

**REPUBLIC OF KENYA**

**ELEVENTH PARLIAMENT – (THIRD SESSION)**

**THE SENATE**

**ORDER PAPER**

**THURSDAY, OCTOBER 08, 2015 AT 2.30 P.M**

**PRAYERS**

- 1. Administration of Oath**
- 2. Communication from the Chair**
- 3. Messages**
- 4. Petitions**
- 5. Papers (As Listed in the Appendix)**
- 6. Notices of Motion (As Listed in the Appendix)**
- 7. Statements (As Listed in the Appendix)**
- 8. THE COUNTY STATUTORY INSTRUMENTS BILL (SENATE BILL NO. 10 OF 2015)**  
(Chairperson, Standing Committee on Delegated Legislation)  
(First Reading)
- 9. THE MICRO AND SMALL ENTERPRISES (AMENDMENT) BILL (SENATE BILL NO. 12 OF 2015)**  
(Sen. Wamatangi Kimani Paul)  
(First Reading)
- 10. THE PERSONS WITH DISABILITIES (AMENDMENT) BILL (SENATE BILL NO. 13 OF 2015)**  
(Sen. Godliver Omondi)  
(First Reading)
- 11. MOTION** - (The Chairperson of the Select Committee) THAT, this House adopts the Report of the Select Committee of the Senate on Constitutional and Legal Review laid on the Table of the House on Wednesday, 23rd September, 2015.
- 12. MOTION** – (Sen. Fatuma Dullo) (Ministry of Interior and Coordination of National Government)  
**WHEREAS** Article 51 of the Constitution of Kenya protects the rights of detained persons, persons held in custody and other imprisoned persons under the law, and requires Parliament to enact legislation to provide for the humane treatment of such persons with due regard to the relevant international human rights instruments;

**OBSERVING** that international instruments, including the Universal Declaration of Human Rights, the International Covenant on Economic, Social and Cultural Rights, the International Covenant on Civil and Political Rights, the Convention Against Torture and other Cruel, Inhuman or Degrading Treatment or Punishment and the United Nations Basic Principles for the Treatment of Prisoners set standards on the treatment of persons, including the right to be treated with respect; protection from discrimination on the grounds of race, colour, sex, language, religion, political or other opinion, national or social origin, property, birth or other status;

**AWARE** of the deplorable state of correctional services throughout the country including poor living conditions in the institutions of both officers and prisoners, the poor state of sanitation and nutrition, overcrowding, lack of proper medical attention, frequent outbreak of communicable diseases and frequent reports of deaths of inmates leading to a high rate of recidivism and the inability of former inmates to reintegrate into society;

**APPRECIATING** the urgent need to align the Prisons Act and Borstal Institutions Act with the Constitution of Kenya and the international instruments on the rights of detained persons;

**NOW THEREFORE**, the Senate resolves to establish a Select Committee to undertake an inquiry into the policy and legislation pertaining to the treatment of detained persons as well as the state of correctional institutions in Kenya, including prisons and Borstal institutions, and to submit a Report to the Senate within three months, with recommendations on such policy and legislative interventions as may be necessary to align the existing legislation on correctional services with the Constitution of Kenya and in compliance with international standards on the rights of detained persons and such other recommendations as may be necessary;

**AND FURTHER** that the Members of the Select Committee are-

1. Sen. Fatuma Dullo
2. Sen. (Dr.) Zipporah Kittony
3. Sen. (Dr.) Boni Khalwale
4. Sen. (Prof.) John Lonyangapuo
5. Sen. Stewart Madzayo
6. Sen. Liza Chelule
7. Sen. Judith Sijeny
8. Sen. Mutula Kilonzo Jr.
9. Sen. Stephen Sang'

10. Sen. Joy Gwendu

11. Sen. Moses Kajwang'

13. **MOTION-** (Sen. Kiraitu Murungi) (Department of Land) GIVEN the clear provisions of Article 6 (1) and the First Schedule which establishes the 47 counties of the Republic of Kenya;

**CONSIDERING** the clear provisions of the Districts and Provinces Act (Cap 105 A) of 1992 which specifically delineates the geographical boundaries of each county;

**NOTING** the provisions of Article 188 of the Constitution, which clearly state that the boundaries of a county may be altered only by a resolution of an Independent Commission set up for that purpose by Parliament and with the support of at least two-thirds members of the National Assembly and two-thirds of the county delegations in the Senate;

**FURTHER NOTING** that the boundaries in counties have not been surveyed and no beacons have been fixed;

**CONCERNED** that failure by the National Government to mark and fix the county boundaries has led to endless and sometimes violent conflicts, in which innocent Kenyans have been killed and their property destroyed, and is generally perpetuating poverty and underdevelopment in counties;

**THIS HOUSE** urges the Office of the President and the Ministry of Land, Housing and Urban Development to urgently establish a Task Force to survey, mark and fix beacons for all the county boundaries and to submit a report of the said Task Force to this House on or before 31st March, 2016.

14. **MOTION** – (Sen. Beatrice Elachi) (Department of Interior and Coordination of National Government)

**THAT**, cognizant that Article 12 of the Constitution guarantees a right to citizenship; noting that it is the right of every Kenyan attaining 18 years to register and be issued with a National Identity Card ; further noting that the National Identity Card is at the core in determining the extent to which an individual enjoys his or her fundamental rights and freedoms; concerned that Orphans and Vulnerable Children attaining the age of 18 years in children's homes have difficulties obtaining the National Identity Cards, the Senate urges the National Government to take remedial, policy, administrative and legislative measures to improve and expedite the process of registration for National Identity Cards especially for the Orphans and Vulnerable Children who live in children's homes and have attained 18 years of age.

**15. MOTION – ADDRESS TO PARLIAMENT BY H. E (DR) JAKAYA MRISHO KIKWETE, PRESIDENT OF THE UNITED REPUBLIC OF TANZANIA**

(The Senate Majority Leader)

**THAT**, pursuant to the provisions of Standing Order 25 (3), the Thanks of the Senate be recorded for the Address to Parliament by the President of the United Republic of Tanzania delivered on Tuesday, 6th October, 2015.

**16. THE HIV AND AIDS PREVENTION AND CONTROL (AMENDMENT) BILL (SENATE BILL NO. 4 OF 2015)**

(Sen. (Dr.) Wilfred Machage) (Second Reading) (Resumption of Debate interrupted on Wednesday, 7th October, 2015) (Division)

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TUESDAY, OCTOBER 13, 2015 AT 2.30 P.M

PRAYERS

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2. Communication from the Chair
3. Messages
4. Petitions
5. Papers
6. Notices of Motion
7. Statements (As Listed in the Appendix)
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(Sen. (Dr.) Wilfred Machage) (Second Reading)  
(Resumption of Debate interrupted on Wednesday, 7th October, 2015) (Division)
9. **MOTION** - (The Chairperson of the Select Committee)  
**THAT**, this House adopts the Report of the Select Committee of the Senate on Constitutional and Legal Review laid on the Table of the House on Wednesday, 23rd September, 2015.
10. **MOTION – ADDRESS TO PARLIAMENT BY H. E (DR) JAKAYA MRISHO KIKWETE, PRESIDENT OF THE UNITED REPUBLIC OF TANZANIA**  
(The Senate Majority Leader)  
**THAT**, pursuant to the provisions of Standing Order 25 (3), the Thanks of the Senate be recorded for the Address to Parliament by the President of the United Republic of Tanzania delivered on Tuesday, 6th October, 2015.
11. **THE OFFICE OF THE COUNTY ATTORNEY BILL, (SENATE BILL NO. 37 OF 2014)**  
(Chairperson, Committee on Legal Affairs and Human Rights) (Second Reading)
12. **THE KENYA NATIONAL EXAMINATIONS COUNCIL (AMENDMENT) BILL, (SENATE BILL NO. 7 OF 2015)**  
(Sen. David Musila) (Second Reading)

**13. THE PRESERVATION OF HUMAN DIGNITY AND ENFORCEMENT OF ECONOMIC AND SOCIAL RIGHTS BILL**

(SENATE BILL NO. 8 OF 2015) (Sen. Hassan Omar) (Second Reading)