

NATIONAL ASSEMBLY

OFFICIAL REPORT

Thursday, 25th April, 2002

The House met at 2.30 pm.

[Mr. Speaker in the Chair]

PRAYERS

PAPERS LAID

The following Papers were laid on the Table:-

Sessional Paper No.1 of 2002 on Restructuring of the Agricultural Finance Corporation.
Sessional Paper No.2 of 2002 on Revival of the Kenya Meat Commission (KMC).

*(By the Assistant Minister for Education,
Science and Technology (Mr. Ojode) on behalf
of the Minister for Agriculture)*

NOTICE OF MOTION

BILL TO INCREASE NUMBER OF CONSTITUENCIES

Mr. Ochilo-Ayacko: Mr. Speaker, Sir, I beg to give notice of the following Motion:-
THAT, this House do grant leave to introduce a Bill for an Act of Parliament entitled Constitution of Kenya (Amendment) Bill to amend Subsections 2 and 4 of Section 42 in order to increase the number of constituencies and also to reduce the period for review of constituencies respectively.

ORAL ANSWERS TO QUESTIONS

Question No.164

AWARD OF KAA TENDER

Eng. Muriuki asked the Minister of State, Office of the President:-

- (a) whether he could inform the House who was awarded the tender reference No.KAA/ES/JKIA/412/C advertised by the Kenya Airports Authority in the year 2000; and,
- (b) what the contract sum was and whether the contract was executed.

The Minister of State, Office of the President (Mr. ole Sunkuli): Mr. Speaker, Sir, I wish to ask for the indulgence of the House because I do not feel properly briefed so that I can give enough information about this Question. Although I have the written reply, the full facts are not yet clear to my mind.

Mr. Ndicho: On point order, Mr. Speaker, Sir. I think this is not acceptable because, if you look at what the Question is asking; "could he inform the House who was awarded the tender?," we know that it was "Mr. Kamau Njoroge." What is so difficult in mentioning the name? For example, if it is Mr. Otieno Onyango, let it be so. He is not asking technical questions!

Mr. Speaker: Order! Precisely; maybe, that is what the Minister is worried about; that, he has not got what Eng. Muriuki wants.

Eng. Muriuki, what is your reaction?

Eng. Muriuki: Mr. Speaker, Sir, this Question was filed quite sometime back. It relates to a serious matter because it has to do with the runway at our international airport. Every time an aircraft takes off, it leaves a little bit of

rubber on the runway. Over the years, it accumulates to a lot of---

Mr. Speaker: Order, Eng. Muriuki! We do not do it that way! The question is not why he has not answered. He has not answered it! He says---

Eng. Muriuki: Mr. Speaker, Sir, but I have an answer!

Mr. Speaker: He says that he is not prepared! Could we give him up to Tuesday? Is that okay?

Eng. Muriuki: Mr. Speaker, Sir, but there is a written reply that I have been given. It has a name!

Mr. Speaker: Order! When hon. Members complain that Ministers and their assistants are not giving them correct answers, I reprimand them. Would you like him to continue, when he is not satisfied with it?

Eng. Muriuki: No, Mr. Speaker, Sir. It has a date!

Mr. Speaker: Eng. Muriuki, you keep that answer which has his signature. I will ask him to come on Tuesday and answer it. He will, probably, give you better than what you have.

Eng. Muriuki: Very well, Mr. Speaker, Sir.

Mr. Speaker: Very well, Tuesday! And, please, make sure that you get something better than what he has!

(Question deferred)

Question No.114

IMPROVEMENT OF EXAMINERS' WORKING CONDITIONS

Mr. Kihoro asked the Minister for Education:-

(a) whether he is aware that teachers who mark and check the Kenya National Examinations Council (KNEC) examinations are accommodated in various school dormitories under substandard living conditions;

(b) whether he is further aware that these teachers have suffered abuse and inconvenience from time to time and this could affect their work when they mark examinations; and,

(c) what measures he will put in place to rectify the situation and ensure that the services of the checkers of the marked examinations will be retained.

The Assistant Minister for Education, Science and Technology (Mr. Ojode): Mr. Speaker, Sir, I beg to reply.

(a) I am not aware that teachers who have been marking and checking KNEC examinations are accommodated in various school dormitories under substandard living conditions since the facilities selected to hold these services are selected on the criteria of cleanliness, accessibility, catering and boarding facilities, social amenities, lighting and water.

(b) I am not aware of any abuse or inconvenience suffered by the teachers who mark examinations as any problems they may experience in the cause of their work are handled by a team of professionals who are on the ground to work closely with them.

(c) The Ministry, through the KNEC, has ensured that examiners will be supervised by chief examiners and are recruited from those with the necessary professional training so as to keep the standards of examining and marking high.

Mr. Kihoro: Mr. Speaker, Sir, I do welcome the written reply given by the Assistant Minister.

(Mrs. Sinyo entered the Chamber)

Mr. Speaker: Order! Mr. Maore, could you help Mrs. Sinyo? She is now okay!

Mr. Kihoro: Mr. Speaker, Sir, I accept that some of the conditions which are necessary for the markers of exams and checkers are actually underlined in part (a) of the written reply that has been given by the Assistant Minister. I am, however, worried that we cannot keep the markers of the exams in conditions which are equivalent to students' conditions. The markers should be given better living conditions. They should live in single rooms, and they should be given better working conditions. Importantly, the Assistant Minister has avoided mentioning the question of the checkers. They are very important in terms of standardizing the marked examinations. Could he tell us what he is going to do to retain these services?

Mr. Ojode: Mr. Speaker, Sir, one, there has never been any abuse or inconvenience suffered by the teachers who mark examinations. We have never heard any one reporting any abuse. I would challenge the hon. Member to report to us if there is any such case, and we will take action immediately.

Mr. Kihoro: Mr. Speaker, Sir, I thought, on occasions when teachers have suffered abuse, they come and go

as the marking goes on. It is important to appreciate the service the markers are giving to this country. It is not for the Assistant Minister to wait for Mr. Kihoro from Nyeri Town Constituency to tell him that wherever exams are being marked, so-and-so has suffered hardship. What guarantee is the Assistant Minister going to give this House that the checkers standardize exams, because we have seen situations where exams have been marked and some markers know certain students and they end up awarding them more marks? What are you going to do to assure this House that the checkers will always be there to give this service to everybody in the country?

Mr. Ojode: Mr. Speaker, Sir, the KNEC has a system of ensuring that a team under the direct supervision of a team designated as "checkers" - through seminars - carefully checks marked examination scripts and related information. The council has recruited enough examiners to ensure that this service does not suffer at all. The Council also discontinued the use of the team designated as "checkers" so as to use the examiners with the necessary professional training, not only to mark, but also to make entries in the various forms their work demands. When all the marking is over, the council puts in place another checking system by its senior personnel.

Mr. Ndicho: On a point of order, Mr. Speaker, Sir. Mr. Kihoro has made a very serious allegation that there are some examiners who know some students and, in view of that relationship, they award them higher marks than they deserve. If this is has been going on, is it not a very serious matter? Could he substantiate by telling us who those people are?

Mr. Speaker: I normally do not allow substantiations during Question Time. But Mr. Kihoro, you are making a very alarming statement. Are you privy to those facts, or you are just being an alarmist?

Mr. Kihoro: Mr. Speaker, Sir, I am not being an alarmist. In any case, hon. Ndicho has just woken up five minutes after I had made those remarks! He has done that after a very long time! Nonetheless, you have allowed him to raise that point of order.

Mr. Ndicho: On a point of order, Mr. Speaker, Sir. I do not think you should allow hon. Kihoro to get away with that remark. He has categorically stated that I was asleep and woke up after five minutes. I was waiting for the Assistant Minister to reply to that particular issue which he did not touch!

Mr. Speaker: Quite so, and I think, much more importantly, you were waiting for the gravity of the statement to sink in! What is your reaction Mr. Kihoro?

Mr. Kihoro: Mr. Speaker, Sir, my only worry is that in any situation where one is marking papers of up to 100,000 students in an examination, there is need to standardise. It is not that I had any particular students in mind who had benefitted in this kind of situation. But it is my fear that if so many papers are being marked by teachers who are not being supervised, there is that possibility.

Mr. Speaker: Very well, I think that is better than what you had said earlier. I can now understand why it struck Mr. Ndicho like thunder! What is your reaction, Mr. Ojode?

Mr. Ojode: Mr. Speaker, Sir, the Ministry is doing all it can to standardise the examinations.

Question No.172

PAYMENT OF BENEFITS TO HOTEL WORKERS

Mr. Speaker: Mr. Kihara had informed me earlier that his Question should be deferred.

(Question deferred)

Next Question, Dr. Ali!

Question No.165

PAYMENT OF BENEFITS TO MR. OSMAN

Mr. Speaker: Dr. Ali, too, had informed me that his Question should be deferred.

(Question deferred)

Question No.176

TAMARCKING OF TAVETA-MWATATE ROAD

Mr. Speaker: Mr. Mwalulu had also asked me to defer his Question.

(Question deferred)

Question No.174

RELEASE OF SUSPECTS

Mr. Maore asked the Attorney-General the circumstances under which the Principal Magistrate, Maua, released suspects in a case involving the late Joseph Kathuru M'Mweti, who was killed on 29th October, 2000 in Lare Division, Meru North District.

Mr. Speaker: The Attorney-General actually called me to say that he was attending a meeting with the Constitution of Kenya Review Commission the whole day. So, he asked me to defer this Question. Can I do that Mr. Maore? Do you have any particular date in mind when this Question should come up?

Mr. Maore: Mr. Speaker, Sir, I am always here!

Mr. Speaker: Since you are always available, I will defer your Question until next week.

(Question deferred)

Mr. Ndicho: On a point of order, Mr. Speaker, Sir. Due to the fact that the Attorney-General is not always here to answer Questions, and given the fact that he does not have an assistant, could the Chair recommend to the President to appoint somebody who will be assisting the Attorney-General for the purpose of answering Questions in this House?

Mr. Speaker: Actually, those in the Government should be able to organise that among [Mr. Speaker] themselves. We do not need to go to the President for that. It is for the Government side to organise itself. There are so many other Ministers who can answer questions on behalf of the Attorney-General, if they are properly briefed. Would you like to take that message to the Government side, Mr. Ndicho, on my behalf?

Mr. Ndicho: Mr. Speaker, Sir, the "Acting Leader of Government of Business", Mr. Ojode, has heard that and I am sure he will convey the same to the Government.

*(Mr. Ojode stood up in his place
and bowed to the Chair)*

Mr. Speaker: Very well, Mr. Ojode!
We now move to Questions by Private Notice.

QUESTIONS BY PRIVATE NOTICE

ISSUANCE OF IDENTITY CARDS

(Mr. Leshore) to ask a Minister of State, Office of the President:-

(a) Is the Minister aware that many people in Samburu East have not registered as voters because of lack of national identity cards?

(b) What action is he taking to ensure that there is a programme for issuance of identity cards?

Mr. Speaker: That Question will be deferred to next week on Tuesday.

(Question deferred)

SUPPLY OF ANTHROPOMETRIC EQUIPMENT

(Dr. Murungaru) to ask the Minister for Education:-

(a) For what reasons was tender number IDA No.15 KE-00/01-ICB-002 for supply and delivery of anthropometric equipment awarded to the highest bidder?

(b) What remedial action will the Minister take to ensure that the public does not suffer undue

losses?

Mr. Speaker: Mr. Murungaru's Question will be deferred to next week on Wednesday, in the afternoon.

(Question deferred)

SETTLEMENT OF KANDARA FARMERS SOCIETY DISPUTE

(Eng. Joshua Toro) to ask the Minister for Agriculture:-

(a) Is the Minister aware that two Special Annual General Meetings convened by Kandara Coffee Farmers Co-operative Society on 1st and 22nd of March, 2002 have failed to resolve a bitter rivalry between members of the management committee?

(b) Is he further aware that as a result, the Society comprising eleven coffee factories is now on the verge of splitting into eleven individual societies?

(c) What urgent action will he take to resolve the dispute?

Mr. Speaker: Any apologies from Eng. Toro? The Question is dropped!

(Question dropped)

RESTRICTION ON FISHING ACTIVITIES

(Dr. Ochuodho) to ask the Minister for Agriculture:-

(a) Following recent restrictions on fishing in Lake Victoria, could the Minister clarify exactly what is expected of fishermen?

(b) What has necessitated such an action?

(c) How does the Government expect those who rely wholly on fishing to cope?

Mr. Speaker: Dr. Ochuodho is also not here? The Question is dropped!

(Question dropped)

MEDICAL SUPPLIES TO WESU HOSPITAL

(Mr. Mbela) to ask the Minister for Medical Services:-

(a) What measures is the Minister taking to ensure that drugs and dressings are regularly supplied to the Wesu District Hospital?

(b) Why has a private pharmacy been opened in one of the hospital buildings to sell drugs and syringes to the patients?

Mr. Speaker: I am informed that Mr. Mbela went to hospital. So, the Question is deferred to next week.

(Question deferred)

Next Order!

BILL

Second Reading

THE DOMESTIC VIOLENCE (FAMILY PROTECTION) BILL

(The Attorney-General on 24.4.2002)

(Resumption of Debate interrupted on 24.4.2002)

Mr. Speaker: Mr. Gumo was on the Floor. Mr. Gumo is not here? I will assume that he has utilised his time and move on to somebody else.

Mr. Kihoro!

Mr. Kihoro: Mr. Speaker, Sir, I stand to support the Bill as proposed by the Attorney-General.

I have spoken to very many people who will benefit from the enactment of this Bill into law. Many women in this country do welcome the enactment of this law. It is important that we accept that the Criminal Law in this country

generally protects the citizens. But it is important to have this kind of special legislation that is going to deal with violence in our homes and situations where the Criminal Law finds it difficult to permeate.

Mr. Speaker, Sir, it is important that this House does enact this Bill to ensure that women in this country will be protected and they will have recourse to protection through the courts. One of the clauses in the Bill is proposing to set up special protection courts for domestic violence. This is a welcome development because it is going to deal with cases of violence that have become rampant in our families. According to statistics available, cases of domestic violence have been on the rise. The reason for this is the increase of poverty in this country. Many people find themselves confronted with the spectre of poverty in this country. About 56 per cent of Kenyans today live below the poverty line and this has had an accelerating effect on the cases of domestic violence in the country.

Mr. Speaker, Sir, the rising rate of illiteracy in this country has also contributed to domestic violence. It cannot be denied that the rate of illiteracy in this country has been rising. Whereas we had achieved very high literacy levels, of about 90 per cent in the country, we have now gone down to 60 per cent. It is true that illiterate people, who cannot read and write or benefit from ideas from other people by reading magazines, newspapers and books, end up expressing themselves through violence. I have a document to table before the House to confirm that position. This is a study on domestic violence in Kenya; from the Federation of Women Lawyers in Kenya (FIDA). FIDA has taken time to study every aspect that is contained in the Bill and you will find most of these aspects are underlined and statistics given to support them. I hereby table the document.

(Mr. Kihoro laid the document on the Table)

Mr. Speaker, Sir, we want to protect women in this country. There is one aspect that has been left out in the proposed Bill. This is the aspect of the female genital mutilation (FGM). This aspect has not been covered in the Bill, but it must be accepted that this is one of those aspects that constitute violence, especially against women. It has been proved beyond reasonable doubt that from a medical point of view, there is no purpose whatsoever that is served by the FGM. It might be a wide-spread cultural practice in some parts of the country, but it is important that it should have been covered in the Bill to ensure that unnecessary offensive practices that have no bearing on the integrity of the person are rejected by this House. This House has got a leading role to play in this respect.

We cannot wait until the slowest coach in the country is ready to overtake us before we start taking action. It is important that this House assumes a leadership role in terms of eliminating some of these widely accepted practices that have no benefit to the person and, indeed, are harmful to womankind in this country. I support the proposed legislation because it is trying to put this country in line with the Convention on the Elimination of All Forms of Discrimination Against Women. While we accept that a country with educated women is an educated country, it is important that this country legislates to ensure that it complies with the conventions and the treaties that it has signed.

Mr. Speaker, Sir, it is also very important that the Government does not pay lip service to the question of equality in this country. It will be unfortunate if a Bill is moved in this House and it is then undermined by the very people who have moved it. It will be very tragic to pay lip service to such an important matter. You might find that, indeed, this Bill could have been proposed as a way of window dressing. The Government should be averse to do that kind of thing in this House, and my expectation is that it should be at the forefront in supporting this Bill and ensuring that it is enacted and will be very beneficial, not only to women, but also to children and men, who could have been at the receiving end of domestic violence.

Also, the Bill has proposed to set up a Domestic Violence (Family Protection) Fund. That is found in Clause 43 of the Bill. I welcome the setting up of the Fund because I believe that many people who could have walked out of some homes which have become prisons, find it impossible to do so because of not having recourse to any economic support out there. So, it is important that a Domestic Violence (Family Protection) Fund is established. I understand that money will be voted by Parliament to this Fund or given as grants from outside this country. It is important that this Fund is set up. But I believe that while some cases of domestic violence could be perpetrated by men, it is important that the court that will administer the Fund should also have the opportunity of making some of the perpetrators of violence pay for it. It is important that, that happens because we should not expect that the Government has got an infinite source of funds to support this kind of Fund.

QUORUM

Mrs. Sinyo: On a point of order, Mr. Speaker, Sir. It has come to my notice that we do not have quorum in the House. This is a very important Bill for this nation, not only for women's benefit as it is being alluded to, but also for the benefit of men, boys and girls.

The Assistant Minister for Education, Science and Technology (Mr. Ojode): How do you know that there

is no quorum in the House?

Mrs. Sinyo: Mr. Speaker, Sir, it has been brought to my notice.

Mr. Speaker: Yes, Mrs. Sinyo you are entitled

to rise at any time to say that there is no quorum in the House and you do not have to be right, by the way. Mrs. Sinyo, you are right. It is true that we do not have a quorum in the House. So, could the Division Bell be rung?

(The Division Bell was rung)

Mr. Speaker: Order, hon. Members! Five minutes are now over! I will give three extra minutes.

Mr. Ndicho: On a point of order, Mr. Speaker, Sir.

Mr. Speaker: There is no order! There is no quorum!

Mr. Muite: So, there is disorder?

Mr. Speaker: Order! There cannot be disorder! But if you see Mr. Ojode crossing the Floor like that, then there is no order!

(Laughter)

ADJOURNMENT

Mr. Speaker: Order, hon. Members! Well, I am sorry we cannot raise a quorum after the stipulated time. Hon. Members, there being no quorum, we cannot proceed with the business of the House and, therefore, this House stands adjourned until Tuesday, 30th April, 2002, at 2.30 p.m.

The House rose at 3.05 p.m.