Papers Laid

DATE: 10th October 2017

Member of Parliament: Sen. Mary Seneta


Mr. Speaker, Sir, thank you for giving me a chance to comment on the wildlife Act and the Petition that has been brought to our attention. I remember very well when this Bill was passed in the Eleventh Parliament, we thought it would be a solution to human-wildlife conflicts in our counties. However, it is very sad that up to today, the Act has not been operationalised to save our people and domestic animals.

I urge this House to get into this matter and urge the Ministry concerned to operationalise the Act because our people are suffering. As I speak, wildlife are invading our homes and consuming our animals because of the current drought in our country and there is no compensation. If you seek for compensation, you are taken round in circles. You are either told this is a county or national government issue. The committee concerned must take this matter seriously, investigate it and see how it can help in the operationalisation of the Act. I also urge this House to assist us to make sure that the CWMCs are operational so that they look into the issue of compensation. I call upon the Cabinet Secretary concerned to act very fast and prioritise this matter to help our people.

DATE: 10th October 2017

Member of Parliament: Sen. Halake


Thank you very much, Mr. Speaker, Sir, for giving me the opportunity to comment on the Petition that is before us this afternoon. I would like to say that 60 to 70 or 80 per cent of wildlife live outside government protected areas. Therefore, the people who should be custodians of these wildlife – and who have been hosting them – more than the Government is the community. So, if there is a provision within the Act that is going to empower the communities to take charge of wildlife conservation outside the protected areas, it should be given priority.

In support of the Petition, there are several conservation approaches in the country. This includes the Government protected areas such as the national parks, which is what Sen.
Olekina is describing, where domestic animals do not go in and they have to go at night. There are also private ranches and community conservancies. With all these, most of the wildlife in this country is hosted by communities. Therefore, these committees give our communities a chance to participate in conservation and benefit from it because, in large part, one of the issues around wildlife crisis is because of the fact that there is disproportionate amount of benefits that go to people that do not host the wildlife or to other places.

The petitioner has a right to alert this House to this fact. Senators should, therefore, give this Petition priority and ensure that we get this actualized and implemented as soon as possible. Having laws is one thing but they are not useful if we are not going to make sure that they are implemented.

Mr. Speaker, Sir, the issue is beyond human-wildlife conflict but, of course, the Committees would help with human-wildlife conflict. But beyond that, I think that it is about time communities that have lived, hosted and even been custodians of the wild-life of this country get a say and participate in conservation of the same. They should actually be given the chance to do so especially if there are provisions in law that have given them the right to participate.

So, Mr. Speaker, Sir, I humbly request this House to take this issue seriously. The economy and tourism of this country is largely wildlife-based. But what is the trickledown effect of the economics of that fact? Are the communities really feeling it? So, if the implementation of this Act would empower the communities, this is something that we should support.

Mr. Speaker, Sir, I will bring a Bill before this House on community conservancy resourcing in the next few weeks. But when I saw this Petition, I thought what a good thing to start with because little steps do add up. As a conservationist, I have observed that there is very little going to communities with regards to conservation. There is mention that a lot of the conservation is driven from outside, but it is about time the communities are given back the right to look after their heritage.
Thank you, Mr. Speaker, Sir. I request Sen. Khaniri to give us two weeks to respond to this particular Statement.

DATE: 10th October 2017  
Member of Parliament: Sen. Dullo  
Contribution She Made On: Status of Disbursement of Funds to County Governments for the FY 2017/2018

Mr. Speaker, Sir, having listened to Sen. Khaniri, I will try my best to see whether we will have the Statement by Thursday which will be a day after tomorrow. It may not be possible but I will try my best. In the event that I will not get it, I will try to deliver it after recess.

DATE: 10th October 2017  
Member of Parliament: Sen. Dullo  
Contribution She Made On: Use of Excessive Force/Police Brutality During Peaceful Demonstration by UoN Students

Mr. Speaker, Sir, looking at the Statement, it requires an investigation to be done. For us to give a comprehensive answer, I request Sen. Olekina to give me two weeks to respond to his Statement.

DATE: 10th October 2017  
Member of Parliament: Sen. Dullo  
Contribution She Made On: Use of Excessive Force/Police Brutality During Peaceful Demonstration by UoN Students

Mr. Speaker, Sir, ordinarily, this Statement has to be sent to Narok for them to give a comprehensive answer in terms of what happened. I will request---

(Sen. Olekina consulted loudly)

DATE: 10th October 2017  
Member of Parliament: Sen. Dullo  
Contribution She Made On: Use of Excessive Force/Police Brutality During Peaceful Demonstration by UoN Students

Did you say Kisumu or Narok?

DATE: 10th October 2017
Member of Parliament: Sen. Dullo
Contribution She Made On: Use of Excessive Force/Police Brutality During Peaceful Demonstration by UoN Students

Mr. Speaker, Sir, with all due respect to Sen. Olekina, I request him to give us two weeks to reply to this Statement because we only have tomorrow to get the answer which is not possible. If I promise to give an answer on Thursday, I will be lying.

DATE: 10th October 2017
Member of Parliament: Sen. Dullo
Contribution She Made On: Continued Strike by Nurses in Public Hospitals in the Country

Mr. Speaker, Sir, we will provide the statement after recess.

DATE: 10th October 2017
Member of Parliament: Sen. Dullo
Contribution She Made On: Continued Strike by Nurses in Public Hospitals in the Country

Mr. Speaker, Sir, I meant to say the first week after recess.

DATE: 10th October 2017
Member of Parliament: Sen. Dullo
Contribution She Made On: Continued Strike by Nurses in Public Hospitals in the Country

Mr. Speaker, Sir, we are expected to come back on 7th November, 2017 and I will give provide the statement then.

DATE: 10th October 2017
Member of Parliament: Sen. (Dr) Musuruve
Contribution She Made On: Alleged Abuse of Human Rights of PWDs

Mr. Speaker, Sir, I rise pursuant to Standing Order No. 46(2)(b) to seek a statement from the Senate Majority on the alleged abuse of human rights of Persons with Disabilities (PWDs). In the statement, the Senate Majority Leader should:

(1) State whether the Government is aware that PWDs from Kenya and other neighbouring countries are allegedly being trafficked and housed in Nairobi and other major towns in the country.

(2) Further state whether the Government is aware that the said PWDs are used by able-bodied people to beg on the streets in Nairobi and other major towns, against articles 28, 30, 43 and 54 of the Constitution.
(3) State the measure that the Government has taken or will take to deal with those found culpable of trafficking in PWDs and using the said persons to beg on the streets.
(4) Explain the measures that the Government will put in place to repatriate PWDs from the neighbouring countries who are involved in begging on the streets of Nairobi and other major towns.
(5) Explain the steps that the Government will take to support Kenyan persons living with disabilities and especially those on the streets to come up with sustainable means of earning a living.

Mr. Speaker, Sir, that is my first statement but I have another statement to seek. Can I proceed?

DATE: 10th October 2017
Member of Parliament: Sen. (Dr) Musuruve
Contribution She Made On: Mainstreaming of Learners with Disability in the Education Curriculum

Mr. Speaker, Sir, I rise pursuant to Standing Order No. 46(2)(b) to seek a statement from the Senate Majority Leader on the mainstreaming of learners with disability in the education curriculum. In the statement, the Senate Majority Leader should:
(1) State the number of learners with disabilities in various public and private learning institutions in the country.
(2) Table a list of schools for learners with disabilities and the number of learners in each of the schools.
(3) State when the new education curriculum will be rolled out.
(4) Table a list of schools for learners with disabilities and the number of learners in the respective institutions that are slotted for the piloting of the new education curriculum.
(5) State the measures that the Ministry of Education has put in place to improve the performance of children with disabilities and especially those that have hearing impairment and are faced with linguistic challenges which affect their overall performance.

Mr. Speaker, Sir, I thank you.

DATE: 10th October 2017
Member of Parliament: Sen. (Dr) Musuruve
Contribution She Made On: Mainstreaming of Learners with Disability in the Education Curriculum

Mr. Speaker, Sir, disability is an issue that many people are not sensitive about and we need to talk about it with passion. As we speak now, people with disabilities still continue to be abused in the streets of Nairobi. According to our Constitution, it is very wrong for their
Mr. Speaker, Sir, before I second this Motion, I thank God for an opportunity to be in this House. As a person with disability, it is very difficult to have a voice. So, I thank God for the opportunity of being in this House.

I also thank the nominated and elected Senators in this House who represent their various interests groups. I congratulate them. I also thank my party, the Orange Democratic Movement (ODM) for giving me an opportunity to represent Persons with Disabilities (PWDs).

Mr. Speaker, Sir, it is very difficult for PWDs even to be in a situation where they are in decision and policy making. However, Article 100(a) of our Constitution has allowed me to be here as a woman, and specifically because of Article 100(b) I am also here as someone with a disability. It is an honour that my party nominated me to come here to represent this interest group.

For PWDs to be in this House for a first time on an elective position it is very difficult because of societal attitude but once you are nominated it becomes a platform to voice out your issues and see how you can strategize to also come back to the House as an elected Member. This is because of societal attitude towards people with disabilities.

So, I thank the party for giving me the opportunity.

Mr. Speaker, Sir, when I was affirming and accepting my role as a Senator to represent PWDs. I affirmed that I would voice out issues of disability. Every one of us is a candidate of disability. As long as you are living you cannot count yourself out. So, when we air issues of disability, regardless of your political divide, just know that you are airing out issues that can affect you, your child or anyone who is so significant to you. Issues of disability can befall anyone.

That is why I second Sen. Mwaura on this issue of disability. It is an issue that will benefit everyone either directly or indirectly. These are people who do not have a voice. Since they do not have a voice we have to see how to give them that voice because they are very few in the House or in decision making.

Issues of disability are pertinent in this nation. When we look at the ODM manifesto, it comes out clearly that they are keen about issues of disability because they want to be involved in issues of disability and see how to support the vulnerable and the most at risk people in this society. So, I support the suggestion of the NHIF cards being distributed to PWDs but before this is done, there are certain issues that need to be put into consideration.
First, the number of PWDs in this country is not known. So, there is need to do a critical study to know how many people in this country are PWDs; nationally and at county level. Even at county level, there is need to go even to *mashinani kabisa* to see how many people have disabilities. If people are to benefit, then there is need to know the number of people in order to know the amount of money to be reserved to that task. In addition, PWDs are economically poor. They do not have the economic empowerment. First, most of them come from families that are poor and since they come from families that are poor, the cyclic nature of poverty runs in their families. When somebody is disabled, did not go to school and did not have a job, he would not be able to take his children to school. So, the poverty cycle continues in that family. When the poverty cycle continues, it means that they will be deprived of their socio-economic rights as stipulated in our Constitution in Article 43. If this Motion is concluded favourably, it will be a plus to all stakeholders. Remember our Constitution actually provides that the weak people with disability should be supported. So, if they can be supported, it will be very good for People With Disabilities (PWDs) in this country.

Even when you talk about setting aside a Fund to support PWDs, there is need to know that there are some PWDs that cannot even reach at the county level. Of course, it is good to set some funds aside, but these funds should be devolved at the county level because there are some PWDs who are not known, even those who come from the remotest parts of Kenya. Sometimes you will find that if, for example, the health facilities are not devolved, sometimes it may end up not benefiting those people who are in the remotest parts of this country. So, there is need to improve the infrastructure so that hospitals are put up in the counties, so that even the smallest person in the village is able to access these facilities.

I will not go into very many details. However, in brief, I am supporting this Motion. We have a responsibility to take care of our PWDs because if we do not do that, then nobody will.

*(Question proposed)*

**DATE: 10\textsuperscript{th} October 2017**

**Member of Parliament: Sen. Farhiya**

**Contribution She Made On: Motion on Establishment of Special NHIF Fund for PLWD**

Thank you, Mr. Temporary Speaker, Sir. I support the Motion for the following reasons. PWDs are already disadvantaged in many ways and so if they can access healthcare, then as a society we are failing. There is need to provide healthcare for PWDs in terms of equality. We owe it to our society to have everybody enjoy the same facilities. Many other people may also not have medical cover, but they probably have other means to pay for the National Hospital Insurance Fund (NHIF) cover.

For that reason, it is imperative on us to ensure that we provide medical cover for our PWDs. I am sure all of us know somebody or have relatives and friends who are disabled.
This needs to be addressed so that as a society, we ensure that we provide healthcare for PWDs. Development can only be attained if everybody in society is contributing to gainful employment. That person living with disability who is not engaged in any gainful employment is disadvantaged because at some point they also become ill and yet they do not have a medical cover.

I support this Motion for those reasons.

DATE: 10th October 2017
Member of Parliament: Sen. Halake
Contribution She Made On: Motion on Establishment of Special NHIF Fund for PLWD

Mr Temporary Speaker, Sir, I rise to support the Motion. Listening to Sen. Mwaura belabour the point, I felt like saying to him that it is very clear that people with disability deserve and have every right to have access to medical cover and everything that other able-bodied Kenyans have.

Of course, there are certain injustices and things that happen to people with disability and we are all aware of this. In any situation, there are people that are usually aggressors of that situation, victims and bystanders. In supporting this Motion, this House should ensure that we do not standby as our fellow Kenyans with disabilities, out of no choice of their own, go through immense suffering in every aspect of life, be it access to buildings, much needed medical services and information. This House owes it to Kenyans, for the privilege of representing them, to support this Motion, and as Sen. Mwaura has said, ensure its implementation.

Today we were discussing a Petition where a law that was passed was not implemented and therefore, a few years later we are here again discussing this. I urge that we should not just talk but ensure that it will be implemented. This Motion does not just highlight problems but provides very simple and actionable solutions, which include the provision of the National Hospital Insurance (NHIF) cover for our brothers and sisters with disabilities.

It should also be noted that minorities are a dynamic situation. Today, people with disability are the minority, but any of us can slip into that minority group anytime, as has been said. I cannot, therefore, think of a better Motion to support both in terms of passing and downstream implementation. I would like to assure this House, the Mover of this Motion and our colleagues who represent our brothers and sisters with disabilities that they can count on me to support not just this Motion but its implementation as well.

I beg to support.
Mr. Temporary Speaker, Sir, I also rise in support of this very important Motion having listened to the Mover, Sen. Mwaura. I know how much the people living with disabilities have so much to overcome in order to get a smoother life. Our Government has done quite a bit to try to equalize things so that the persons living with disabilities are able to get a leg-up a bit. I would also agree that the Government should set aside a fund, just like we have seen with the senior citizens of the country, where there is a fund that helps them get their NHIF dues paid. They have cards to access medical care. That would be important for persons living with disabilities. Once they are vetted and the Government ascertains that they are not able to come up with the payments, then through the fund they can get that access to a lifetime medical attention for them and their families.

In the course of working in the county we have come across persons with children living with disability. They have kept them in the homes and are not able to access school because some cannot walk. In some cases, the parents have no wheelchairs and cannot take the day off from work. This is because they need the resources to pay rent. They, therefore, opt to just leave the child at home.

It is my belief that we can in many different ways try to make things much easier for the persons living with disabilities. Whenever you walk into some buildings you only see the stairs and wonder how a person, say, on a wheelchair is supposed to access these buildings. Granted now, there are laws and regulations that have come into place for newer buildings to have access. There are a lot of challenges that the persons living with disability encounter in their day to day life. We have also seen how the current Constitution has helped a bit by taking away some of the difficulties that stand in the way of persons living with disabilities enjoying their lives.

I support this Motion and hope that we will pass it. I hope that the Government will go ahead and implement it, so that persons living with disability will get cover and access to the NHIF. I hope that it will also set up a pool of funds for those who are not able to pay for it. This will ease the lives of persons living with disability.

I beg to support.
screen oil that is very expensive. I know of some persons living with disabilities who got it in their advanced age and they face a lot of challenges in daily lives. Many times, they have to beg for money to cater for their medical care and buy food. Many of them come from disadvantaged backgrounds.

Mr. Temporary Speaker, Sir, Article 54(b) of the Constitution has given PWDs access to accredited schools in the society in order for them to get gainful employment at the end of it. However, we do realise that many schools are not friendly to them because many buildings are storied or have no special toilets and materials for learning. Therefore, they are not able to access gainful education and cannot compete with other people for employment opportunities in our society.

Additionally, they cannot access capital to do business. Most of them do not have the National Insurance Hospital Fund (NHIF). We need to assist them live decently. Therefore, this Motion was long overdue and I urge the Government to put aside some fund to assist these special people.

I support this Motion.

DATE: 10th October 2017
Member of Parliament: Sen. Mary Seneta
Contribution She Made On: Motion on Establishment of Special NHIF Fund for PLWD

Thank you, Mr. Temporary Speaker, Sir, for giving me this chance to contribute to this important Motion. I want from the onset to thank my colleague Sen. Mwaura for having thought deeply on how to help PWDs in our country.

DATE: 10th October 2017
Member of Parliament: Sen. Mary Seneta
Contribution She Made On: Motion on Establishment of Special NHIF Fund

Mr. Temporary Speaker, Sir, I want to thank Sen. Mwaura for having thought deeply on how further we can go as a country to assist the PWDs. From his contribution, it is true that the PWDs, especially women and children face a lot of challenges in this country. In some communities, for example, if you have a child living with disability, they see it as a curse or as a punishment. As a parent, you suffer both psychologically and physically when taking care of your child. It becomes very difficult for your child to interact freely with other children in school. It is a pity that women with children living with disabilities are sometimes divorced and end up as single mothers. So, it is very hard to bring up these children single handedly without the assistance of the Ministries concerned.

Although we have the National Council of Persons with Disability (NCPD), we still have to do more in terms of consolidating their privileges in the society. For example, we have a few of these people who are beneficiaries of cash transfer and school programmes from Non-
Government Organizations (NGOs). We should think of those others who do not benefit from these programmes and enroll them.

When registering them, the NCPD concentrates more on the degree of disability which is not very clear. They should do more and ensure that they categorize the PWDs on what benefits they can get depending on the degree of their disability. I support the issuing of NHIF cards to them so that they can access any health facility and get treatment without discrimination. Access to health is a constitutional right of every Kenyan. This card will assist a parent who has to take a child living with disability to hospital every day.

Mr. Temporary Speaker, Sir, there is so much that needs to be done for this particular group. We need to mainstream their education. The Education Act provides for them to be integrated in education. However, we still have challenges when it comes to our public schools which do not have integrated units where the PWDs can get quality education like other Kenyan children.

There is still more to be done to assist the visually blind and deaf people as they have problems when they go to churches or hospitals and cannot explain their ailments.

We, as a country, have to do a lot to help PWDs.

I support this Motion and urge the Government to implement any laws that will go a long way in benefiting the PWDs.

DATE: 10\textsuperscript{th} October 2017

Member of Parliament: Sen. Mary Seneta

Contribution She Made On: Motion on Establishment of Special NHIF Fund

Thank you, Mr. Temporary Speaker, Sir. I stand to support this Motion for PWDs to get access to medical care. I also want to appreciate the Mover, Sen. Mwaura, who passionately brought this to our attention.

The reason I support this Motion is because of my personal experience. I have worked as a church minister in the past where I interacted with many families who have children with disability. In the society and even at family level, many PWDs have been isolated. It is as if we have rejected them in our society and even at the family level, many people have rejected the people living with disability because they have been isolated. Most of the times when you go to a place, you will find a person living with disability hidden in a house for 15 to 20 years and nobody wants to talk about the suffering person.

That is why I stand to support this Motion. It is our responsibility as leaders to take care of all people and see how best they can be served. In the past and even currently, we have seen that many of them have been misused. If you walk on the streets or any part of Nairobi City, you will see people living with disability on the road, begging. Some people support them while others ignore them. At the end of the day, their take-home is minimal from what they have been given. Many of them have been misused and will continue to be misused. That is why we need to approve this Motion so that they can at least get the
National Hospital Insurance Fund (NHIF) medical care, which is one of the basic needs that we all have.

On implementation, once this Motion is approved, at the National and even at the County level, we urge the people on the ground to make sure they encourage families with people living with disabilities not to be ashamed of them by hiding them. They should come forward, speak about them and see how they can be supported. People with disabilities do not only need medical care; many of them have not even had education. As a result, their young children are suffering and if they can be supported, they can be great leaders in future. Therefore, we need to see how else they can be supported in future so that they can get all the services that other humans get in our society.

So, Mr. Temporary Speaker, Sir, I stand to fully support this Motion. It is my prayer that we will all be there for the people living with disabilities.

Thank you, Mr. Temporary Speaker, Sir.

**ADJOURNMENT**

Hon. Senators, there being no other business and the time being 5.06 p.m., the Senate stands adjourned until tomorrow, Wednesday, 11th October, 2017, at 2.30 p.m.

The Senate rose at 5.06 p.m.

**Papers Laid**

**DATE: 11th October 2017**

**Member of Parliament: Sen. Kihika**

**Contribution She Made On: Notice of Motion on Development of Effective Waste Management and Disposal Regulations**

Mr. Speaker, Sir, I beg to give Notice of the following Motion:-

THAT, aware that cities, towns and urban areas in Kenya are increasingly getting overpopulated leading to overstretching of services and amenities; concerned that improper management of waste has become a major cause of pollution of neighbourhoods, water sources and other natural resources leading to the rise of environment-related diseases which cause many deaths; further concerned that in most urban areas, waste is dumped in an uncontrolled manner posing a great challenge to the wellbeing of urban dwellers, particularly those living near dumpsites; acknowledging that the problem continues to rise despite the efforts made to mitigate the problem through various statutory bodies, private entities and communities; the Senate calls upon the National Government to take immediate steps to develop effective waste management regulations and put in place
proper disposal facilities, including for harmful waste and that this be done in consultation with all key stakeholders.

Thank you, Mr. Speaker, Sir.

DATE: 11\textsuperscript{th} October 2017

Member of Parliament: Sen. Kihika

Contribution She Made On: Motion on Establishment of Ad Hoc Committee on the Election Laws (Amendment) Bill, 2017

Mr. Speaker, Sir, I stand to second this Motion. It is a very critical and important time in the history of our country. Our major function, as the Senate, being to legislate for this country, I believe that this Motion is timely so that we can get the country back to stability. We have gone through elections and the Supreme Court nullified the presidential election results. As we move forward expecting to do our civic duty on 26th October, 2017, it is important that, as the Senate, we legislate on whatever gaps the Supreme Court pointed out or may exist so that as the elections are held on 26th October, 2017 the law is in conformity. As we move forward, I am impressed by the Senators, more so from the Majority side, who are here and ready to participate and make sure that they stabilize this country.

We have a Minority side that is hell-bent on causing mayhem and chaos in this country. They have become experts of fake crisis and that is the reason when we look across the isle, we see their seats empty even though when we began this process they were here. They have cheated their electorates by coming just to sign in so that they are not thrown out. They should have been here participating in this legislation. That way, their voices would have been heard so that those they represent can record for history purposes, what it is that they oppose about this legislation. Instead, as senior as some of them are, they chose to be out on the streets yelling, shouting and inciting the youth. In fact, we had a presidential candidate, who is now no longer one, claiming that he would want to see everybody on the streets until he can see the inner clothes of the womenfolk of this country. As women, we are completely disgusted. That is why as legislators, we are here to make sure that we have good laws and ensure that on 26th October, 2017 this country is ready for elections. We shall not have this same person, who has continued to bring chaos and disorder in this country, take advantage of the little gaps that exist within the election laws. We are here to seal those gaps properly and within the law.

That is why it would have been more appreciated had they been here and registered their voices. Since they opted not to be here, we cannot force them. However, we shall continue with our duty to make sure that we legislate within the law and ensure that we set this country on the proper footing that it has been and that they are trying to destabilize. As a country, we shall not let a disorganized Minority that knows they have no numbers and are, therefore, afraid of the ballot, to go ahead and cause chaos so that there are no elections. That is why we are here today. We are ready to proceed with this job and legislate.

I beg to second.
DATE: 11th October 2017  
Member of Parliament: Sen. Mugo  

Thank you, Mr. Speaker, Sir. From the onset, I support this Bill. Had this Bill been enacted earlier than 8th August, 2017, I do not think the Presidential elections would have been annulled. This Bill seeks to fill the gaps as they were found by the Supreme Court judges in their majority ruling. This is not to make it easier for the Jubilee Government to win the elections but to make the election of the President, now and in future, free, fair and transparent and to reduce the many questions that were asked by the judges. It is surprising that our colleagues in the minority coalition find fault with this Bill. Indeed, they should applaud it. They should be here to amend any area that they feel is not in line with the existing laws.

As I had earlier said, when I seconded this Motion, instead of lumping all these clauses of the Bill together, the minority coalition should say this or that clause supports Jubilee, therefore we will not support it. Because they know that is not the case, they avoid coming to this House to argue their case out and serve their electorate. They come to the House to check in their attendance so that they can get their salaries at the end of the month.

As we know, there is a limitation to the total number of House sittings a Senator can be absent from without permission during any Session. When they are out there, they tell their followers not to go to work but instead go and cause mayhem. What kind of leadership is that?

Mr. Speaker, Sir, having said that, I would like to congratulate the Joint Select Committee for a job well done in a very short time. I believe they were not sleeping.

Some of us watched some of the people who made presentations and many of them supported this Bill.

Mr. Speaker, Sir, some people contested that that was not a Senate committee but a Jubilee select committee. That is misleading and a lie because according to the Standing Orders, we do not go by parties. The quorum is made of MPs. Indeed, there are more parties than just the Jubilee Party and the NASA. Therefore, Members from the other side should stop confusing Kenyans that this is a one-party issue. We have had many select committees properly constituted and other parties properly represented.

Secondly, those of us who followed the proceeding heard what the judges said. They pointed out gaps and said that there were ambiguities here and there. The Opposition Leader said that he will not take part in the elections but we have heard different interpretations of the law by different lawyers. We need to ask ourselves what will happen and whether we shall have a new election. It is unfortunate that our economy
cannot afford to have three more months of campaigns because of instability. We do not know whether President Uhuru will be sworn in or whether we shall have elections on 26th October, 2017. Therefore, removing the ambiguity is very important because it will address what happens in such cases.

The Senator here alluded to the issue of transmission which also came up in the Eleventh Parliament and we passed a law that there will be a complementary method in case one fails. I do not know why it did not work. That is why it is very important to have this clearly defined; that both manual and electronic systems will work together so that there are no questions about figures. I believe that most of what happened was man-made because hacking was never proven.

Mr. Speaker, Sir, we should not insist on conducting elections electronically. As we have heard, technologically advanced countries like Germany and France opted to go the manual way because we cannot trust machines since you do not know when they will break. Even the mobile phones that we use sometimes do not work because machines are not human beings. Therefore, we cannot pretend to be so advanced that we cannot trust our people and insist on using technology as opposed to manual system. Relying on both is better and that is what is provided for in this law. So, we should make everybody happy.

The other issue is about election officers not signing documents or filling forms 34(a) or (b) properly and submitting them late. Even the NASA brigade should appreciate that that is not the way to go. We certainly know that some officers colluded with some members of some parties especially in some parts of Mombasa. How do you explain how the lawyers knew exactly which forms to ask for during presentation on the presidential petition? The time was too short for them to have gone through all those mountains of papers yet they singled out Mombasa and some other areas. That was a pointer that maybe some people colluded. To cure this, we need a law that will make officers take responsibility. They should know the consequences of colluding with some people; they will be jailed. That will also ensure that we have a credible and transparent election.

If Members of the opposition are interested in having a level playing ground to ensure we have a free and transparent election, why would they object to that? They have been raising issues about the staff of the IEBC and that is why they have been demonstrating out there. The judges of the Supreme Court said that nobody was found culpable but pointed out the flaws in the processes. This law will cure the flaws in the processes. They are not being genuine because they oppose the reforms which are being truly spearheaded by this law. They have flimsy excuses which cannot be proven. We are asking them to come back to the House where they belong and collect salary from so that we debate here and give Kenya the way forward. We oppose those creating crises which do not exist because they want to make people believe in them yet they have no goodwill for this country and its children. They only think about themselves and believe that only Raila Amolo Odinga can be the president. They want to see the country burn just for the sake of making sure that one person gets power. I was shocked on 8th August when I heard Raila saying that Uhuru must go home. That is just enmity and has nothing to do with the legal--- He said it very forcefully
and you could tell that he was angry with President Uhuru the person and not with what was happening. We urge the NASA fraternity to ensure that we have a Kenya where there is peace, love and unity as one of our leaders kept on reminding us. Elections should not breed enmity. It is a competition that comes and goes and anyone with goodwill for this country will not try to create a crisis where it does not exist. We have never had an annulled election in this country and, indeed, even in Africa and many other countries. Extraordinary circumstances call for extraordinary solutions, and our development partners should understand that. Of course, they may not understand that since they have never had elections annulled. We are going through a very difficult time and they should understand that Jubilee is not trying to do anything out of the ordinary; to benefit ourselves. We are doing it for the sake of our country and so should our Christian and Muslim leaders. If our religious leaders really care for this country, they must also join us and support the good work that we, as parliamentarians, are doing. We are taking the responsibility to create laws, just as the Executive has to take the responsibility to deliver an election and the courts have to interpret our laws properly.

We cannot just say that this is the wrong time. It is the right time because the presidential election was annulled. It is by the grace of God that we have not had violence in this country. It is only because it affected the Jubilee side. If this had happened to NASA, there would be fire. They are now saying that the country is on fire. The country is not on fire; they are the ones lighting the fire. Indeed, the country would have been on fire if Hon. Raila Odinga’s election was annulled.

I support the Bill.

DATE: 11th October 2017
Member of Parliament: Sen. (Rev.) Waqo

Thank you, Mr. Speaker, Sir. I stand to support this Bill. First of all, I want to appreciate the leaders and also this House for their faith in me by nominating me as one of the Members of the Select Committee. That has given me the opportunity to learn and also to better understand the Bill. It has also given me a good opportunity of interacting with Kenyans who came forward in numbers and expressed their feelings and told us why this needs to be done. In fact I was severally moved by the women who came forward and shared their concerns. I remember one woman saying, “We, as women, are the people who suffer anytime elections are held in Kenya.” She further said “even today, we are suffering. Many women even after the elections of 8th August, 2017, were raped and displaced. Many of them are suffering and nobody talks about them just because of the chaos caused by our colleagues.” So, I stand to support this Motion and also pray that very soon, Kenyans will enjoy the fruits of this.

Mr. Speaker, Sir yesterday in the evening we were all bothered by the news that came up. This morning again, there is news that someone else is considered to vie for the presidency.
I support that very much, but in the dynamics that we are in, we may not know where we are heading tomorrow. As an African woman when I see demonstrations on the streets of Nairobi and when I see women removing their clothes and exposing their private parts, I am shocked because that is un-African. We are misbehaving and showing our young people a very bad example. I do not know what we are doing about this as leaders.

It is my prayer that our women out there will not be misled by the politicians, because they are being misled. I remember that even in the past, when African women did not have any clothes to put on, they used to cover their upper part and the lower part such that nobody could see their private areas. It is unfortunate today in our modern society that a woman who left her husband, her children and home in the morning could openly do those things in front of others and expose everything on her body.

Mr. Speaker, Sir, visionary leaders consider their people and the times they are in. We are leaders and legislators. Politics is perception and many people have perceived what we are doing in the wrong way. But the bible says ‘my people perish due to lack of knowledge.” I, therefore, urge Kenyans to take time to go through the proposed amendments so that they can understand and argue from that point of view of understanding and making others understand, instead of just brushing it off and saying that what we are doing is killing Kenyans.

Mr. Speaker, Sir, the big question that Kenyans are asking today is; whether we are in a political crisis or in a constitutional crisis. I think that the crisis we are in is manmade; we are the ones who are doing that, especially the NASA people. As I was driving to Parliament today, we were so scared and I saw many Kenyans running helter-skelter.

What are we trying to do when we confuse the entire nation? The NASA team, it is high time for you to come forward and join the others. Your candidate has already resigned and we do not see why you should be on the streets to confuse Kenyans.

Mr. Speaker, Sir, I support this Bill, firstly, on the Chairmanship. The proposals and definitions given therein will help Kenyans to go forward. The Amendments proposed will not only help the Jubilee team, but the entire nation. It is high time for us to think of all the vacuums that are there so that we can fill them and serve our people.

Many people are saying that what we are doing is wrong. For the past many years, we have been naïve for us not to have made these amendments we are doing today. So, on the issue of the Chairman of the IEBC, if we do not have any other person who can play his role, it shows that we are not doing our work well. It is better for us to have somebody who can be there in his/her absence.

Mr. Speaker, Sir, on the other issue of quorum, many people are accusing us, saying that we are denying people their opportunity and their right. What the Bill is proposing is that the quorum should always be half and not less than three. That is the only safe game that we can play in Kenya today.

I also want to comment on the issue of transmission of votes, whether electronic transmission or physical delivery. When women appeared before the Joint Committee, many of them said “I left my home manually; I voted manually; I left the polling station and
reached my home manually. Where did my vote go after that?” That question can only be answered when we provide an alternative. What we are saying is not that we want to rely on the manual transmission of votes, which is not even there; we are saying all votes must be electronically transmitted and physically delivered. When that happens, then we are accountable to all the Kenyans who come forward to vote.

Mr. Speaker, Sir, the other area that I want to touch on before I finish is on Section 86(a). If we had done the Amendments that we are doing today before, today we would not be in any crisis. Under that, Section 3(a) says that where there more than two remaining candidates in an election after the withdrawal, the election shall proceed as scheduled. Whereas part (b) of that says that where only one candidate remains after the withdrawal, the remaining candidate shall be declared elected forthwith as the president-elect without any election being held. If this provision was there, today Kenyans would have been celebrating. But now that it is not there, we are saying that this has to be enacted and Kenyans will not be in the same dilemma that we are in today in future.

As I finish, I want to comment on Section 6 of Election Offence Act 2016. Again, when many people appeared before the panel, they were saying, “why should we give people five years; it is too short.” They were reminding us of the dilemma, the pain and the billions that we are using as a country. They were saying “those people need to be jailed even for 15years.” Mr. Speaker, Sir, it is only prudent for us to accept this and approve it so that anybody who will mess up with elections can surely be dealt with. Kenyans then will sit back and say, yes, those who have done the wrong thing have been dealt with in the right way.

In conclusion, 26th October, 2017 is approaching. I urge all Kenyans to turn out in large numbers and confirm that President Uhuru Kenyatta is our President; today, tomorrow until 2022. That is the only request I have for Kenyans so that we can prove these people wrong again.

Mr. Speaker, Sir, I beg to support.

DATE: 11th October 2017
Member of Parliament: Sen. Seneta

Mr. Speaker, Sir, I was bringing to the attention of this House that there is an area called Torosei in Kajiado County where you wake up and there is no network in a certain place, electronic transmission may be a challenge. We should not depend on electronic transmission. We shall have missed the point because we shall have missed the votes of those Kenyans who voted that day. Today in the morning, some of us woke up without Safaricom network. We could not call until 9.00 a.m. So, in a situation where on 26th we do not have network then what will happen? I really want to support this Election Laws Amendment Bill.
Thank you very much, Mr. speaker, Sir. I also rise to support this Motion for the fact that right now the country is still in an election cycle. If this Bill had been amended earlier, we would have been saved the stress that we are being subjected to right now. The gaps in election laws have allowed one presidential candidate to use what he is popularly calling “the irreducible minimums" to take the country in circles. I remember he was pushing the election time from the 17th to 26th October yet he knew that he was not going to take part in the same election. The fact that he has withdrawn from the elections still is a pointer that surely he does not have the interests of the country at heart.

We do realize the effect of the election date being pushed to 26th October, 2017. The students in this country have been made to do exams at the wrong time, away from their preparation. This has caused them together with their parents’ psychological and emotional stress.

I support this Bill, particularly, looking at the provision on the complementary function of electronic and manual roles. Had the manual provision been there, I am sure that this country would be peaceful because our President would have been declared the winner. The results were nullified on account that there was wrong transmission.

In addition, I support this Bill because of the fact that some Forms 34A and 34B were not signed, particularly, in the NASA strongholds. Maybe they did not sign the results, knowing that they would not win.

As I stand here, I represent the women of Kenya. It is a shame that a presidential candidate would call upon women to strip. That is disrespectful and he should be made to withdraw such a statement. He should even be taken to a court of law because he has brought shame to our women in Kenya.

I beg to support.
DIVISION

ELECTRONIC VOTING

(Question, that the Election Laws (Amendment) Bill 
(National Assembly Bill No.39 of 2017) be now read a Second Time, put and the Senate proceeded to vote by County Delegations)

AYES: Sen. (Dr.) Ali, Wajir County; Sen. Cherargei, Nandi County; Sen. Cheruiyot, Kericho County; Sen. Dullo, Isiolo County; Sen. (Eng.) Hargura, Marsabit County; Sen. Iman, Garissa County; Sen. Kang’ata, Murang’a County; Sen. Kibiru, Kirinyaga County; Sen. Kihika, Nakuru County; Sen. (Prof.) Kindiki, Tharaka-Nithi County; Sen. Kinyua, Laikipia County; Sen. (Dr.) Langat, Bomet County; Sen. Lelegwe, Samburu County; Sen. Loitiptip, Lamu County; Sen. (Eng.) Mahamud, Mandera County; Sen. (Eng.) Maina, Nyeri County; Sen. Mpaayei, Kajiado County; Sen. Murkomen, Elgeyo-Marakwet County; Sen. Mwangi, Nyandarua County; Sen. Ndwi, Embu County; Sen. Poghisio, West Pokot County; Sen. Sakaja, Nairobi City County; Sen. Wamatangi, Kiambu County; and, Sen. Wario, Tana River County.

NOES: Nil

DATE: 11th October 2017
Speaker of Senate: Hon. Kenneth Lusaka

Hon. Senators, the results of the Division are as follows:- AYES: 24

NOES: 0

ABSTENTIONS: 0
The “Ayes” have it.

(Question carried by 24 votes to 0)
(The Bill was accordingly read a Second Time and referred to a Committee of the Whole tomorrow)

ADJOURNMENT

The Speaker (Hon. Lusaka): Hon. Senators, we have come to the end our business today. There being no other business, the senate therefore stands adjourned until tomorrow, Thursday, 12th October, 2017, at 2.30 p.m. The Senate rose at 6.15 p.m.

Papers Laid

COMMUNICATION FROM THE CHAIR

DATE: 12th October 2017
Member of Parliament: Sen. (Dr.) Zani
Contribution She Made On: Visiting Delegation from Uasin Gishu County Assembly

Thank you, Mr. Speaker, Sir. I take this opportunity to join you as well in welcoming this delegation from Uasin Gishu County. In this second round of devolution, we have a lot of experience in terms of what happened last time. I hope that in the county assemblies, we have taken cognizance of some of the factors that were issues within the county assemblies. One of these, specifically, is the issue of the wage bill and aligning human resource capacity in terms of the expectations and the outputs from the specific counties. I am sure, together with the Uasin Gishu delegation and other delegations, that this is an aspect that we need to streamline, so that the resources in the counties go into outputs that will be directly deliverables, especially in aiding the counties to enhance development.

Mr. Speaker, Sir, during the first term under devolution, a lot of money went into recurrent budget. Many counties indicated that the development component had not been taken into consideration. I hope we can change this human resource aspect and do that specifically. I also hope that this delegation will have fruitful engagements that will help them grow as a county. When they go back, they should take our regards from us, the Senate of Kenya.

Thank you.

DATE: 12th October 2017
Member of Parliament: Sen. Dullo
Contribution She Made On: Report of the Select Committee on Election Laws (Amendment) Bill, 2017
Sir, I beg to lay the following Report on the Table of the House, today, 12th October, 2017:-

Report of the Select Committee on Election Laws (Amendment) Bill on its consideration of the Election Laws.

(Amendment) Bill (Senate Bill No.3 of 2017).

(Sen. Dullo laid the document on the Table)

DATE: 12th October 2017

Member of Parliament: Sen. (Dr.) Musuruve

Contribution She Made On: Statement on Status of Inclusion of PWDs in the Public Service

I rise pursuant to Standing Order No. 46 (2)(b) to seek a Statement from the Senate Majority Leader regarding the non-compliance with Article 100 of the Constitution on the promotion of representation of marginalized groups as well as status of inclusion of Persons with Disabilities (PWDs) in the Public Service.

In the Statement, the Senate Majority Leader should address the following:

1. What is the status of compliance with Article 100 of the Constitution with regard to representation in Parliament and county assemblies of the women, youth and PWDs, ethnic and other minorities as well as marginalized communities?
2. How many PWDs are currently employed in the Public Service, including independent officers and commissions?
3. What measures is the Government taking to achieve compliance with Article 100 and to also ensure representation of PWDs in Public Service?

DATE: 12th October 2017

Member of Parliament: Sen. (Dr.) Musuruve

Contribution She Made On: Statement on Access to Procurement Opportunities in Government by PWDs, Women and Youth

Thank you, Mr. Speaker, Sir. I rise pursuant to Standing Order No.46(2)(b) to seek a Statement from The Senate Majority Leader, regarding access to procurement opportunities in Government by PWDs, women and youth.

In the Statement, he should:

1. State how many PWDs have been awarded Government tenders during the 2016/2017 and 2017/2018 Financial Years?
2. Explain the measures put in place by the Governor to encourage PWDs, women and youth to participate in Government tenders.

Thank you.
DATE: 12th October 2017
Member of Parliament: Sen. Nyamunga
Contribution She Made On: Status of Disbursement of Funds to County Governments for the FY 2017/2018

On a point of order, Mr. Speaker, Sir. Is it in order for the Senate Majority Leader to speak on my behalf? First, I do not know where I went to collect “bonga points” to come back limping. I have never met this hon. Senator. Therefore, I do not know how he knows that I am limping and for whatever reasons. (Laughter)
Secondly, the truth should be told. The country is in this situation because of the two leaders of the Jubilee Party. The two leaders did not believe in devolution.
Therefore, even as the counties starve, it is because they do not believe in devolution. They will never believe in it and that is why they cannot even ensure there is disbursement of funds.

DATE: 12th October 2017
Member of Parliament: Sen. Nyamunga
Contribution She Made On: Status of Disbursement of Funds to County Governments for the FY 2017/2018

Mr. Speaker, Sir, I am still on a point of order. If the elections were held properly; if the Jubilee Government had not interfered with the elections and stolen our victory, we would not have been in the situation we are in today. Let them clean their house and put it in order so that the country can move forward.

DATE: 12th October 2017
Member of Parliament: Sen. Dullo

Mr. Speaker, Sir I beg to lay the following report on the table of the House today 12th October, 2017.
COMMITTEE OF THE WHOLE HOUSE

The Election Laws (Amendment) Bill (National Assembly Bill No. 39 of 2017)

DIVISION

ELECTRONIC VOTING
(Question, that Clauses 3-12, the Title and Clause 1 be part of the Bill put and the Senate proceeded to vote by county delegations)

AYES: Sen. (Dr.) Ali, Wajir County; Sen. Cherargei, Nandi County; Sen. Cheruiyot, Kericho County; Sen. Dullo, Isiolo County; Sen. (Eng.) Hargura, Marsabit County; Sen. Iman, Garissa County; Sen. Kang’ata, Murang’a County; Sen. Kibiru, Kirinyaga County; Sen. Kihika, Nakuru County; Sen. Kinyua, Laikipia County; Sen. (Dr.) Langat, Bomet County; Sen. Lelegwe, Samburu County; Sen. Loitiptip, Lamu County; Sen. (Eng.) Mahamud, Mandera County; Sen. (Eng.) Maina, Nyeri County; Sen. (Dr.) Mbito, Trans Nzoia County; Sen. Murkomen, Elgeyo-Marakwet County; Sen. Mwangi, Nyandarua County; Sen. Ndewiga, Embu County; Sen. Poghisio, West Pokot County; Sen. Sakaja, Nairobi City County; Sen. Seneta, Kajiado County; Sen. Wamatangi, Kiambu County, and Sen. Wario, Tana River County.

NOES: Nil.

The Temporary Chairperson (Sen. Kang’ata): Hon. Senators, the results of the Division are as follows:

AYES: 24

NOES: 0

ABSTENTIONS: 0

The “Ayes” have it.
(Question carried by 24 votes to 0)
DATE: 12th October 2017
Member of Parliament: Sen. Dullo
Contribution She Made On: The Election Laws (Amendment) Bill (National Assembly Bill No. 39 of 2017)

Mr. Temporary Chairman, Sir, I beg to move that the Committee do report to the House its consideration of the Election Laws (Amendment) Bill (National Assembly Bill No. 39 of 2017) and its approval thereof without amendment.

(Question proposed)

(Question put and agreed to)

(The House resumed)

REPORT AND THIRD READING

DATE: 12th October 2017
Member of Parliament: Sen. Dullo
Contribution She Made On: The Election Laws (Amendment) Bill (National Assembly Bill No. 39 of 2017)

Mr. Speaker, Sir, I beg to move that the House do agree with Committee of the Whole in the said report.

DATE: 12th October 2017
Member of Parliament: Sen. Dullo
Contribution She Made On: The Election Laws (Amendment) Bill (National Assembly Bill No. 39 of 2017)

Mr. Speaker, Sir, I beg to move that the Election Laws (Amendment) Bill (National Assembly Bill No. 39 of 2017) be now read a Third Time.

DATE: 12th October 2017
Speaker of Senate: Hon. Kenneth Lusaka
Contribution She Made On: Voting on The Election Laws (Amendment) Bill (National Assembly Bill No. 39 of 2017)
Hon. Members, we are going to vote by delegations. I therefore, direct that the division Bell be rung for five minutes.

(The Division Bell was rung)

DATE: 12th October 2017
Speaker of Senate: Hon. Kenneth Lusaka

Contribution She Made On: Voting on The Election Laws (Amendment) Bill (National Assembly Bill No. 39 of 2017)

I now order that the doors be closed and the Bars drawn.

(The doors were closed and the Bars drawn)

DIVISION

ELECTRONIC VOTING

(Question, that the Election Laws (Amendment) Bill

(National Assembly Bill No. 39 of 2017) be now read a Third Time, put and the Senate proceeded to vote by County Delegations)

AYES: Sen. (Dr.) Ali, Wajir County; Sen. Cherargei, Nandi County; Sen. Cheruiyot, Kericho County; Sen. Dullo, Isiolo County; Sen. (Eng.) Hargura, Marsabit County; Sen. Iman, Garissa County; Sen. Kang’ata, Murang’a County; Sen. Kibiru, Kirinyaga County; Sen. Kihika, Nakuru County; Sen. (Prof.) Kindiki, Tharaka-Nithi County; Sen. Kinyua, Laikipia County; Sen. (Dr.) Langat, Bomet County; Sen. Lelegwe, Samburu County; Sen. Loitiptip, Lamu County; Sen. (Eng.) Mahamud, Mandera County; Sen. (Eng.) Maina, Nyeri County; Sen. (Dr.) Mbuto, Trans Nzoia County; Sen. Mpaayei, Kajiado County; Sen. Murkomen, Elgeyo-Marakwet County; Sen. Mwangi, Nyandarua County; Sen. Ndiga, Embu County; Sen. Poghisio, West Pokot County; Sen. Sakaja, Nairobi City County; Sen. Wamatangi, Kiambu County; and, Sen. Wario, Tana River County.

NOES: Nil

The Speaker (Hon. Lusaka): Hon. Senators, the results of the Division are as follows:-

AYES: 25

NOES: 0
The “Ayes” have it.

(Question carried by 25 votes to 0)

(The Bill was accordingly read the Third Time and passed)

DATE: 12th October 2017
Member of Parliament: Sen. Kihika
Contribution She Made On: Motion on Adjournment of the Senate Pursuant To The Approved Calendar for the 2017 Session

Mr. Speaker, Sir, I stand to second that Motion. It is a very important Motion. It is a period that Senators have worked extremely hard. It is the right time that we take a small recess and be back to carry on with very important nation building issues. I second the Motion.

(Question proposed)

ADJOURNMENT
The Speaker (Hon. Lusaka): With those remarks, hon. Senators, the Senate now stands adjourned until Tuesday, 7th November, 2017. I wish you well.
The Senate rose at 4.40 p.m.