate interest that may override individual liberties of convicted sexual offenders and persons who seek to employ them. The proposed amendment seeks to ensure that an institution of care or learning is vigilant in the vetting of the persons it employs or places in a position of authority over children and other vulnerable persons.
Clause 7 of the Bill seeks to amend Section 36 of the Act to allow for the collection of sample of semen of a person accused of a sexual offence. The current section only allows for collection of blood, urine or tissue sample. We are adding the word “semen”. DNA forensic evidence is recognised as the most efficient means of proving or disapproving a link to sexual offences. The proposed amendment seeks to enhance the mode of identifying perpetrators of sexual offences.

Clause 8 of the Bill seeks to amend Section 37 of the Act to enhance the option of a fine for tampering with a scene or witness of a crime to a sexual offence from Kshs100,000 to a sum not exceeding Kshs500,000. Tampering of crime means a lot of things. A parent can burn clothes of a girl who has been raped. Lying is also tampering of crime. We also have police officers who tamper with evidence. This will be a crime and if convicted, someone will be charged.

Clause 9 of the Bill seeks to introduce three new sections in the Act immediately after Section 40. The proposed Section 40A prohibits persons from colluding in order to conceal the commission of a sexual offence. It reads:

“Any person who, in order to conceal a sexual offence -
(a) solicits for money, domestic animals or any other property as compensation from the suspect;
(b) marries off the victim to the suspected offender;
(c) prevents police officers from conducting investigations; or
(d) distorts evidence or the scene of crime commits a crime;
commits an offence and shall on conviction, be liable to imprisonment for a term of not less than five years or to affine of not less than five hundred thousand shillings or to both.”

Soliciting for money is very rampant in some communities and it is so sad when a parent/guardian takes very little money or cattle to have out of court negotiations. This needs to end because some of these girls who have been defiled and they are under 18 or even if they are over 18 years, do not have any justice that has happened in their lives. So, if you solicit for money, domestic animals or any other property as compensation, you will be convicted.

We have some communities where girls who have been defiled are forced to marry the rapist. When you force a girl to marry somebody who has defiled or traumatised her, she will be in a marriage that will traumatiser her all her life. She will never be happy in that marriage and the marriage might not even work. Also, the girl will not have got justice because you are pushing her to get married to the sexual offender. We have places where police officers are prevented from conducting investigations. We have very many examples where a police officer is prevented by the community from conducting investigations. So, we need to tell these communities which prevent such things that they will be convicted. There are some parents or even officers who distort evidence of the scene of crime. This will be a conviction and one be liable to imprisonment for a term of not less than five years or to a fine of not less than Kshs500,000 or both.

Research carried out by Crime Scene Investigations, a forensic and private DNA agency, reveals that rape in all provinces except Nairobi is mostly settled out of court through clan elders and that women and children in rural areas are subjected to such courts unwillingly. It is, therefore, important to prohibit collusion between an accused person and persons purporting to represent
the interests of a complainant, especially where the latter is a minor as that will ensure that sexual offences do not evade justice.

The proposed Section 40B requires the Cabinet Secretary (CS) responsible for the National Police Service to ensure that all police stations have special units to deal with sexual offences and to establish at least one special unit in the counties to handle sexual and gender based violence offences. Under the section, the proposed special units are to be equipped with modern equipment and facilities for carrying out investigations on the spot and all police officers are to be trained in handling and investigating sexual offences. On this issue of the special units in the county, we have instances where a victim goes to report a case and the police at the police station either do not know or do not want to handle the case. Most of those girls or boys are really mistreated. They go there to report and they are asked all manner of issues like: “What did you do for this man to rape you? How were you dressed?” Instead of handling the case in a professional manner, they are asked all these manner of questions. Most rape cases never get reported because when people go there to report, they really get embarrassed. You might go to a police station where there is no privacy and the police officer, in front of so many people, asks you: “Can you say what has happened to you.” It is hard to even say what has happened to you in front of all those people standing out there. So, we need the police stations to have a confidential place where the victim can go and have their specimen taken on the spot so that we can have the correct and right DNA taken for investigations. So, we request the special units to be set in the counties for such investigations and the police officers need to be trained. A special cadre of police need to be trained to be handling these cases. If not all, at least a special cadre of police should be trained to handle the sexual offences ad even the gender based violence.

Hon. Speaker, research shows that very few police officers have the skills to collect, document and preserve crucial evidence such as DNA. In C.K. Achand and 11 others versus Commissioner of Police and three others in 2013, the court observed that failure of the police to enforce existing defilement laws was partly contributed to lack of proper training. It directed the National Police Framework to be made a mandatory component of the training curricular to all police training colleges and institutions.

The proposed Section 40C of the Act requires both the national Government and the county governments, in collaboration with civil society organisations, to promote awareness on the negative effects of sexual offences. This is proposed to be done through a comprehensive nationwide education and information campaign conducted through the relevant Ministries, departments, authorities and other agencies. The campaign is to target key groups such as schools, other institutions of learning, all prisons, remand homes and other places of confinement, the disciplined forces and places of work.

Clause 10 of the Bill seeks to amend Section 46 of the Act to outline the matters to be covered by the National Policy Framework prepared by the CS to guide the implementation and administration of the Act. The amendment proposes that the framework provides for promotion of awareness and civic education on sexual offences and cooperation between the Government and the civil society in the enforcement of the Act.

As I end, Clause 11 of the Bill introduces a New Section 46A immediately after Section 46 of the Act. The proposed section requires the CS for Education, Science and Technology and the
ministry responsible for schools to prescribe guidelines for the inclusion of sex education at some agreed levels in the school syllabus. Such education will go a long way in ensuring that our children are natured to be sexually responsible and to respect each other’s dignity. On the issue of sex education, Busia County which I represent, from January to December 2016 had 9,167 girls who dropped out of school. Some of these girls were interviewed and we came to realise that some of them even said that they did not know that the act they were getting into would end up in pregnancy. This means that some of these girls did not understand the basics of what sex is. So, we really need to have sex education in schools because it might even minimise the high level of school dropouts. It will also minimise the high level of early pregnancies and will ensure our girls and boys respect one another’s dignity.

With those few remarks, I beg to move and Hon. Jared Opiyo was to second. Thank you, Hon. Speaker.

DATE: 25th January 2017

Member of Parliament: Hon. (Ms.) Ombaka

Contribution She Made On: The Sexual Offences (Amendment) Bill

Thank you, Hon. Speaker, for this opportunity. First and foremost, I want to thank Hon. Florence for bringing this amendment. What is interesting and which I highly support is the definition of “sexual offence”. It includes what we never think about. Things like non-verbal which may not be used here distinctly, but it deals with touching of private parts of a person. That must be included. Touching breasts, buttocks and other private parts is part of sexual offences that must be understood as an offence. More than that, I would like to include words such as winking at a person, or staring at a person in a manner that is likely to be an offence.

DATE: 25th January 2017

Member of Parliament: Hon. (Ms.) Ombaka

Contribution She Made On: The Sexual Offences (Amendment) Bill

Winking is very common in the streets and marketplaces. These are sexual offences. They must be included in this Bill. It is very critical. Sexual offences are very rampant in this country. The victims are normally infants: two or six-month olds, helpless children, little girls. Sometimes you have sexual offences committed against people living with disabilities; even old women. As long as people are helpless, they are seen to be weak, they tend to be abused. This is the category of human beings that are often abused. We need laws that will strictly punish perpetrators. I think this Bill does that very well. I support these clauses. There are also other parts of the Bill that have been well done and I support them, particularly the section where the police do investigations. This had never been done very well. They give up along the way because of various out-of-court discussions and agreements. Even the very fact that the offence is sexual, not many people want to pursue the matter because of the shame
and fear that it entails. Many victims do not pursue the matter so that they get proper justice because of the fear and shame that the society associates with these crimes. Therefore, a lot of victims suffer silently without seeking justice. We need to encourage them a lot because so much damage is always caused when a person is sexually offended. There is psychological trauma that a victim goes through for years on end; sometimes for life. They will always be regarded as people who were offended for many years and they can never settle in society. We need to put proper interventions for them.

It is also true that perpetrators of this kind of violence go scot-free. It is very sad when a three-year-old girl has been sexually offended and the perpetrator goes scot-free. It looks really unfair for the little girl who may not know what has happened to her, but the perpetrator is much older and goes scot-free. It is morally wrong, and laws must be put in place to punish those who offend the little girls. That is why the amount of Kshs500,000 set here may be little for those who have the money, but it is quite a lot for those who do not have jobs in the village; they cannot get this. This is going to be a good deterrent to those perpetrators. They must know that there is punishment at the end of it all.

There have been very difficult ways in which to find whether one is guilty or not. We talk of semen, we get that semen and we get the DNA. But what of a case where there is gang rape? That has not been captured well here. What happens where there is gang rape? Whose DNA are you going to take and there are many people involved in it? Whose semen are you going to take? What is going to happen when a case of gang rape takes place? That is quite a challenge even within this amendment. We need to define and be very clear on what is going to happen in case of gang rape.

Finally, the intervention is also very important when it comes to HIV/AIDS. I remember in the early 1980s and 1990s there was a lot of public education and sensitisation in schools, media, churches and many places. People talked about HIV/AIDS. Again, people were scared of the disease to the extent that it was not very easy to talk about HIV/AIDS. Therefore, the name “HIV/AIDS” was not used all the time; people used other names in reference to the disease. Still, there was a lot of public education going on. Today, it is a little easier to talk about HIV/AIDS and a lot of people are quite aware about the disease, even though it has not come down to the expectations. The amendment proposed here that we need to include public education is highly acceptable. Many schools today need to know that sexual offence is part of that education that every girl and boy, teacher and everybody in the society must be aware of. Public education is critical. Everybody will have to know wherever they are working, in the church, in Government ministries, private offices, everybody must know the consequences of sexual offences and what can happen to a person who is assaulted. What are the consequences of assault? Even perpetrators are at risk. You are forcing somebody to have sex with you but you do not know the health status of that person. Even perpetrators of these offences need to be aware of the kind of risks they are taking in offending somebody whose health status they do not know. So, public education is important for each person, women and men, boys and girls, the police and everybody else. An extensive and comprehensive public education is very important.

Hon. Speaker, I want to support this Bill because it is capturing areas that were loosely dealt with in the original Bill. I believe this is going to be very important in protecting the lives of everybody.
The last point is that interventions can be difficult just like it is with other areas. But I think we need to continue sustaining the fight until everybody is aware that their lives are at risk, victims and perpetrators alike.

I support the Bill.

Thank you.

DATE: 25th January 2017

Member of Parliament: Hon. (Ms.) Ng’etich

Contribution She Made On: The Sexual Offences (Amendment) Bill

Thank you, Hon. Speaker for this opportunity. I rise to support the Sexual Offences (Amendment) Bill as proposed by Hon. Florence Mutua. Indeed, we have the Sexual Offence Act which is now being amended. This Bill is a further emphasis on the same, particularly on the implementation.

There are many legislations that protect the girl and boy-child from being sexually offended. However, we noticed that the implementers – those who are supposed to protect them---For example, when reporting sexual offences, there should be a desk where a report can be made in privacy but this rarely happens.

Secondly, I want to support public awareness, particularly giving students in schools or young persons life skills. How can they also avoid this? It is better to prevent than allow an offence to be committed and then follow it up.

I have dealt with a case before where a mentally sick girl was raped by a boy who used protection. So, if you look for evidence, you cannot find any. Secondly, because the victim was mentally ill it was very difficult to resolve the case. This is despite having a witness. We are still dealing with that case in Sotik. I hope that this Bill that is now being amended will come up with very stringent measures to be taken against anybody who does some undesirable acts to either a girl or boy. They should face the law as it is.

Hon. Speaker, this also happens in social places. This is because there are people who intentionally, as you criss-cross each other, make sure that their bodies touch your breasts. This, again, is a sexual offence because it is a deliberate move. I think matters of privacy and decency should be upheld at all times. This is a matter of public education and awareness.

The Speaker mentioned some crowded places. We used to have the Kenya Bus Services (KBS) and people were allowed to stand in the buses. We have ferries where people stand and are congested. There are those that can be identified as deliberate move but there are others that may just be due to the small area in which people are standing. I believe the Mover should explain to us. There is also an opportunity during the Committee of the whole House to amend the law so that it does not become vague on what exactly is being moved here.

Hon. Speaker, I want to support this Bill and call upon Members to support it. Gender violence through sexual offence is increasing. This is portraying Kenyans as people who are a bit indecent.
I also recall some remarks about Africans that were made by one of the presidents of a leading nation.

I support the Sexual Offence (Amendment) Bill. Thank you, Hon. Speaker.

DATE: 25th January 2017

Member of Parliament: Hon. (Ms.) Sunjeev

Contribution She Made On: The Sexual Offences (Amendment) Bill

Thank you, Hon. Speaker for giving me this opportunity to lend my thoughts to the Sexual Offences (Amendment) Bill. I congratulate Hon. Florence because as we approach elections this year, many issues pertaining to elections will be discussed. Issues pertaining to society such as these get ignored. While Hon. Florence will be leaving this year to pursue gubernatorial seat or defend her seat – I am not quite sure - she will know that she put effort in this Parliament to clean up the Sexual Offences Act. Modernisation brings modern problems. Children get older much faster than before. In some cases girls look much older than their actual age and those are the effects of modernisation. In many cases, some unscrupulous people take advantage of some young girls and boys.

At the outset, this Amendment Bill seeks to clean up the original Bill. One of the things that stood out in this Bill was the collection of evidence. Section 36 of the original Bill clarifies that the collection of semen will be introduced as evidence. This was not there before. I feel that this is one of the most pertinent forms of evidence that you need in this Bill. This was omitted before, but it is now included.

Hon. Speaker, fines have been increased from Kshs50,000 to Kshs500,000. Many times people in villages cannot afford a fine of Kshs500,000, but this is the more reason they should not engage in the vice. So, I am okay with the fine being increased.

Clause 30 states:

“A person who has been convicted of a sexual offence and who fails to disclose such conviction when applying for employment which places him or her in a position of authority or care of children or any other vulnerable person or when offering or agreeing to take care of or supervise children or any other vulnerable person is guilty of an offence and liable upon conviction to imprisonment for a term of not less than three years or to a fine of not less than fifty thousand shillings or both”

Many times we see on social media or television unscrupulous people take advantage of vulnerable people. So, the employer should be responsible for the people they are hiring so that they make sure that vulnerable people are being taken care of by the right persons. I have talked about collection of semen for evidence.

One more important thing that has been clarified is with regard to police stations having special units to deal with sexual offences. This is very important because the 2006 statistics stated that
one rape was committed every half an hour. So, if we are dealing with figures as high as that, as a country, we need to have trained police officers so that we can take care of the vulnerable citizens. They have to be trained to conduct their activities in a proper manner.

Hon. Speaker, overall, I do not have any issue with this Amendment Bill. Though, I would like to talk about Section 46A where the Minister responsible for Education, in provision of guidelines, should include sex education. For example, I remember a few years ago my friend who lives in the United Kingdom (UK) was telling me that his nine-year old cousin was being taught about sex education and she came home with a condom. He was quite surprised and was expressing his horror to me.

Our children are maturing at a very fast rate these days. We cannot sit at home and expect teachers to educate them on what is right or wrong. We have to let the doors open and sit our children down and talk to them in a way that they can understand.

Finally, I would like to support this Bill and congratulate Hon. Florence once again for a job well done.

Thank you very much, Hon. Speaker.

DATE: 25th January 2017

Member of Parliament: Hon. (Ms.) Chepkwony

Contribution She Made On: The Sexual Offences (Amendment) Bill

Thank you, Hon. Temporary Deputy Speaker for giving me this opportunity. I would like to thank Hon. Florence Mutua for bringing this Sexual Offences (Amendment) Bill. The way this Bill is framed is really going to help us if we amend and it is implemented. We have seen many sexual offences being done to young girls even as young as two months, but we have not seen any action being taken by the police, our assistant chiefs and chiefs. This Bill is going to help us so that we reduce the defilement cases in this country.

We have the issue of the police colluding with clinical officers and laboratory people who cannot even give a proper direction when they are doing clinical research. You find that the officers are compromised to change the results of the offender. With this Bill and if it is implemented, it will save our girls. We know the challenges and victimisation our girls have faced is much. This Bill is going to help us so that we reduce the defilement cases in this country.

Christianity and Islam have come, but this does not even help reduce these cases of defilement. If possible, we want civic education to be done. Let us have our cultural mothers and fathers to see that good culture is brought back which can change the society. In our tribe long time ago, you could not find a young man less than 30 years taking alcohol, but you find in the present generation a child of 10 years doing so. So, all these cultures which have been ignored have caused all these problems of defilement in this country. If possible in schools, we should come up with a subject on culture so that children get to know how they should behave.

These days, we have people teaching girls about their culture. If we introduce cultural education in our schools and areas, I think it is going to help reduce these defilement cases. As the Member proposed, anybody who is compromised should be fined Kshs500,000. It is very important if men who defile children are jailed for life. I think it is going to reduce those cases.
Another problem is the issue of condoms. You find that these people use condoms in such a way that when the test is taken, there is no proof that the child was defiled but in the real sense, the child was defiled. The Member should improve that Bill on how to deal with people raping these children using condoms. We find that in our schools, some teachers rape these children using condoms. So, what steps should we take? The Member, Hon. Florence, should amend that section so that we get these culprits who are using condoms to rape children.

We find that our chiefs like talking to the parents of the defiled children. Again, we want this Bill to be amended in such a way that these civil servants who try to convince parents to settle the matter locally should be dealt with thoroughly. We also encourage mothers not to be compromised. We have to find a way of educating villagers that in case an offence has been committed, everybody should take steps because they do not know if it will be their child who will be defiled tomorrow. Everybody should be responsible so that we stop these defilement cases which have become so rampant, especially in slum areas among school-going children. Those who go long distances, especially through forests and bushes are affected most.

When defilement happens, the victims become afraid. They will not tell their parents what happened. You will only see the child limping and by that time, there will be no proof because the child will have taken a bath. So, we need to pay attention to our children. We need to help them develop trust in us. In most cases, culprits go scot-free for lack of proof. This is a serious thing, especially to us mothers. We get embarrassed when such things happen to our children. When somebody who has defiled a child is just walking in the streets and laughing, you wonder where we are headed. Parents are compromised because of poverty. We are losing the dignity of our girls through defilement. I want to tell the Member to amend a few sections in that Bill so that we include those who are using condoms and those who have taken bath because when they take bath, there is no proof that they have been defiled.

With these few remarks, we need to push for this Bill so that it goes through and it helps our children.

Thank you.

DATE: 25th January 2017

Member of Parliament: Hon. (Ms.) Ghati

Contribution She Made On: The Sexual Offences (Amendment) Bill

Thank you, Hon. Temporary Deputy Speaker, for the opportunity to speak about this topic. I would wish on the outset to say that I support the amendments. I thank Hon. Florence for the Sexual Offences Bill. Defilement in this country has reached an all-time high. Teachers are defiling our young girls, chiefs are defiling our girls and relatives are defiling our girls and even boys. When you are talking about sexual offences, you are not talking about girls only, you are talking about young boys who are also being defiled right, left and centre. Our young people and our children are not safe. It is high time that as a country and as a Parliament, we started talking freely about sex. We have to talk about sex and sexual harassment. I am happy that this Bill is proposing sex education in the curriculum. It is the 21st Century and we cannot bury our heads
in the sand. We need to talk about how our young children need to learn about how to protect themselves from sexual harassment. I am happy that we are discussing this topic and our male and female colleagues are all contributing to this.

I come from Migori County. Every day, I hear cases of defilement from Rongo Constituency all the way to Isebania. Where I come from, defilement is like the order of the day. It is not right. I am happy that we are talking about people who should be custodians of this law.

Hon. Speaker, Section 40A says:
“Any person who, in order to conceal a sexual offence—
(a) solicits for money, domestic animals or any property as compensation from the suspect;
(b) marries off the victim to the suspected offender;

commits an offence and shall be---”

Out of poverty, parents have been compromised. For example, a child is defiled and perpetrators come to negotiate with the parents of the child who think it is normal to negotiate out of court. I am happy that this is provided for in law. I have come across many cases where parents negotiate out of court: Perpetrators are left free, chiefs and police take their share and the young girl is left to nurse injuries. I am happy that it is now provided for in law that the offender shall be liable to imprisonment of not less than five years or to a fine of Kshs500, 000. I want to urge that the fine is increased to Kshs1 million. We cannot allow chiefs to compromise with parents and let girls drop out of school and nurse injuries. The fine for a chief, teacher or a parent is very little.

I am happy that Section 40B of the Bill provides for special units within the police stations. These units have been lacking. We have been talking about gender-based violence, but are these police stations engendered? They do not even have women looking at the issues. When a girl reports that they have been raped or defiled, you find a clueless policeman seated there and asking her how she was raped, how she was touched and what was touched. We should have special units with two officers who should be trained on gender so that they can understand what a woman goes through when she reports a rape ordeal. These policemen do not care and we have a duty to ensure that they are trained. I am happy that the Ministry of Education, Research and Technology has been tasked by this Bill to ensure that our policemen are trained and well capacitated to handle issues of rape, defilement and be sensitive to our children so that they do not see it as a normal issue that should be sorted out within the community. We have many perverts in our society. For instance, you could be in a matatu or seated somewhere and you see a man looking very uncomfortable for lack of a better way of asking to feel your body. That is an offence. I am glad that Bill deals with those perverts.

I want to thank Hon. (Ms.) Mutua and state that the fine of Kshs500, 000 is less. This Bill will address the increasing nature of defilement especially where I represent.

I support.

DATE: 25th January 2017

Member of Parliament: Hon. (Ms.) Gathogo
Contribution She Made On: The Sexual Offences (Amendment) Bill

Thank you, Hon. Temporary Deputy Speaker. I was listening to Hon. Kang’ata because I do not want anybody to soil the reputation of the boda boda people. Later, I understood that he was protecting them. I was of the same idea that sometimes they suffer. When you go to Ruiru, I am Mama Boda Boda. That is why I was so keen to listen to what Hon. Kang’ata was saying. Thank you.

DATE: 25th January 2017

Member of Parliament: Hon. (Ms.) Ghati

Contribution She Made On: Appointment of The Clerk of The National Assembly

Thank you very much, Hon. Speaker. I support Mr. Sialai. For the short time that I have been in Parliament, Mr. Sialai has come across as a very experienced, very composed and very knowledgeable man. I am confident that even as Mr. Bundi goes to our famous Tharaka Nithi County, I am sure that Mr. Sialai will take up the mantle that he is given to him. As I say that, I am confident and I am sure that Parliamentary Service Commission (PSC) has done a good job. It is only good that employees are rewarded from within. Sialai has gone through the ranks, he has learnt the ropes and he will do a good job.

Lastly, I would want to say that even as Mr. Sialai gets elevated to the level that he is going, it is my hope that as we look around the mood of the country, it is only fair that even the other staff that are left behind get opportunities to rise through the ranks by merit, the same way Mr. Sialai has gotten to this position through merit. For me, it is an opportunity to also see that even as we distribute opportunities for Kenyans in this country, we sometimes do not look at one region. I hope that in the years to come and in the history of Parliament, we will have a Speaker from Central, a Clerk from Western, one from Nyanza and another one from Tharaka Nithi.

Having said that, I know Mr. Sialai will do a good job. I support his appointment. Thank you.

DATE: 25th January 2017

Member of Parliament: Hon. (Ms.) Kajuju

Contribution She Made On: Appointment of The Clerk of The National Assembly

Thank you, Hon. Speaker.

I support this Motion. As I support, I tend to think that we need to pay a lot of our congratulatory messages to the immediate Clerk, Justin Bundi. He has done so well. I remember some of us, when we came into this House; we barely knew exactly what was supposed to be done. Justin Bundi was there to guide us through the processes. He was a keen listener to some of the issues we raised. I believe wherever he goes, in his next destination, he is going to serve us well in this country.

As I come to Michael Sialai, I got to know him as a very humble man as well. I look at his service as a person who has been decorated in the course of time. He has been recognised in the
Republic of Kenya by none other than His Excellency the President with an award of the Elder of the Burning Spear (EBS). It is because of service in the public service. He has also been recognised by the Parliamentary Service Commission (PSC) as the third overall public servant in 2010.

I also note that he is someone who has institutional memory.

(Hon. Chepkong’a gestured to Hon. (Ms.) Kajuju)

That is the Chairman of the Departmental Committee on Justice and Legal Affairs. I do not think anything is unjust with what I have said. When I look at Article 127 of the Constitution and the mandate of the Clerk of the National Assembly, I realise that Sialai is the right candidate for this job. This being a Parliament that is now expanded with a lot of expectations from the public, I believe Sialai is going to deliver to this country and to the people that we are going to serve. Therefore, I support this Motion.

DATE: 25th January 2017

Member of Parliament: Hon. (Prof.) Sambili

Contribution She Made On: The Public Private Partnerships (Amendment) Bill – Second Reading

Thank you, Hon. Speaker. I rise to second this Bill that proposes to amend the Public Private Partnerships Act, 2013 so as to recognise the county governments as distinct contracting authorities for PPPs. This Bill will make further amendments that will facilitate the functions of the county governments as contracting authorities for PPPs. This is to actualise devolution. I am glad to second this Bill.

Thank you, Hon. Speaker.

DATE: 25th January 2017

Member of Parliament: Hon. (Ms.) Sunjeev

Contribution She Made On: The Public Private Partnerships (Amendment) Bill – Second Reading

Thank you, Hon. Temporary Deputy Speaker. The Public Private Partnerships (Amendment) Bill is very important, short and sweet. It has only 13 clauses which contribute to the amendment of this Act. The 13 clauses are very important.

I call the Public Private Partnership the 3Ps. It will be important in keeping our economy in line with the country’s Vision 2030, which is to make Kenya a middle income economy. We can do this by inviting public and private investors to our economy. Our country has generally attracted a lot of attention in the past from private enterprises. We now have 47 counties, and I wish that at some point in time, we will be able to judge all of them on how well they have done. This will make the counties that are lagging behind pull up their socks.
Having a private investor coming to your county will increase opportunities for your area and the economy will grow. The PPP will help the private sector by giving it access to secure long-term investments. You can have private partners who want to multiply their profits and this will give them the opportunity to grow their investments. It is actually opportune for both parties; that is the private and the public sector. We also have to remember that private sectors come on board with some expertise which the public sector does not have. This merger between the public and private sectors brings out better use of local resources in the economy.

In essence, what is the Public Private Partnership (Amendment) Bill doing? It is bringing the element of our counties and what they are. Clause 3 on the application says that it will actually apply on every contract for the design, financing, construction, operation, equipping, management and maintenance of a project. That is basically the gist of this Bill. It highlights who the contracting authority is, and the contracting authority in this case is the county government and national Government.

Hon. Temporary Deputy Speaker, within this Bill, a committee which will be preparing reports and recommendations to the counties will be formed so that they can evaluate the proposals being brought on the table for the counties. That is whether they will be beneficial or not.

All in all, this is a very brilliant Bill that has come at the right time because we need to expedite the growth of our economy to double digits. The advantages of this amendment are far more than I can think of any negativity. I rise to support the 3Ps that is “Public Private Partnership”.

Thank you very much, Hon. Temporary Deputy Speaker.

DATE: 25th January 2017

Member of Parliament: Hon. (Ms.) Ghati

Contribution She Made On: The Public Private Partnerships (Amendment) Bill – Second Reading

Thank you very much Hon. Temporary Deputy Speaker. I like this Bill. From the outset, I would like to say that I am impressed and I am happy with the Bill. I have a background in the NGO management and work. I know the power of private investors and private engagements. For a long time in this country, we have had projects that rely a lot on public and Government procedures. We are all aware how long it takes to do a tender.

So, when I see an opportunity that is going to spur development, it is a Bill that is worth supporting. That is why I support the Public Private Partnerships (Amendment) Bill, 2016. This Bill is in line with the spirit of devolution because devolution is basically to spur development. It is actually to spur grassroots development. When I look at this, I see it in that line. We have no choice but to engage especially the fact that we have given our 47 counties the authority to help develop our grassroots where we come from. I am happy with the Bill because again, it touches and gives power to the county governments to set up the county Private Public Partnerships (PPP) Committee projects. This is an opportunity for our county governments to ensure that in terms of project identification, project feasibility studies and awarding of tenders PPP Committees at the county levels are engaged.
We should also ensure that even within this Bill, these PPPs are in line with the constitution that looks at the issue of who constitutes these committees at the county. We have to definitely look at the issues of gender, disability and youth so that we ensure that the concerns and issues that these groups and segments of our populations at the county level bring on board are addressed because we want to spur development. As my colleague said, it is an opportunity for our counties to redeem themselves. We have heard counties say they cannot create employment for our young people who roam our streets. We now have an opportunity where county governments are now going to engage private investors. It is an opportunity for counties to create employment for our people who are roaming the streets.

As I said, we need to allow this private expertise that is going to come in. So, the PPP amendment, for me, is very good. I want to applaud what Kenyatta University is already doing. They are engaging private investors in terms of developing the various infrastructural projects. I see no problem. Since this is something that is in line with our Constitution, it is in line with Vision 2030 and is in line with the vision that we had, it is going to be a very important opportunity for us to develop.

With those few remarks, I want to say that what is basically needed within our counties as we set up the structures and the committees is to ensure that even these structures have those accountability mechanisms. What has been happening in this country is that when we think something, people think corruption, people think how quickly they can be rich and people think how quickly they can loot. We now do not want to use this PPP arrangement and PPP Bill to devolve corruption to county levels.

It is a challenge that is going to be put to the county governments to ensure that we are setting up mechanisms of accountability, even as we source for these private investors. Personally, I know that private partnerships and private development can quickly spur development. I have told you I come from a Non-Governmental Organisation (NGO) background. Therefore, when you are engaging private investors, there is an angle. There is some seriousness that comes with it when you are engaging not necessarily Government or public but private sector. Private engagement usually is development oriented. It is a Bill that I feel has come at the right time. It is a Bill that is in good taste, if we implement and implement it well.

With those few remarks, I fully support the Public Private Partnerships (Amendment) Bill, 2016. Thank you.

DATE: 25th January 2017

Member of Parliament: Hon. (Ms.) Ombaka

Contribution She Made On: The Public Private Partnerships (Amendment) Bill – Second Reading

Thank you, Hon. Temporary Deputy Speaker. I also stand here to support this amendment Bill on PPP. This is a new concept. To me, it is a very positive one in the sense that governments have always worked on their own. They have always done things on their own.
DATE: 25th January 2017

Member of Parliament: Hon. (Ms.) Ombaka

Contribution She Made On: The Public Private Partnerships (Amendment) Bill – Second Reading

I was saying that in the past, the Government has always worked on its own without partnering with the private sector. It has set its own standards. The standards of governments have never been that professional. Many people think that whatever is private is more of an expert and better than what the government does. When you look at hospitals, one prefers to go to a private hospital, a private university, or some institution that is privately run. So, there is a kind of a standard that private institutions or organisations set. Now, if you are going to have the PPP concept, one begins to see how governments are going to improve because they are coming and working together with private investors. I think that there is hope that the governments, whatever projects they are coming up with, whatever services they are going to offer, by working together with the private sector, then definitely we are going to see an improved set of things happening at the county level.

In my view, it is a good Bill that improves the economy of the counties. Where counties have not had enough funds and the private sector cannot do it, then they can come to an agreement to share the resources that they have. They can share manpower, they can share funds, they can share many other various services and skills. There is going to be an improvement because each partner is coming with his own idea that is going to improve whatever project that he is coming with. It is a great opportunity for economic empowerment at the county level. It is also a great opportunity to do the right thing the right way working together in partnership with the private sector.

I do not have much to say on this. So far so good. This is a good way and we are moving towards the right direction for our county governments. With those few remarks, I want to support this Bill.

Thank you.

DATE: 25th January 2017

Member of Parliament: Hon. (Ms.) Amolo

Contribution She Made On: Insecurity in Arid and Semi-Arid Areas

Thank you, Hon. Temporary Deputy Speaker. I want to wish you a happy New Year because I saw you last year.

Thank you for giving me this opportunity to support my brother, Hon. Kisang on this. As women in this country, we have been seeing what is happening in Marakwet and it is not something very good to look at. This is especially when you see young children who cannot go to school and the youth running all over trying to see how they can save their parents and yet they do not have the means. It is very painful to look at those scenarios especially for women in this country.
We all know that security is always key for any country to build its economy. It is sad in Kenya today to see what is happening in an area like Marakwet. It is an uncomfortable life when people keep on fighting. We do not have cattle rustling in Kakamega although we know that people have always stolen cows left, right and centre. However, this cannot be to the extent of what we hear in Marakwet.

Why does it always happen when we are approaching elections? We need to find the root cause of this problem because it cannot be re-occurring now and then and yet we have a system that should give us security. We have county commissioners and sub-county commissioners who should know what is happening. We also have a system of intelligence in the country. This is something that can be dealt with if we all cooperate and work together. This is something that can be done.

If you look at the Budget, you will find that we always allocate a lot of funds to our security structure. You now wonder how comes they cannot deal with such an issue that keeps on re-occurring now and then. Is it that you want to reduce the number of people who want to vote for leaders in these areas? We should find out what is happening. The Government has all the machinery to deal with this issue once and for all.

As my brother, Hon. Kisang has said, this menace was dealt with in some areas some years back and people are now living in peace. This can also be done in Marakwet. Those women and children have suffered. We know how they suffer. When you look at your children and you cannot provide for them; and, when you cannot go out there whether you have money or not to buy a loaf of bread for your family to eat, it is such a painful situation. This has happened for many months. It can be really terrible.

The other day I heard that young girls in Marakwet could not even afford sanitary towels and that is why they were using leaves and animal skins. This is a terrible situation. I urge the CS for Interior and Coordination of National Government to look into this matter because we need peace at this moment of the year. Those mamas are young people—

DATE: 25th January 2017

Member of Parliament: Hon. (Ms.) Amolo

Contribution She Made On: Procedural Motion - Extension of Sitting Time

Thank you, Hon. Temporary Deputy Speaker. We should look at the issue of the Kenya Defence Forces (KDF) going to give help in that area. I know very well that when these people land in that area, it will not be good for women and children. I saw this happen in Mumias which is in Kakamega County the other day. It was not a good scenario. Are you people ready for this; that is when the KDF will be there? You need to ask yourself that question.

You also said that you are ready to go to the International Criminal Court (ICC). The Jubilee Government has been fighting that we come out of the ICC, but now you want to go back to the ICC. You better ask yourselves how to deal with this issue because it is very political.

I thank you, Hon. Temporary Deputy Speaker, but remember KDF and ICC are not the solution. The solution is with you, the politicians in Markwet region.
DATE: 25th January 2017

Member of Parliament: Hon. (Ms.) Ghati

Contribution She Made On: Procedural Motion - Extension of Sitting Time

Thank you so much, Hon. Temporary Deputy Speaker for the opportunity once again. From the outset, this is a topic that is very dear to me. It is dear because I also come from the Kuria community where cattle rustling is the order of the day. For those who are not aware, my community is in Migori. It borders the Maasais. I am happy that my colleague, Hon. Ngeno, from Emurua Dikirr has talked about it very passionately. This is an issue that we grapple with every day. Cattle rustling is not an issue of arid and semi-arid areas alone. Cattle rustling is a gender issue. Cattle rustling should be considered a national disaster in this country. Those people who do not come from areas or counties where cattle rustling is not practised have no clue what people who come from border counties where it is an issue go through.

It is not the first time we are talking about cattle rustling in this House. I am surprised and I wonder why the Government does not consider cattle rustling a national disaster. The vigour and the zeal with which the Government is now doing voter registration should be the vigour and the zeal with which they address the issue of cattle rustling. It is a serious issue. It is an issue that needs serious attention. Where I come from on the border of Transmara in areas called Lolgorian, Masurura, Mashangwe and Kilgoris women do not even sleep in their homes because of cattle rustling. These are areas where children do not go to school because of cattle rustling. Even now, as we look at voter registration, we are not even sure whether we will reach these areas with the information about voter registration. How are these people going to vote for this Government if it does not address the issue of cattle rustling? How will my people find peace going to polling stations on the day of voting to vote for the candidate of their choice?

We have said over and over that Maj-Gen. Nkaissery, the Minister for the Interior and Coordination of National Government, needs to be very serious. I know he is Maasai. He owns so many animals and maybe his animals are protected with electric fences. He does not understand what other small people who own small numbers of animals go through. He needs to be very serious. We have police officers who are stationed in these centres. They have been deployed there for over three or four years. They have become locals. Now they even engage in cattle rustling themselves. They are greater cattle rustlers than the natives. These are the police officers who need to be reshuffled every year. They need to go. That is a serious issue that we have found on the ground. We who come from border counties know what we are talking about.

I come from Kuria; Kuria East Sub-County to be specific. Every time I am home, the youths who are supposed to be engaging in farming and doing other forms of employment are busy with all manner of crude weapons because they want to protect their borders and their animals. People say that members of the Kuria community sleep with their animals in their homes. If you open a door your goats, sheep, cows and bed are there. They do that because of insecurity. The Government is failing to provide security for Kenyans in this country. That is a serious issue. My colleague Hon. Asman Kamama is seated here. He is in charge of the Departmental Committee
on Administration and National Security and I know he owns animals worth millions of shillings. It is a serious issue and he knows that.

Hon. Temporary Deputy Speaker, I call upon the Cabinet Secretary for Interior and Coordination of National Government to list down the counties that are affected by cattle rustling. He needs to go to those counties, sit down with the leadership and see what the issues are. If it is police officers who have to be reshuffled, let them go because they are the people who probably lend their guns. We need to be very serious if we need to address the issue of voter registration.

The Government right is now busy---

DATE: 25th January 2017

Member of Parliament: Hon. (Ms.) Ghati

Contribution She Made On: Procedural Motion - Extension of Sitting Time

Thank you, Hon. Temporary Deputy Speaker. I am very passionate about this issue. I am talking about the Government going round doing voter registration. Voter registration for who? If my people are not protected, how will they vote? How will they even take those voters cards and vote? We need to be very serious.

Lastly, we have issues and the Hon. Member for Emurua Dikirr mentioned them. We have leaders fuelling tension. One of those leaders, I want to say in this House, is the Governor for Narok County. My county borders Narok and this Governor for Narok, Tunai is not preaching peace when it comes to cattle rustling. We have the Maasai who live on the other side. You know very well that Maasai think that all cattle belong to them. The Kuria on the other side also believe that all cattle belong to them. So, we are not meeting halfway. We are all everyday looking for these animals. Whose animals are they?

I call upon Government, with all due respect, that the issue of cattle rustling should not be taken lightly. It is a serious issue. If you came from a county that has animals, you would understand what those of us who come from border counties are talking about. Many of you do not understand that I come from the Kuria community. That is the culture that has been there. I want to ask that cattle rustling be named a national disaster in this country.

Thank you.

DATE: 25th January 2017

Member of Parliament: Hon. (Ms.) Ombaka

Contribution She Made On: Procedural Motion - Extension of Sitting Time

Thank you, Hon. Temporary Deputy Speaker. Cattle rustling has been described as barbaric, primitive and a criminal offence because lives are lost. Not only are lives lost, but property and homes are burnt during that process, children, women and men are killed, animals get lost and families get poorer and poorer because it has effect on their economy. Therefore, for that reason, the Government has the responsibility to take care of its citizens. All over the world, the
Government is responsible for taking care of its citizens by providing security and ensuring that they are safe. Over the years, this has never happened. What has happened to the Jubilee Government that promised security? Are they seeing that they are failing? Are they admitting that they have lost the game? It is high time that the Government owned up because they have owned up in other areas where they have failed to succeed in doing what they set out to do.

My proposal is that in those areas where there is cattle rustling, the Government must put police posts nearby. The police must patrol the area day and night. Night patrols must take place because this is going on forever. When will we ever stop this? We need curfews in those areas as well. So, in my view, the solution to some of these is not only beefing up the area with police but ensuring that police stations are nearby and that they patrol the area and at night, nobody moves out of their homes. Look at the story that Dennitah Ghati told us. People sleep with cattle in their houses! It is terrible, dirty and it does not look nice---

DATE: 26th January 2017

Member of Parliament: Hon. (Ms.) Ombaka

Contribution She Made On: Statement on BUSINESS for THE WEEK COMMENCING 31ST JANUARY to 2ND FEBRUARY 2017

Hon. Speaker, I kindly request your indulgence to raise an issue on the Petition which I brought to this House on Nanga Kihoto Land Buying Company.

We went with the Departmental Committee on Lands to Naivasha, and I was expecting the Report would be ready for the House. I am raising the matter because I am just from the village. On the matter that the petitioners had raised, there are people who have already advertised their land for sale but they have been frustrated by the courts and the police. The only hope they had was with this House.

Hon. Speaker, I kindly request that you direct the Departmental Committee on Lands because it had already met with the petitioners, to table the Report in this House so that we can know the way forward.

DATE: 26th January 2017

Member of Parliament: Hon. (Ms.) Sunjeev

Contribution She Made On: The Privatisation (Amendment) Bill

Thank you, Hon. Temporary Deputy Speaker. Just yesterday, we were discussing the Public Private Partnerships (Amendment) Bill and today, we are discussing the Privatisation (Amendment) Bill. If we all heard what the Leader of the Majority Party said in the beginning in which he gave a very detailed description as to why this Bill is brought on the Floor, you will understand that there must have been some apparent reasons that some changes needed to take place so that the relevant organisations can move ahead. So, I am happy to support this Bill
because one thing which is very prevalent is that members of this committee will be brought through a competitive process.

(Hon. Kaluma smiled)

Hon. Temporary Deputy Speaker, I do not seem to understand why my colleague is laughing at me from the other side. Maybe if I am wrong he can highlight it. Otherwise, perhaps he can stop distracting me.

DATE: 26th January 2017

Member of Parliament: Hon. (Ms.) Sunjeev

Contribution She Made On: The Privatisation (Amendment) Bill

Hon. Temporary Deputy Speaker, let me just reiterate that privatisation in any economy is like a big boost. In countries like the United States of America, we have privatisation of drinking water companies from one state to another. That is the level at which the western world has taken privatisation. We also find a general tendency of the private industry to have a whet appetite to get funds into the economies where they know that there is potential for their investment to increase. That is what we are, as Kenya, offering to people out there. Just before me, the example of Pan Paper was highlighted. I must say that the investment input was actually Kshs100 million above the Ksh900 million. So, it was actually Kshs1 billion because Kshs900 million plus Kshs100 million becomes Kshs1 billion, which is exceptional. It brings a lot of jobs to the table and there will be a positive change in the economy in the area.

Yesterday, I mentioned something and I will reiterate it; that I really wish at some point, counties could be held accountable and they could be in competition with one another so that the persons who are actually behind the counties, the governors, are actually held accountable for the way they are utilising funds. Because a lot of funding goes into our counties, it is about time we judged our counties in all matters.

This Bill also brings a cleanup and I will cite examples. Recently, we went to the Ministry of Mining where we observed that the technology of making tiles was actually shown to us through the offices of the Ministry of Mining. Some local clever businessmen went ahead and borrowed the technology and moved on and they have multiplied their businesses three times. Whereas our government organisations are lagging behind, in the case of the Ministry of Mining, it is struggling to get more money from the Government. If there was a system in place where private investors could come and pump funds in these Ministries, it would have been excellent.

Hon. Temporary Deputy Speaker, I think Kenyans lack a passionometer. It is time we held a passionometer in front of Kenyans and told them that there was opportunity to apply for jobs. Those days of saying that nothing will happen are gone. They should apply and those who show potential should be given jobs.
I would like to finalise by saying that I support the Bill and that Rome was not built in a day. Mistakes were made, but those mistakes should not deter us from moving forward. So I do urge this House to support this Bill.

DATE: 26th January 2017

Member of Parliament: Hon. (Ms.) Amolo

Contribution She Made On: The Privatisation (Amendment) Bill

Thank you, Hon. Temporary Deputy Speaker. I rise to oppose this Bill. As much as privatisation is a good thing, it is not in Kenya today. We have heard a number of institutions that have been mentioned here earlier on by my fellow Hon. Members. If privatisation is well managed it can bring profits. However, when it comes to sharing these profits, they cannot be shared without Members of Parliament knowing because they are the major representatives of people in this country. I do not see the importance of this Bill in this House today because it says that the role of Members of Parliament will not be required.

On profits, they have never been shared. They have only been shared by few people who are well connected in the privatisation of these organisations. That is exactly what happened in Mumias Sugar Company and Kenya Airways which has a problem now. The problem is also the reappointment of members of the Commission who have been there forever. We have fresh blood that can come in and come up with more innovative ways to make more profits to be shared by Kenyans who own these organisations.

The biggest asset in this country is land. Land belongs to the people of Kenya. Any other thing that is put on that land belongs to Kenyans who own that piece of land wherever it is. So, they have a right to take the largest share or part of the cake when it comes to privatisation of these organisations.

Hon. Temporary Deputy Speaker, the other thing is political interference. If you look at the Memorandum of Objects and Reasons, you will find it talks about reappointment of serving members of Commission upon the expiry of their first term of office. I want to believe that this should come to Parliament. We should be the ones to re-appoint these people by looking at their records of performance. We should not be re-appointing people who have failed these organisations to an extent of them coming down.

Telkom has also come down. There is no way you can re-appoint somebody who has brought down a whole institution. It is the responsibility of the National Assembly to vet members of the Commission.

Hon. Temporary Deputy Speaker, it is very important that Parliament should be involved when it comes to shareholders because we represent the people in the 47 counties in this country. It is crucial that Members of Parliament as the representatives of the Kenyan people are involved in privatisation. For now, I do not think this is the right Bill in the House because we need proper
consultation. Hon. Members should be involved as they represent their people before any privatisation is done.
The few companies that have been privatised have let us down. We do not have any good example that we can copy so that we can move on with the issue of privatisation. So, I rise to oppose this Bill.
Thank you, Hon. Temporary Deputy Speaker.

DATE: 26th January 2017

Member of Parliament: Hon. (Ms.) Odhiambo-Mabona

Contribution She Made On: The Privatisation (Amendment) Bill

Thank you, Hon. Temporary Deputy Speaker for giving me this opportunity. I take this opportunity to wish you and the Members who are in the House a happy New Year. I also congratulate Mr. Sialai for taking the position of the Clerk of the National Assembly. Hon. Junet told me about it yesterday but I came in a hurry and was unable to contribute.
I oppose this Bill because it seeks to take away the role of Parliament. The issue of privatisation of key institutions in this country is very serious. Indeed, as other Members have said it is regrettable that we are discussing this serious matter at such a time as this when we know Members are very busy on the ground. I know that may not be an excuse but the reality is that Members are very busy with voter registration exercise and the impending elections. I would like to encourage the Leader of the Majority Party that when there are such serious Bills they should bring them much earlier within the Parliament Calendar. This is the reason sometimes people say that some of these Bills are sneaked in at the eleventh hour.
Hon. Temporary Deputy Speaker, I wish to register my opposition.
Thank you for giving me this opportunity.

DATE: 31st January 2017

Member of Parliament: Hon. (Ms.) Korere

Contribution She Made On: Rehabilitation Of Timau-Ethi-Ngarendare -Tm Road

Thank you, Hon. Deputy Speaker. I present this Petition on behalf of the residents of Laikipia County on the rehabilitation of Timau-Ethi-Ngarendare -TM Road.
I, the undersigned, on behalf of the residents of Laikipia County, draw the attention of the House to the following:
THAT, road transportation is the most popular mode of transport in Kenya and has immensely contributed to the economic development in rural and urban centres.
THAT, the Fourth Schedule of the Constitution classifies roads under the ambit of the national and county governments.
THAT, Timau-Ethi-Ngarendare -TM road is a major road serving three counties; namely, Laikipia, Meru and Isiolo, and is also part of the Great North Road.

THAT, the said road is in a very poor state due to neglect for a long time, which has led to loss of lives through road accidents.

THAT, the road in question is under the mandate of the Kenya National Highways Authority (KeNHA).

THAT, efforts to resolve the matter have not been successful.

THAT, the matter in respect to this Petition is not pending before a court of law.

Therefore, your humble Petitioners pray that the National Assembly, through the Departmental Committee on Transport, Public Works and Housing:

(i) Recommends that the Ministry of Transport, Infrastructure, Housing and Urban Development urgently fast-tracks the rehabilitation of the Timau-Ethi-Ngarendare -TM Road to mitigate further loss of lives along the stretch of the road and also loss of revenue; and,

(ii) Intervenes to ensure that the Petitioners’ plight is addressed by ensuring that money is budgeted for the rehabilitation of the road.

And your humble Petitioners will ever pray

DATE: 31st January 2017

Member of Parliament: Hon. (Ms.) S.W. Chege

Contribution She Made On: The Ongoing Doctors’ Strike

Thank you, Hon. Deputy Speaker. As a Kenyan and also as a woman, I am very concerned about this matter. As you direct this matter to be handled by the Departmental Committee on Health, I am left a confused Kenyan. This is because matters of health are devolved. I am yet to hear the voice of the governors in this nation talking about this issue. Apart from Kenyatta National Hospital and a few other referral hospitals, I know this health function was devolved. I am lost and I am calling upon the governors of this nation to take action as our Committee sits to debate on this crucial and very important matter.

It is very sad that doctors have been on strike for the last 60 days. Our people are dying in hospitals and doctors are on the streets. They even came to visit Parliament today. As patriotic Kenyans, we need to know what to consider, is it money or lives? I want to call upon the governors of this nation to wake up from slumber - because they are all sleeping - and address this matter. As we leave this matter to the national Government, I am concerned because it only manages very few hospitals. The matter of health should be handled by the county governments and I am yet to hear any governor addressing this issue. I want to ask for sobriety as we are losing lives every day. We have pregnant women who cannot access health care and yet, maternity services are free. As we go to ask people to register as voters, we have high voter apathy because they feel that they have been left out by the legislatures, Members of Parliament and mainly the county governments. What will the Departmental Committee on
Health tackle? Is it the issue of Kenyatta National Hospital or the Collective Bargaining Agreement (CBA) now that health has been devolved?

DATE: 31st January 2017

Member of Parliament: Hon. (Ms.) S.W. Chege

Contribution She Made On: The Privatization (Amendment) Bill

Thank you, Hon. Deputy Speaker. Last week, the Speaker gave a directive to the Departmental Committee on Lands to table a Report on Nanga Kihoto Land Buying Company. I had revisited the matter last week because it is very urgent. The Committee visited the site and listened to the shareholders of that company.

DATE: 31st January 2017

Member of Parliament: Hon. (Ms.) S.W. Chege

Contribution She Made On: The Privatization (Amendment) Bill

On 26th of last month; Unfortunately, despite the matters the Petitioners had raised, already, that land is going to be sold. A meeting has been called. The Speaker directed the Committee to table their Report today. I have sat here and waited and I can see my friend, the Chair of the Committee seated there. I am just concerned why that Report was not tabled because it is an urgent matter. I would like you to advise me on the same.

DATE: 31st January 2017

Member of Parliament: Hon. (Ms.) Ottucho

Contribution She Made On: The Hydrologists Bill

Thank you, Hon. Deputy Speaker, for this opportunity to contribute to this Bill. This is a very important Bill because it seeks to regulate the practice and profession of hydrology. This is especially at a time like this when the country is confronted by the effects of prolonged drought and people are suffering because many areas do not have water. It is important that we have hydrologists who are regulated, registered, their qualifications looked at and we know that we have professionals and that we do not have situations where very shallow boreholes have been sunk without proper survey to ensure that we are putting money into projects that give value to the communities.

Hon. Deputy Speaker, some boreholes have been sunk without proper survey. We should ensure that we put money into projects that give value to our communities. We have seen, in our counties, boreholes which dry up even during the rainy season. Therefore, it is important that we have this law in place.
Clause 26 is very important because it provides for penalties. Those who fail to honour summons will face the penalties provided in this particular Clause. A regulated institution ensures that there are guidelines for enforcing discipline. The people in charge of that institution ensure adherence to the regulations, so that the citizens can get good services. That way, Kenyans get value for money.

I support this Bill and congratulate the Mover for bringing it to the House. I also want to encourage my colleagues to support it.

Finally, I would like to reassure my constituents that I am in the National Assembly, and that what they are seeing on social media is mere propaganda.

Thank you, Hon. Deputy Speaker.

DATE: 31st January 2017

Member of Parliament: Hon. (Ms.) Kanyua

Contribution She Made On: The Statute Law (Miscellaneous Amendments) Bill – Second Reading

Thank you, Hon. Deputy Speaker. I also beg to support the Motion and to support Hon. Ochieng in calling the House to debate this matter in view of the prevailing environmental circumstances. It is indeed true that we need to change the way we have been doing things. We cannot be a country where when it rains we cry and when it does not rain, we cry. There is a problem. When it rains, we need to have sufficient mechanisms to preserve the water. When it does not rain, the forecasting and planning should project what the country is going to do when there is insufficient rainfall.

We continue to live like the early man, just waiting for the vagaries of weather in a country where education has been with us for the last over 100 years. It is time we did things differently. We are speaking to the office bearers and the technocrats. We are speaking to the forecasters. We are speaking to those in the Ministry of Devolution and Planning. This has got to end. The people’s representatives cannot spend time every year lamenting drought, lamenting that there is not sufficient rainfall and there is not sufficient food in the country. We note the efforts that the State Department of Special Programmes under the Ministry of Devolution and Planning has made. We have seen relief food being supplied in some parts of the country, but that is not enough.

I come from Nyeri County. Ordinarily, when there is sufficient rainfall, we have enough food for ourselves and extra to sell. However, we again lament on road network. If we have good roads, we can transport food items from places that have more than enough food to places that do not have enough food. Nyeri County also has vulnerable groups of people who need relief food. There are people living in the colonial villages without land. Those people need to be considered for relief food supplies. Persons living with HIV/AIDs and persons with disabilities are increasingly in need of relief food. One of these fine days we might have to debate the matter of single mothers, their families and female-headed households that need to be considered in the relief food system. As the drought continues, and as the relief food programmes continue, the
Ministry should make sure that the many households that are affected by this problem receive sufficient relief food until such a time when there will be enough food in the country. The Department of Special Programmes is engaged in supply of water and sinking of boreholes. They should continue with that effort. The effort against drought is an effort to make water available to vulnerable groups. The Ministry should continue with the effort they are making. As a country, there might be need to create a Ministry of special programmes, so that such responsibility is not carried out by a department within the larger Ministry of Devolution and Planning. Given the incidences that we have to deal with, the level of planning that we need to engage in, and the level of resources that we need, maybe time has come for us to create a stand-alone Ministry to just deal with these questions and to be accountable to Parliament on matters of this nature.

On the strategic food reserves, the continued post-production loss of agricultural produce in this country is something we need to lament about. Over 40 per cent post-harvest loss is way too high. This situation needs to be dealt with including the loss of things like milk, which we have been lobbying for. Bumper harvest of any food item should be in the strategic food reserves. We no longer just deal with grains and cereals. We also deal with other products that are in high supply in some of the counties. My own county of Nyeri still has a lot of potential for dairy farming, including milk, which should be part of the strategic food reserves. It would be a good idea so that when there is no enough food, we have milk reserves that can then be supplied to the counties that need them. We need to learn lessons from countries like Israel and Egypt. County governments need to invest in these areas. Every county must have a very strong emergency response to deal with situations like these.

DATE: 31st January 2017

Member of Parliament: Hon. (Ms.) Juma

Contribution She Made On: The Statute Law (Miscellaneous Amendments) Bill – Second Reading


Lakini kwa ukweli, hiyo haiwezi kusaidia kwa sababu Serikali peke yake ndiyo iko na pesa nyingi za kusaidia. Wakati mwingine ninashangaa nikiona wananchi wanakunywa maji ambayo rangi yake ni kama ya kahawa. Kuna watu hawajaoga miezi mitatu imepita. Watoto wawako wa miaka miwili na mitatu wakaa njaa na hukula mara moja tu kwa siku. Wanakunywa uji peke yake bila sukari ama maziwa kuanzia saa tisa mpaka kesho yake saa tisa ndiyo wanakula tena. Hatuwezi kuamini watoto wetu wakipita shida kama hiyo.