

PARLIAMENT OF KENYA
THE NATIONAL ASSEMBLY

THE HANSARD

Tuesday, 10th May 2022

The House met at 2.30 p.m.

[The Speaker (Hon. Justin Muturi) in the Chair]

PRAYERS

QUORUM

Hon. Speaker: Hon. Members, I am told we do not have quorum. Please, ring the Quorum Bell.

(The Quorum Bell was rung)

Order, Members. We now have quorum. We can start. If Members could take their seats, we could start. Who are these ones making their way in?

COMMUNICATION FROM THE CHAIR

I have two Communications. There is a short one announcing the Speaker's *Kamukunji*.

COMMUNICATION ON THE SPEAKER'S KAMUKUNJI

Hon. Members, as you are aware, during the Afternoon Sitting of Thursday, 14th April 2022, several Members made requests for an all-Members' informal meeting commonly known as Speaker's *Kamukunji*, which I acceded to. The meeting was supposed to have happened yesterday, Monday, 9th May. Upon requests by several Members, it was postponed to tomorrow, Wednesday, 11th May.

Therefore, I take this opportunity to invite all Members to the *Kamukunji* tomorrow, Wednesday, at 11.00 a.m., here in the National Assembly Chambers, upon an earlier adjournment of the House since it is the day for Private Members' business. The agenda has been circulated by the Clerk in the Notice to Members. Hon. Members are requested to attend as there will be some Members of the Commission from the Senate in attendance.

PAPERS TABLED BY HON. FATUMA GEDI AND GROSS
DISORDERLY CONDUCT BY HON. BABU OWINO

Disclaimer: *The electronic version of the Official Hansard Report is for information purposes only. A certified version of this Report can be obtained from the Hansard Editor.*

Hon. Members, I wish to welcome you back from the just concluded long recess. It is my hope that you were able to spend valuable time with your families and constituents, notwithstanding the heightened activities that characterise an election year, and are now rejuvenated enough to proceed with the critical business scheduled for this last part of the Sixth Session of the 12th Parliament before the House proceeds on *Sine Die* recess.

Hon. Members, in the second Communication, I wish to notify the House of two pending matters that were left in abeyance when I adjourned the House, under Standing Order 112, which relates to grave disorder in the House, for the long recess on Thursday, 14th April 2022.

Ordinarily, a House of Parliament is typically calm and operates in a friendly atmosphere in the weeks leading to a *Sine Die* adjournment. I am certain most Hon. Members will recall the regrettable and chaotic scenes that were witnessed in this House on 14th April 2022 involving the Members for Wajir County and Embakasi East, the Hon. Fatuma Gedi, MP and the Hon. Babu Owino, MP, which were in complete contrast to the norm and expectation.

Hon. Members, in the case of the Member for Wajir County, the Hon. Fatuma Gedi, MP, my guidance was clear to the fact that all she was required to do at the time was to table documents regarding the allegations that she had made on the Floor of the House on 12th April 2022, in accordance with the requirements of Standing Order No. 91. You will also recall that during the said Sitting, I also did guide the House on what is the established practice and procedure of the House in considering the admissibility and/or authenticity or otherwise of a document tabled in the House and made reference to the Speaker's guidelines in a number of cases that occurred in the 10th Parliament. In a nutshell, just to refresh the minds of the Members, in considering the admissibility and/or authenticity or otherwise of a document tabled in the House, the Speaker examines if the document-

1. Relates to the matter for which it has been tabled;
2. Is signed, and if it is a Government document, by the authorised person or persons;
3. Bears the emblem or logo of the institution/person from which it originated or coat of arms in the case of documents from Government agencies;
4. Clearly indicates the author and the person to whom it is addressed;
5. Discloses the origin or source of the document;
6. Bears certification where a document other than the original is being tabled;
7. If electronic, has been obtained from a source that does not permit alteration of contents, if it is the matter dealing with the rule of admission of electronic evidence;
8. Is related to a claim made before the House or a Committee and its content has a nexus with the claim; and
9. Is stamped and clearly indicates the person signing off the stamp.

Hon. Members, what I have just highlighted is what I would call the basic rules of determining the admissibility and/or authenticity or otherwise of a document tabled in the House. Any document tabled by a Member in this House as evidence for substantiation of any allegations made by the Member, under Standing Order 91, must hence pass the threshold set by the nine rules on admissibility.

Hon. Members, now moving to the issue of Hon. Gedi, you will recall that on the material day, that is, on 14th April 2022, Hon. Gedi did table several documents and in particular attempted to make fresh and further claims and then sought to substantiate them, instead of simply tabling the documents as required. Ordinarily, the Standing Orders require a Member providing evidence in substantiation to a matter claimed in the House, to do so in the next sitting day. Given the seriousness of the claims that the Member for Wajir County had made on 12th April 2022, the

Speaker was sufficiently magnanimous, having granted her two days to comply with the Standing Orders.

Whenever a Member is required to avail evidence to substantiate a claim already made, the sequence of events is that he or she tables the evidence, the Speaker confirms authenticity and admissibility, before any Member proceeds to make further reference to the Paper laid or to use them as evidence. Indeed, this is also the same sequence in a judicial proceeding.

However, the Hon. Member failed to comply with this requirement. The Hon. Member therefore, forfeited the opportunity to do so, as set out by the Standing Orders. In view of the foregoing, the matter is spent in terms of Standing Order No. 91 and there shall be no further substantiation by the Member or debate on it.

(Applause)

Hon. Members, with respect to the documents that were tabled by Hon. Fatuma Gedi, I note that they consisted of newspaper prints outs, photographs, uncertified court judgments, a self-written Statement by the Hon. Member and other uncertified papers. In particular, I note that the court judgement did not bear any certification and the documents tabled did not also relate to the claims made before the House by Hon. Fatuma Gedi. Hence, their content lacks a nexus with the claims she had made in the House. Therefore, in this regard Hon. Members, I rule that the documents are inadmissible for failure to meet the threshold set by the rules of admissibility that I have outlined above.

Consequently, I direct that the documents tabled by the Hon. Member during the Sitting of the House on 14th April 2022, be expunged from the records of the House forthwith. I also direct the Clerk to return the documents that the Hon. Member purported to table, at an appropriate time. To this end, this matter is spent in terms of Standing Order No. 91 and there shall be no further substantiation by the Hon. Member or debate on it.

Hon. Members, allow me to however caution all Members against making claims or allegations in this House which the claimant cannot substantiate. You will indeed observe that Standing Order No. 91(2) provides that a Member who is unable to substantiate allegations made in the House within the next sitting day, is deemed to be disorderly within the meaning of Standing Order No.107. Hence, it would be paramount for a Member to be responsible for the accuracy of the statements and any facts which a Member alleges or claims to be true.

Hon. Members, further allow me to also caution Members against making allegations which amount to discussing the conduct of a person whose removal from office requires a decision of this House without a substantive Motion.

Indeed, you will recall that during the sitting of the House on 14th April 2022, the Member for Yatta, Hon. Charles Kilonzo did make reference to the provisions of Standing Order No. 87 and reminded the House of the need to propose a substantive Motion, if a Member intends to discuss the conduct of person whose conduct requires sanction by this House.

Hon. Members, for avoidance of doubt, Standing Order No.87(1) requires that any Member who wishes to discuss and/or refer adversely to the conduct of a person whose removal from office requires a decision of this House should only do so through a specific substantive Motion of which at least three days' notice has been given. It is clear from this that the direction Hon. Fatuma Gedi was taking this House would circumvent the procedure laid out in Standing Order No. 87 by discussing the conduct of such a person, without a substantive Motion.

Hon. Members, now moving on to the case of the Member for Embakasi East, you will recall that on the particular day, I ordered the Member to withdraw from the Chamber for the rest of the day, owing to his disorderly conduct. However, the Member declined. It was clear that the Member's conduct was gross and unbecoming. As you are aware, Standing Order No.111 provides as follows:

“If any Member shall refuse to withdraw when required to do so, by or under these Standing Orders, the Speaker or the Chairperson of Committee as the case may be, having called the attention of the House or Committee to the fact that recourse to force is necessary in order to compel such Member to withdraw, shall order such Member to be removed and such Member shall thereupon without question put be suspended from the service of the House for a minimum of twenty-one days and a maximum of ninety days and shall during such suspension, forfeit the right of access to the precincts of Parliament and the Serjeant-at-Arms shall take necessary action to enforce the order.”

Hon. Members, despite calls from some of you for me to enforce this particular provision, I restrained myself from invoking Standing Order No.111 on that day, and I intend, for purposes of good order, to restrain myself from invoking it even today.

However, it has not escaped the attention of this House that the Member for Embakasi East declined to leave the Chamber when he was ordered to do so by the Speaker. Due to the gross disorder that arose in this House thereafter, I deferred my ruling on the Member's conduct to today. In this regard, I hereby order that the Member for Embakasi East, Hon. Babu Owino Ongili, to withdraw from the Chamber and from the precincts of the National Assembly for a period of five days, inclusive of today, on account of gross disorderly conduct pursuant to Standing Order No.107A of our Standing Orders.

The Serjeant-At-Arms is to enforce this order immediately and if the Member is not presently in the Chamber, he shall not be allowed access to the precincts of Parliament or attendance to any Committee meetings or parliamentary functions during the five days of the suspension. Any Committee meeting attended by the Member during the five days shall be invalid since the Member is now deemed to be a stranger. Further, the Member shall not attend Committee meetings as a member of the public.

Finally, may I draw the attention of the House, and in particular, the House leadership on both sides that this part of the Session has four weeks comprising of 16 sitting days only, unless the House decides to increase them by resolution. The following critical business with statutory timelines will need to be considered and passed by this House within those four weeks;

- (1) Budget Estimates for the 2022/2023 Financial Year;
- (2) The Appropriation Bill, 2022;
- (3) The Finance Bill, 2022; and,
- (4) The County Allocation of Revenue Bill, 2022.

In addition to these statutory pieces of legislation, the House Business Committee has accorded priority to other pieces of legislation including, the Huduma Bill, 2021, the Children Bill, 2021, the Universities (Amendment) Bill, 2021, the National Disaster Risk Management Bill, 2022, the Persons with Disabilities Bill, 2021, the Public Finance Management Bill, 2022, elections-related regulations from the Independent Electoral and Boundaries Commission (IEBC), debt-related regulations from the National Treasury, as well as a number of individual Members' Bills and approval of appointments to certain State Offices.

I also wish to draw the attention of the House to the fact that the House Business Committee has, in its meeting today, considered and approved a proposal that only Private Members' Bills

that do not concern county governments, will be given priority. This is if they concern county governments, as you may all expect, they are likely to die in the other House even if they are passed by this House. Therefore, we are able to allow Members who have legislative proposals that do not concern counties an opportunity to have them considered by the House during this short period.

Hon. Members, whereas I am cognizant that politics is now at centre-stage due to the forthcoming elections, Members should refrain from bringing to this House their political differences or use the Floor of the House to advance their political agenda, hence causing disorder in the House. At this stage of the election cycle, politicking should be a preserve of our political rallies and not the Floor of the House. Indeed, it will not be possible for the pending business of the House to be considered in a disorderly and chaotic House.

Hon. Members, allow me to caution that, as the representatives of the people, the pending business of the House that I have just highlighted is certainly one which is of huge significance to the people you represent. It is hence paramount that you conclude on the pending business before the House adjourns *Sine Die*.

Hon. Members, I also wish to emphasize that, it is incumbent upon the House leadership on both sides to secure the maintenance of decorum in the House. To this end, as your Speaker, and indeed this is the position of the entire presidium, allow me to reiterate that we shall not allow continuity of a sitting in which disorder and chaos is instigated by the same Members who expect the Speaker to marshal and ensure that consideration of such business is expedited.

The House is accordingly guided, and with regard to the Member for Embakasi East, the Serjeant -at-Arms are instructed to ensure the Member does not gain entry to Continental House, County Hall or into the precincts of this compound even using the Senate gate.

(Applause)

Next Order.

Hon. Opiyo Wandayi (Ugunja, ODM): On a point of order, Hon. Speaker.

Hon. Speaker: Hon. Members there is no comment on that. I thought you were doing your second term, Hon. Wandayi.

(Loud consultations)

That one is over. I can give you the Communication to read. Let us move to the next Order. Order Members, please take your seats.

MESSAGE

NOMINATION OF PERSONS FOR APPOINTMENT AS AMBASSADORS, HIGH COMMISSIONERS AND PERMANENT REPRESENTATIVES

Hon. Members, pursuant to the provisions of Standing Order 42(2), I wish to report to the House that on Wednesday, 4th May, 2022, I received a Message from His Excellency the President conveying his nomination of 22 persons for appointment as Ambassadors, High Commissioners and Permanent Representatives.

Disclaimer: *The electronic version of the Official Hansard Report is for information purposes only. A certified version of this Report can be obtained from the Hansard Editor.*

Hon. Members, the Message conveyed in part that, having exercised his powers under the provisions of Article 132(2)(e) of the Constitution is seeking the National Assembly's approval of the following persons for appointment to the offices of Ambassadors, High Commissioners and Permanent Representatives to the stations specified hereunder-

Ambassadors		
S/No	Name	Station
1.	Mr. Clement Nzomo Kiteme	Angola
2.	Ms. Mary Mugwanja	Austria
3.	Prof. Bitange Ndemo	Belgium
4.	Ms. Muthoni Gichohi	China
5.	Amb. Gathoga Chege	Cuba
6.	Dr. Caroline Wanjiru Karugu	Denmark
7.	Amb. Salim Salim	Djibouti
8.	Maj. Gen. A. G. Matiri	Egypt
9.	Amb. Galma Boru	Indonesia
10.	Mr. Paul Ndung'u	Mozambique
High Commissioners		
11.	Mr. Michael Sialai	Namibia
12.	Maj. Gen. Andrew Ikenye	Nigeria
13.	Ms. Margaret Shava	Netherlands
14.	Ms. Amina Abdalla	Sultanate of Oman
15.	Amb. Nyambura Kamau	Pakistan
16.	Mr. Boniface N. Mwilu	Qatar
17.	Amb. Michael Oyugi	Spain
18.	Maj. Gen. (Rtd) Thomas Chepkuto	Somalia
19.	Mr. Leonard Boiyo	Turkey
20.	Maj. Gen. (Rtd) George Owinow	Uganda
Permanent Representatives		
21.	Prof. Richard Bosire	Ambassador/Permanent Representative to the United Nations Educational, Scientific and Cultural Organisation (UNESCO).
22.	Maj. Gen. (Rtd) Charles Gituai	Ambassador/Permanent Representative to the Inter-Government Authority for Development (IGAD).

Hon. Members, you will also recall that on 2nd February 2022, the House resolved that, upon receipt of any name(s) of a person(s) nominated for appointment to a state or public office from the President or any other office in the National Executive, the Speaker shall forthwith refer such a message to the relevant Committee for consideration without having to recall the House.

In this regard Hon. Members, during the recess period, I did notify all Members of receipt of the names and referred the same to the Departmental Committee on Defence and Foreign Relations in accordance with provisions of Standing Order No.45(1) relating to committal of messages to committees.

The Committee is required to commence necessary vetting processes as contemplated under the Public Appointments (Parliamentary Approval) Act and Standing Order No.45 and thereafter table its Report for consideration by the House within the statutory timelines.

I thank you, Hon. Members.

Next Order!

PAPERS LAID

Hon. Speaker: The Leader of the Majority Party.

Hon. Amos Kimunya (Kipipiri, JP): Thank you, Hon. Speaker. As I lay these Papers, allow me to welcome Members back for this final Session. I hope we will have enough to prosecute.

Hon. Speaker, I beg to lay the following Papers on the Table of the House:

Legal Notice No.54 of 2022 relating to the Public Finance Management (Public Investment Management), Regulations, 2022 and the Explanatory Memorandum from the National Treasury.

Annual Reports and Financial Statements in respect of the following institutions for the Financial Year 2020/2021:

- a) The Office of the Registrar of Political Parties; and
- b) The Office of the Director of Public Prosecutions.

Reports of the Auditor-General and Financial Statements in respect of the following institutions for the year ended 30th June, 2021 and the certificates therein:

- a) The Executive Office of the President;
- b) The National Gender and Equality Commission;
- c) The Public Service Commission;
- d) The Salaries and Remuneration Commission;
- e) The National Treasury;
- f) The National Cohesion and Integration Commission;
- g) CFS – Public Debt Expenditure;
- h) State Corporations Appeal Tribunal;
- i) State Department for Public Service;
- j) State Department for Interior and Citizen Services;
- k) State Department for Youth Affairs; and
- l) State Department for Gender.

Reports of the Auditor-General and Financial Statements in respect of the following constituencies for the year ended 30th June 2020 and the certificates therein:

- a) Narok South;
- b) Ruaraka;
- c) Narok East;
- d) Mathare; and

e) Awendo.

Reports of the Auditor-General and Financial Statements in respect of the following constituencies for the year ended 30th June 2019 and the certificates therein:

- (a) Bahati;
- (b) Narok West; and
- (c) Narok North.

Reports of the Auditor-General and Financial Statements in respect of the Office of the Auditor-General Management Letter for the years ended 30th June 2019 and 30th June 2020 and the certificates therein.

Reports of the Auditor-General and Financial Statements in respect of the Baringo Technical College for the years ended 30th June 2017, 30th June 2018 and 30th June 2019 and the certificates therein.

Thank you, Hon. Speaker.

Hon. Speaker: Next is the Chairperson of the Departmental Committee on Labour and Social Welfare, Member for Nyatike. Proceed.

Hon. Tom Odege (Nyatike, ODM): Hon. Speaker, I beg to lay the following Paper on the Table of the House:

Report of the Departmental Committee on Labour and Social Welfare on its consideration of the Persons with Disabilities Bill (National Assembly Bill No.61 of 2021).

Thank you.

Hon. Speaker: Very well. Next Order.

BILLS

First Readings

THE KENYA ROADS BOARD (AMENDMENT) BILL

THE SUPREME COURT (AMENDMENT) BILL

THE KENYA REVENUE AUTHORITY (AMENDMENT) BILL

(Orders for First Readings read - Read the First Time and ordered to be referred to the relevant Departmental Committees)

Second Reading

THE PERSONS WITH DISABILITIES BILL

Hon. Speaker: Let us have the Leader of the Majority Party.

Hon. Amos Kimunya (Kipipiri, JP): Hon. Speaker, I beg to move that the Persons with Disabilities Bill (National Assembly Bill No.61 of 2021) be now read a Second Time.

Let me start by thanking the Departmental Committee on Labour and Social Welfare. When we committed this Bill to them, they made it a priority and were able to come up with the Report which has just been tabled. I hope that Members will agree with the Committee because the issues are as contained in the Bill.

Disclaimer: *The electronic version of the Official Hansard Report is for information purposes only. A certified version of this Report can be obtained from the Hansard Editor.*

The primary purpose of this Bill is to modernise the current law that relates to persons with disabilities, noting that the current law is actually the Persons with Disabilities Act No. 14 of 2003. It is almost 19 years since the last law relating to people with disabilities was enacted, yet so many events have taken place, which I will be enumerating. We also know that the Act has several deficits and loopholes partly to do with the requirements of the Constitution of Kenya, 2010, which have not been updated.

Hon. Speaker, the Kenya Population and Housing Census 2019, which is the only document that we have, lists about 2.2 per cent of all Kenyans as having a form of disability, with the most prevalent types being disabilities to do with mobility and capacity related. Hence, this Bill comes into this House with an intention of catering for approximately 1.5 million Kenyans.

We keep hearing that there are 6.5 million people living with disabilities represented in this House, but the only record I can find is the Kenya Population and Housing Census of 2019 which puts that number at approximately 1.5 million. I do not believe that between 2019 and now, the number of people living with disabilities has increased exponentially to come to 6.5 million. However, we have 1.5 million Kenyans that we need to take care of.

In this regard, this Bill recognises all rights and entitlements of these people in this special category. Borrowing from the Constitution, the rights are basically; the right to equality and non-discrimination, the right to legal capacity, the right to marry and form a family, the right to privacy, the right to physical and mental integrity and all that in the Bill of Rights. The ones listed are the specific ones relevant to this group of persons.

Additionally, the Bill spells out some rights and terms that are unique to persons with disabilities, including the right not to be dismissed on account of any form of disability and also the right to independent living, the right to participate in sports and recreation within a situation where there are no barriers to their participation and several others that will be captured.

While putting this into perspective, since the enactment of the current Act in 2003, some developments that I did mention include:

In 2008, Kenya became a party to the United Nations Convention on the Rights of Persons with Disabilities (UNCRPD) enshrined in 2006 Convention on the Rights of Persons with Disabilities (CRPD), which established transformative norms and standards on the rights of persons with disabilities.

In 2010, the Constitution of Kenya was promulgated including specific and robust provisions covering the rights of persons with disabilities.

In 2015, the Committee on the Rights of Persons with Disabilities issued its initial report concluding observations to Kenya, making a number of recommendations on how our great Republic should ensure the rights of persons with disabilities.

Finally, January this year, just about five months ago, Kenya deposited its instruments of ratification of the Protocol to the African Charter on Human and People's Rights on the rights of people with disabilities in Africa 2008, which is referred to as the Disability Rights Protocol which affirms the rights of persons with disabilities on the Continent.

Hon. Speaker, the National Council for Persons with Disabilities (NCPWD) indicates that there have been numerous unsuccessful attempts to have this Bill and notes that both protracted and lengthy stakeholder-consultations have been a big hindrance. I am happy that at long last people have realised that you can only over-analyse a situation until you paralyse it and this is one of those situations where so much analysis and everyone wanting their say in this Bill was leading to putting a disability on the Bill.

However, at last we have managed to extract it and the Committee has fast-tracked it. We now have a Bill which does not need to go to the Senate. I would urge Members, that even as we process this Bill, to take special cognizant of any amendments that would lead this Bill to the Senate. We do not have the luxury of time, and so, we should confine ourselves to matters that can be canvassed and finished within this House without affecting the governance of county governments, which will lead to this Bill going to the Senate. We do not want to get to that because 19 years is such a long period for persons with disabilities (PWDs) to wait for a Bill that is at par with the current laws. We do not want to deny them that opportunity at this point.

When you look at the international stage, Kenya has in the past been held in high regard for being up to date with the adoption of progressive policies. In 2018, the United Kingdom Department for International Development, which is within the Foreign and Commonwealth Office, together with the International Disability Alliance and the Government of Kenya hosted the first Global Disability Summit in London. The Summit brought together both State and non-State actors. During the Summit, representatives of the Government made several commitments including ratification of various protocols and amending our law to keep pace with changing circumstances. I mentioned earlier that just this January, one of those protocols was ratified as part of this commitment.

I believe that part of the reason why our country stands out in the community of nations is not only because of our industries, but also because we are a progressive nation committed to upholding the highest standards of human dignity. I recall that in the last two national days that we have attended, His Excellency the President has been very clear in terms of articulating why we need to get rid of the indignities that our people go through, such as those of seclusion, poverty and fear. We are now talking of liberating PWDs from the indignities of discrimination and dignifying them in terms of inclusivity within the larger community.

Enacting this Bill will be one of the ways of living up to the standards that we set for ourselves, and offering the best environment for all Kenyans to operate in. Most importantly, it will enable us to earn a living within a dignified environment where nobody is discriminated against on account of being physically different. This is what we call “the normal person” versus a person who is “abled differently” as per the different nomenclatures that people use.

Although this Bill seeks to amend the Persons with Disabilities Act, 2003, it is intently and appropriately drafted to retain the progressive provisions of the current Act. We are not just getting rid of the current Act as it is. Most of the provisions of the current Act are retained, but updated as far as possible. For example, the administrative institution which is the National Council for Persons with Disabilities (NCPD), and which has played a key role in advocating for the rights of PWDs, has been retained in the Bill. Additionally, the Bill retains the incentives that were given to private employers who employ PWDs. Most importantly, all the reliefs and tax incentives in terms of tax exemptions that have been given to PWDs, including preferential access to credit, have also been retained. So, we are not losing anything in terms of what we already have in the Persons with Disabilities Act, 2003, but we are creating a modern law in line with the Constitution that will respond to issues that have arisen since 2003 to date.

It is in this regard that I wish to urge the Members of this House to support this Bill as a show of their support and empathy for our brothers and sisters living with disabilities in our great republic and to ensure that they are also mainstreamed into the larger society.

Hon. Speaker, with those remarks, I beg to move. I wish to ask Hon. Gideon Koske, the Vice-Chairman of the Departmental Committee on Labour and Social Welfare, to second.

Hon. Speaker: Hon. Koske, Member for Chepalungu.

Hon. Gideon Koske (Chepalungu, CCM): Thank you, Hon. Speaker. On behalf of the Departmental Committee on Labour and Social Welfare, it is my pleasant privilege and honour to second the Second Reading of the Persons with Disabilities Bill (Bill No. 61 of 2021), which was published on 31st December 2021.

The Bill was committed to the Departmental Committee on Labour and Social Welfare pursuant to Standing Order 127(1) on 22nd February 2022 for consideration, including conducting public participation.

Hon. Speaker, the Committee observed that four significant events in the last two decades necessitated a review of the existing law on PWDs. Firstly, in 2008, Kenya became a party to the United Nations Convention on the Rights of Persons with Disabilities 2006, which established transformation norms and standards on the rights of persons with disabilities.

Secondly, in 2010, the Constitution of Kenya was promulgated. It included specific and robust provisions covering the rights of persons living with disabilities. Thirdly, in 2015, the Committee on the Rights of Persons with Disabilities issued its initial concluding observations to Kenya, making multiple recommendation on how Kenya should ensure the rights of persons with disabilities.

Finally, in January 2022, Kenya deposited its instrument of ratification on the Protocol to the African Charter on Human and People's Rights on the Rights of Persons with Disabilities in Africa 2008, which affirms and contextualises the rights of PWDs in the continent.

Hon. Speaker, the law must be anchored on the social model of disability, which recognises that it is the society that disables the individuals by failing to address physical, social and economic barriers. The language and terms of art used in the law must abide by minimum standards of accepted usage, thereby ensuring effective communication and avoiding repetition, ableism and stigmatisation.

The Bill intends to tighten the weak points in policy and seal gaps to strengthen the legislative framework relating to PWDs. The Bill also establishes a clear framework for exercising human rights by PWDs and their full participation in all spheres of life, including political, social and economic fields.

The Committee, having considered the Persons with Disabilities Bill, 2021 (National Assembly Bill No.61 of 2021), recommends that the Bill be agreed to, subject to the Amendments in the Report.

I beg to second. Thank you.

(Loud consultations)

Hon. Speaker: Order, Members!

(Question proposed)

Member for Seme.

Hon. (Dr.) James Nyikal (Seme, ODM): Thank you, Hon. Speaker, for giving me the opportunity to contribute to this Bill.

This is an extremely important Bill for this country. I know that we already have an Act of 2014 that deals with matters of disability. Apart from this Bill strengthening that Act, it aligns it with the new requirements that arise from Article 54 of our current Constitution. It aligns the Act with the Constitution. All the issues that relate to disability are, in one way or another, linked to access. The problems of disability in this country are big. We have about 1.5 million to 2 million

people that have one form of disability or another. These are members of our society that we must look after and treat with dignity in all ways, despite their disability. This has not been possible. There are cases where PWDs have been hidden from the society, therefore, denied all activities that are within society.

If you look at it, the biggest issue is that of access. Many of us who are able-bodied may not appreciate the problem of access for PWDs, starting from physical access, how you get into buildings, how you get into vehicles, how you use public toilets, and how you go into high-rise buildings. Even where there are lifts, there are problems of access. We may, for example, not realise the problems of access to PWD. If you think of people who are visually handicapped and how they go about matters and participate, all these need to be addressed in law. Although the Act of 2003 addresses this, there are gaps that need to be filled.

Hon. Speaker, PWDs are subject to discrimination in many ways, sometimes in subtle forms even in our language, how we treat them, how we relate with them, and how we give them access to public functions. It is a big problem. Even in the right to property, sometimes people do not have their property because they are disabled and they are taken advantage of. The PWDs are subjected to a high form of stigma. Many times, some even decide not to participate in all activities of the society because of the way they are treated. Even in arrangements of meetings and functions, nobody thinks of how to get PWDs to participate. Even when they participate, they are not treated with dignity. The amount of indignity they suffer is great. Therefore, I rise to support this Bill because I know it addresses all the issues facing PWDs.

Part II of this Bill very clearly sets out what these rights are. It sets out that there should be no discrimination. The legal capacity, the right to family, the right to privacy and the right to healthcare should be addressed. Even if health facilities are available, can PWDs access them? That same Part II also brings a barrier-free environment. I know some of us may not even realise the braille in lifts and the talking lifts. They think it is just an advancement of technology. Those are about the rights of PWDs, especially persons with the disability of hearing, so that they can use those facilities. I support the Bill because it very carefully brings that out. It provides provisions.

This Bill provides for a council. We have a council but it, at least, needs to be strengthened. It shows how the council is appointed, how people are appointed and the qualifications needed. More importantly, in relation to the council and prior to this Bill coming into effect, if it is passed, the council has offices only in Nairobi. If you expect PWDs to travel from all over the country to get their issues addressed at the council, that is a form of discrimination. This Bill provides that the council will have offices at various parts of the country in the counties, and so on. That is extremely important.

Hon. Speaker, I support this Bill because it also provides incentives. Look at the areas of tax. It is important that PWDs sometimes use materials that we do not use. If these materials are taxed, we subject them to higher tax. This Bill addresses that. That we can have tax exemption on materials used by PWDs, and materials used to manufacture items used by PWDs. Even if they have businesses, I think we should give consideration in taxation. The process, getting somebody to be certified and registered, has been a bit complex. This Bill attempts to promote that.

This Bill rightly links the counties. The Mover, the Leader of the Majority Party, indicated that it may take the Bill to the Senate if we bring in those. Probably, we will have to look at that, but that is a very important function. Even if we exclude them because we want the Bill to pass, we must later on have amendments that will bring them up because PWDs live in the counties. So,

the convenience of us passing the Bill should not surpass the convenience of getting the right thing done.

This Bill has created a Schedule. Schedule I of this Bill is, in my view, the most important part. It has put in place requirements that are needed in private and public institutions, and public transport. I know many of us may not appreciate how PWDs, particularly physical disability involving the limbs, get into a bus. How do they get into a train? How do they come off a train? Now, this Bill makes provision for that. For example, we must have bus stops with platforms. We must go for buses with a flat bottom aligned to the stage so that somebody with a wheelchair can just be wheeled in. There should be a space or two inside the buses where PWDs will go into. These are extremely important.

Therefore, we must also align this with international standards so that the facilities they use in Kenya for PWDs must be exactly the same as the facilities they will meet when they go to other countries. We must have this in building regulations. It cannot just be said, put in regulations and left to implement itself. Other laws, even building laws, will have to be amended so that these requirements of PWDs are entered in the law. Buildings should not be approved as habitable if they do not involve these facilities. When the time for the Committee of the whole House comes, we will look at these amendments in order to strengthen the Bill further.

Thank you, Hon. Speaker.

Hon. Speaker: Hon Shamalla.

Hon. (Ms.) Shamalla Jennifer (Nominated, JP): Thank you, Hon Speaker. I wholeheartedly welcome the Persons with Disabilities Bill, the reason being that, indeed, PWDs are extremely discriminated in this country. We are talking of over 1.5 million people. I have said time and again that the right to dignity is the platform of all rights. When the time for the Committee of the whole House comes, I have noted that some amendments come through regulations, but it is my personal desire to see them entrenched in legislation. For example, issues such as service dogs for the blind being allowed in all public buildings. There are certain public buildings which do not allow service dogs. We are not talking about pets, but the seriousness of service dogs for people who are visually impaired cannot be ignored.

Hon. Speaker, with those few remarks, I support the Bill.

Hon. Speaker: Member for Makueni.

Hon. Daniel Maanzo (Makueni, WDM-K): Thank you, Hon. Speaker, for giving me an opportunity to contribute to this very important Bill. From the outset, as at now, this Bill does not concern the counties. When it comes to implementation, obviously counties will have a great role to play, especially in the modification of buildings because this law is generated from them. I believe in one way or another, counties have a role to play.

For now, we urgently need this law. In this country, many PWDs have suffered. The experiences I have in Makueni County is that children with disabilities are hidden by their parents or guardians. They never get an opportunity to go to school or enjoy their rights, as protected in the Constitution. Therefore, this Bill will protect their rights because the previous law and the current one do not cover this well. So, in the Third Reading, we will have something to do.

The PWDs are mistreated by those living with them and some are locked up. I am aware of one case where a PWDs got depression and those living with him would chain him, until they got back to the house. This law is also talking about access to food and water, which PWDs have been denied. If they are unable to earn a living, they are abandoned and end up without food and water.

Of importance is how we will implement this law and ensure that people who break the law by abusing the rights of PWDs are dealt with properly. What is the system of getting evidence by the police and ensuring there is a special prosecutor for these cases? Probably, we can come up with special courts or some special courts already in existence, like the Children's Court, can deal with these people. Although the people who drafted this law have done a very good job, there is still a lot of work to be done during the Third Reading so as to improve this law and ensure it serves PWDs better.

The PWDs undergo a lot of rejection. The system in place is that their money, identification and infrastructure are implemented by the national Government. The existing council has not been very tight, and there has been a lot of corruption in the system. Skills for the poor people and children with disabilities have not been properly impacted. Most of the times, they are left at the mercy of well-wishers in children's homes. Members of Parliament have a big role to play when it comes to dealing with PWDs. Most of the times, they have to chip in or mobilise well-wishers to visit different children's homes and schools for the disabled, where they undergo training.

One thing that should be stressed is skills for PWDs. This will ensure that every person has access to education, skills, medication and can earn a living. Some PWDs have managed to be treated. I have a case in Makueni of a worker in one of the cement companies where something went wrong, and in the process, hot cement was sprayed into his eyes and he became blind. Ever since, he has been living with disability and any medical effort to make him see again has been impossible. So, this person is living with disability.

Another issue which has not been well handled is the people who pretend to be disabled so as to enjoy the privileges meant for PWDs. Again, these privileges are not well captured in this law. They were left scattered in some administrative processes somewhere or in regulations of other Acts of Parliament. This makes it difficult to implement the goodies for PWDs in the Constitution.

So, looking at this Bill in totality, it is an important law. This is a big move which will assist in the implementation of education for PWDs or those who acquire disability when they are adults. Some people who are recovering from accidents pretend to be disabled so as to enjoy the privileges. There is no mechanism of identifying them so as to restore them back to where they belonged.

Unfortunately, this law is being discussed when our good friend, Hon. Sankok, is not here. He is a Member of Parliament living with disability, and has been part of the system of assisting PWDs in this country. Unfortunately, as we all know, he lost his son and is handling this matter. On my part, I believe that many other Members want to say *pole* and condole with him.

He would have given this Bill very serious input as an affected person who has been practising this and knows the loopholes. I believe he will be back by the time we do the Third Reading to help us get details which will help this House serve PWDs better. The total responsibility should not be left to Members of Parliament who lack resources. There should be a proper plan on how the national Government will help PWDs.

Thank you, Hon. Speaker. I beg to support and urge Members to do the same.

Hon. Speaker: Hon. Dennitah Ghati.

Hon. (Ms.) Dennitah Ghati (Nominated, ODM): Thank you very much, Hon. Speaker. From the outset, I confirm that I welcome and support the Persons with Disabilities Bill, 2021. I thank the Committee for their effort in coming up with this Bill. Issues PWDs in this country date back a long time ago.

Members of Parliament in this House have PWDs as their voters and constituents. I am happy because we are talking about persons who live in our constituencies and wards, and who vote to keep us here as Members of Parliament. I support the fact that the Committee thought it wise to repeal the Persons with Disabilities Act so as to strengthen it. I am conversant with the Persons with Disabilities Act of 2003. As you are aware, I am a candidate of disability. I have first-hand seen how PWDs in this country and the world are treated than any other persons.

I am here to support this Bill because I represent PWDs, and in my capacity as the President of the Commonwealth Parliamentarians with Disabilities Network in this House. As a country, we are doing well. We are trained comparatively on matters disability. I want to applaud this country on the amount of work that we have done.

The challenges that continue to face PWDs start with the mere fact that accessibility continues to become a problem. Unless you are disabled in this country, you will not understand what it means to look for accessibility. I am happy that this Bill is seeking to talk about accessibility. Accessibility is not just about physical access into a building, but it is also about information and any form of accessibility that we may want. I am happy that this Bill is seeking to address what we have been having in terms of the challenges of accessibility.

Hon. Speaker, this Bill is seeking to address the unemployment issue, which is the biggest challenge for PWDs in Kenya. The PWDs do not have jobs, are not trained and their lives, therefore, are not as good as other people's. I am happy because this Bill is seeking to criminalise any employer who dismisses PWDs based on disability. Article 70 says that "No person shall, on the ground of disability, deny a person with disability employment." Of all the poor Kenyans in this country, 90 per cent are PWDs. As a country, we are trying, but we must work hard to ensure that PWDs are taken care of.

We are in a state and at a time when we are doing elections, and I am happy that this Bill is seeking to say that no PWDs shall be denied a right to participate in the political process. However, even if we are saying that in this Bill, how many PWDs are participating in the political process? It is not good.

I am happy because if you look at Article 29 which talks about the civic and political rights of PWDs, most of them are denied these rights. Of all the rights in this country, the right to participate in civic and political right is a right that is denied. Article 29 says that every person with a disability has a right to participate in political and public life, and the opportunity to enjoy them on an equal basis. If look at the just concluded nomination results, PWDs did not participate. We, therefore, have a duty to continue to enhance the lives of PWDs in this country.

You will remember that in 2018, Kenya and the UK co-hosted the first Global Disability Summit, and these are the commitments that continue to shape this country. Our country has ratified the UN Convention on the Rights of PWDs to give effect to the commitment that Kenya must make it possible for PWDs to participate, not only in social issues, but also in economic and political spheres. I am glad we are looking at this Bill.

We now have the National Council for PWDs. For a long time, disability in this country has been a national issue. Every constituency and county is going to have an office for the National Council for PWDs. This means that we are living within the provision of the Constitution that says that disability must devolve. And by saying so, we, therefore, must ensure that we channel our budgets and economic affairs to ensure that disabled people who live in our communities, wards and villages, are supported. I want this House to know that PWDs are called PWDs, and not 'persons living with disabilities.' As I speak, I am happy that on behalf of the Kenyans living with disabilities, whom I represent, in this month of May, 2022, this august House is looking at a Bill

on issues of PWDs. It has been a long document and a journey for PWDs to present themselves, and live dignified lives because we are candidates for disability. As a House, and a Member of Parliament representing PWDs, this is a big day for them because we are discussing issues to do with PWDs in this House. Therefore, at the Third Reading, I will bring amendments that will go into strengthening the Bill to ensure that PWDs continue...

I want to thank you, Hon. Speaker, because if this is your last Session as a Speaker of this House, we will say that we discussed this Bill under your speakership. I am glad that we are discussing such an important matter in this House on behalf of the millions of PWDs in this country. Our budget must, therefore, translate to what we are talking about, namely, that disability matters when it comes to such issues. Thank you.

Hon. Speaker: Member for Tharaka.

Hon. George Gitonga (Tharaka, DP): Thank you very much, Hon. Speaker. Allow me to rise, and support the Bill. Before I make any comments, also allow me to pass my words of condolences to the leader of PWDs, Hon. Sankok, for the tragic accident where he lost his son. May they be consoled, and may the dear son rest in everlasting peace.

Hon. Speaker, I support the Bill, and the main reason being that for a long time, we have treated PWDs as semi-human. We have been considering them to be half persons, and this is one reason why, especially in the African culture, they are given strange names even in Swahili like *kiwete*, which is really demeaning and dehumanising. In spite of the fact that we need moral obligations to ensure that we treat PWDs as human beings like any other, with full human rights like any other persons, it is also important to buttress those rights, obligations and liabilities into law which can be relied on in the future to ensure that these persons are protected. This law is, therefore, timely and I urge the House to pass it. When it comes to establishing offices to cater for PWDs, I would be urging the Government to ensure that my constituency, Tharaka, has such an office, and can treat PWDs in that constituency as full human beings and not as semi humans as most people strive to do.

This is a very good law which begins with recognising the rights of PWDs. We have a whole Part II, which consists of over 28 sections dealing with the rights of PWDs. From the beginning, they have a right to equality and non-discrimination, right to privacy, right to human dignity, right to education, right to health and sports culture, civic and political rights, and every other right that they have. These rights are derived from the Constitution, which deals with fundamental human rights. When we reduce these into a statute, it means we are protecting persons with disabilities (PWDs). Importantly, there are also provisions dealing with enforcement of those rights so that we do not mistreat PWDs and get away with it. A person who tries to do this should face the full force of the law as provided for in this Bill.

We are establishing the National Council for Persons with Disabilities – a revision of what we have today as per the law of 2003. This council, which will have more powers than it has today, will take care of persons registered with it as members and who require protection under the law. This is one area we must look at to ensure that it is strengthened so that the council is able to take care of PWDs, including enforcement of their fundamental rights.

Part IV of the Bill deals with reliefs and incentives to ensure that PWDs are well taken care of. It will also ensure that persons taking care of PWDs are able to do so by being given exemptions and incentives. They will be exempted from certain taxes. It will make them provide for children with disabilities to go to school. Henceforth we should have reliefs for such children. When children with disabilities go to school, levies charged by schools and the Government should be waived totally or reduced substantially so that they are able to acquire the necessary education.

Part V of the Bill deals with the relationship between the national and county governments on disability matters. This is why this law will of necessity go to the Senate. That notwithstanding, the fact remains that some of the rights accorded to PWDs are rights that fall under the devolution chapter of the Constitution and have to be enforced by the county governments. It is therefore important that the county governments are informed of their obligations when dealing with PWDs, including provisions in the Constitution and in the procurement laws. Persons with disabilities have to get a certain percentage of contracts in the national and county governments. We know for sure that what happens in the county governments can sometimes not be accounted for. Sometimes it is what we would term as blatant breach of the law in terms of dealing with gender issues or with PWDs.

Part VI of the Bill is quite important because it deals with offences and penalties. As we said, there is a whole chapter containing rights of PWDs. What happens to persons who decide to breach those rights? What obligations do they have? Where a person commits a criminal offence, what penalties is he likely to be faced with? It is important to note that it is an offence to discriminate against PWDs. It is also an offence to abuse, exploit or use violence against PWDs. It has also now become an offence to hide PWDs. We have been told that sometimes in the African culture, we find it a little bit shameful to expose PWDs to strangers, all in the name of not wishing others to see that you have such a person. It will now be an offence if you hide such a person, especially from the authorities that fall under the council. It is also an offence to treat PWDs in a degrading manner that lowers their dignity as human beings or in trying to treat them as semi-human. That is an offence punishable by the law. Some of the penalties prescribed are prohibitive, which is what good law should do.

There are miscellaneous provisions, including clause 78 on general penalties. The provisions buttress the fact that Kenya seeks to treat PWDs with the dignity they deserve and to accord them protection through the law.

Thank you, Hon. Speaker. I do support.

Hon. Speaker: Member for Nyaribari Chache.

Hon. Richard Tong’i (Nyaribari Chache, JP): Thank you, Hon. Speaker, for giving me an opportunity to support this noble Bill. It is meant to address the challenges that our people face. I come from a community where the disabled were considered a curse to the family and the unthinkable was done to them, including hiding them from the public. That injured their capacity and development because they were not given a chance to go to school. This Bill addresses those issues and the cultural barriers in Kenyan communities. We have seen PWDs excel in their fields. Some have become the best artists, educationists or lawyers in the world. They do all that a normal person can do.

I think it is in order for us to enrich this Bill more than what it is. There are many issues we need to address. For instance, this week I had people who came to see me and part of them were PWDs. Because they cannot fight as a normal person would do, the crowd meant that they missed out on opportunities where nature demands the use of force. We must get a way of helping those people out. We must address their unique needs by ensuring that the law protects them from the vagaries of nature. I have in mind simple things like wheelchairs. They are unnecessarily expensive and PWDs cannot afford them. They cannot be suffering from disability and then we disable them further by not giving them the support they need to stand a chance ahead of the queue. If we do not do that, almost 5 per cent of Kenyans will be injured permanently. To that extent, the country will reduce its production capacity by almost 5 per cent. If you look at the multiplier effect, we are speaking of a bigger percentage of the 5 per cent we are denying opportunities because of

their inability or because they are enabled differently. They should be given a chance to use their God-given talents to excel. I have seen a very interesting scenario where if you are disabled, you are reduced to a shoemaker. The best the community can do is to give you an opportunity to learn to be a shoemaker or shoe repairer and yet these are people whose minds are not injured in any way. They can do a lot more than repairing shoes. These are people who are intellectually empowered just like any of us. It is just that they do not have the opportunity to go to a normal school that would give them skills and empower them to compete with any other person in the society.

Hon. Speaker, we need to address these issues with a lot of seriousness because all of us are potential PWDs. It is a question of time. We have seen from our colleagues here in Parliament who were once very strong people. I want to use the words of Hon. Dennitah Ghati, who used herself as an example. In the last Parliament, she came here as a normal person, walking on her feet and doing all activities normally. However, she is now on a wheelchair. She has lived in both worlds. She knows what it means to be disabled and to live as a normal person. I listened to her keenly and realised that she has a testimony we need to listen to if we have to make Kenya a better place.

All of us have the responsibility of ensuring that Kenya becomes a better country than we found it. These are some of the laws that we must put in place to ensure that the kinds of discrimination that we see daily are not allowed in our society. These are good people who should be given opportunity to do that which God has given them capacity to do. In order to address those issues, my proposal, as shared with the Departmental Committee on Labour and Social Welfare, is to ensure that we have free education for people living with disabilities. I know there are levels of disabilities – not everybody is completely incapable of supporting themselves. We need to get a way of giving a percentage on how one qualifies to get 100 per cent support from the Government. If a disabled person is willing to go to school, we should give him an incentive or some sort of token. We need to go out of our way and give them a chance. If disabled children excel and proceed to high school from primary school, they should get 100 per cent support from the Government. If they pass in high school and proceed to whichever college, they should be given 100 per cent support. That way, we will inspire other disabled children who look down upon themselves and wonder why them.

The Bill is helping us and it is timely. It is never too late to change what we have earmarked to change. It is going to help the country by ensuring that we address those issues. We shall enrich it and make it better so that we capture everything else that has not been captured to ensure that people who are enabled differently are given decent treatment in the society to ensure that they also contribute to tax revenue just like any other normal person.

With those few words, I support.

Hon. Speaker: Let us have the Hon. Member for Kitui Central.

Hon. Makali Mulu (Kitui Central, WDM-K): Thank you, Hon. Speaker for giving me this opportunity. I join my colleagues in appreciating this Bill and what it intends to do.

We have international instruments as well as our local laws, which support the issue of disability. Any time we discuss these issues, I get very encouraged as a Kenyan. This is because, as a country, we have done well despite the fact that there is room for improvement. If you look at the statistics, you will realise that it is only about 1.5 million people who are disabled differently. This translates to less than 3 per cent of the total population in this country. However, if you look at the awareness level about disability in this country, you will realise that every Kenyan is aware about issues of disability. That is why I get very encouraged when I look at our own colleagues in

this House who are enabled differently. I want to single out a few of them. Look at Hon. Dennitah Ghati, who is the Chair of the Network of People Living with Disabilities, Commonwealth Association. Look at what she has managed to do. Look at our own Hon. Janet Sitienei, who is the local chairperson of the Chapter of Commonwealth Women Parliamentarians in this country. Look at Hon. Rose Museo, the County Woman Representative of Makueni and what she has done. Look at Hon. Tim Wanyonyi. These are very good cases demonstrating that all these colleagues of ours are enabled differently.

Hon. Speaker, yesterday I was watching sports. There is something happening in Brazil. It is like an Olympics for the deaf. I got encouraged when I watched these colleagues of ours and the way they have performed. As a country, we need to be providing opportunities for such people. They are gifted in different ways. They can excel in different areas. That is how this Bill becomes important. This Bill provides the legal framework to provide opportunities for such people to shine.

I am a believer of integration. Rather than viewing them as different teams, they ought to be integrated into the society. That is why in terms of our education policy, this is an area we have done very well. In our primary schools we do not have different streams for people living with disabilities. They are actually integrated with the rest of the pupils. They go to the same classes as those who are enabled. They do things the same and that way they have a sense of belonging so that they do not see themselves differently. That is another area where we have done well.

The other thing we need to look at is how to support those people who are enabled differently. In my own constituency, I have two institutions: A school for the mentally handicapped and one for the deaf. Since they are primary schools, we are unable to support them in terms of what Hon. Tong’i was talking about – the issue of providing them with bursaries or educational support. The only thing we do is support them by providing education infrastructure. What I have realised for the time I have been a Member of Parliament for that area is that it is very expensive to keep them in school – much more expensive than ordinary secondary school students – because they have special needs. How I wish, as a House, we could also make provision to use part of our bursary funds to support children who are enabled differently to access education.

Hon. Speaker, health is another important area. I have also realised that because they are enabled differently, they are likely to face health challenges more than us who are living normal lives. It would be good to have some affirmative action when it comes to Health Bills so that when PWDs fall sick, they access health services in public institutions either free of charge or at subsidised rates. That way, we will be supporting them. As a country, we are a signatory to many international legal instruments. The challenge we have is enforcement. As we are all aware, buildings in our cities and in major towns should have provided infrastructure to ensure that the disabled can access offices and other amenities in those buildings without much struggle. However, if you go round the City of Nairobi today, you will realise that people who are enabled differently are still struggling to access services in most buildings – more so where those services are found from Fourth Floor to 20th Floor.

It is equally a challenge where a PWD has to get onto a lift. Very few structures have provisions with the kind of lifts which can be accessed by people who are enabled differently. The situation is the same with the ablution blocks. You go to most buildings and you find ablution blocks have no provision for people who are enabled differently. This Bill is timely even though I do not know whether, as a House, we will be able to sit through to process it. How I wish we are able to process it to finality. Even if we do not manage to conclude this Bill in the remaining time of the current Parliament, I urge my colleague, Hon. Dennitah Ghati, whom I am very sure will be part of the 13th Parliament, to make sure that it becomes her Bill number one if some of us will not

be here. If I will also be here like her, I will make sure that we champion this Bill and we get it through this House so that at the end of the day it becomes an Act of Parliament. This is because it is going to be very good for this country. I saw our colleague, Hon. Janet Sitienei, manage to pull through the nominations. I can guarantee her that she already has one leg in the 13th Parliament. We need a critical mass of people who are enabled differently in this House so that when these matters come up, we are able to push them through.

I take this opportunity to say “*pole*” to our colleague, Hon. Sankok. We know what he is going through. My prayer is that he is able to pull through the challenge and come back to this House so that by the time we get to the Third Reading, he is here to make his contribution. This is because he has championed the interests of people who are abled differently in this House in an excellent manner. It will be good that he has his input in this Bill. As I conclude, I wish Hon. Members well. My appeal to those who are supporting this Bill is that we should see whether we can fast-track it so that it becomes an Act of Parliament and we have the right legal framework in this country.

With those many remarks, I support.

Hon. Speaker: Member for Saku.

Hon. Ali Rasso (Saku, JP): Thank you very much, Hon. Speaker. At the outset, I rise to condole with the family of Hon. Sankok, who lost his son in the most tragic circumstances. We wish them God’s grace. I believe he would have contributed to this debate and embellished it because from where he sits, he has a better understanding of a lot of issues that people with disabilities go through day in, day out.

I want to pick up from where Hon. Dennitah Ghata stopped. In the last Parliament, we were in the same Departmental Committee on Defence and Foreign Relations as we began the First Session. I think when that tragic accident happened, Hon. Dennitah Ghata was wheelchair-bound and in one of our foreign visits, where she was a member of the delegation, we could feel the stress that she was going through and how much it was inconveniencing to have a member of a delegation who needed special assistance to reach places or even to access some of the meeting areas.

Hon. Speaker, the Constitution of Kenya 2010 is among the most celebrated constitutions the world over. It is considered to be progressive particularly in the area of the Bill of Rights. In the Bill of Rights, I believe that one of the fundamental rights is the right to life and for that matter, quality life. The people with disabilities in our midst are people who lack voices. They lack access to opportunities, employment and businesses. They lack access to even those of us in leadership because they are unable to reach us. The AU Protocol on Persons with Disabilities and Older Persons that I think this House passed two months ago is also a landmark instrument that we, as a nation, must walk the talk. Persons living with disabilities are among those who are very poor in the society. I think if we are truthful to ourselves, when we walk around our constituencies, many of them live in what you call “undesirable dwellings”. This is because they cannot afford decent housing. They do not have the resources to put themselves where others dwell.

As Hon. Dennitah Ghata said, for you to understand the suffering and disadvantages that people living with disabilities go through, you need to experience when you are almost 100 per cent well and a tragic accident happens and you become a person living with disability. Comparing the two lives, you find that life has changed completely. Learning from her, this particular Bill is a landmark Bill as far as I am concerned because in most of our societies, many of the persons living with disabilities are never brought to public limelight. Their families tend to hide them and protect them because they feel that they can easily be ridiculed. Some mothers will protect them to the extent that they will keep them in their houses.

For that matter, if this Bill is passed, the Government will have the authority to seek out particularly young people living with disabilities, children and minors so that they can be accessed and provided with the necessary opportunities, be it in terms of healthcare or education, in order for them to also secure decent lives. The strength of Kenya as a nation will largely be reflected in the manner in which it will look after disadvantaged members of the society. In this particular case, the opportunity has arisen for the fundamental rights of disadvantaged members of our society to be considered as minorities in our midst who should be looked after.

Hon. Speaker, I beg to support and thank you for giving me the opportunity.

Hon. Speaker: Next is the Whip of the Majority Party.

Hon. Emmanuel Wangwe (Navakholo, JP): Thank you, Hon. Speaker. I rise to support the Persons with Disabilities Bill (National Assembly Bill No.61 of 2021).

This Bill is very timely. It is coming to answer the concerns that are enshrined in the Constitution under the Bill of Rights. No constituency, village or area does not have a person living with disability. Looking at the timeframe since 2001 to date, we have not been able to correct the Act. The Constitution that was promulgated in 2010 actually took over so much that has been missing in the 2001 Act. Section 19(2) reminds the employer to make adjustments during the recruitment process. It is evident that most employers would want to do away with persons with disabilities during recruitment. This Bill seeks to correct such issues. It seeks to make sure that any employer recruits people based on the provision that at least five per cent of the staff shall be persons with disabilities.

Being disabled does not mean that you are unable to work. If you look at persons with disabilities, it is not true to say that every part of their bodies is disabled. One person might have a defect on the hand, an eye or have an ailment. However, that does not mean that he is unable to work. When you segregate him because of his physique, it means that you are making his family or dependents not to live normal lives as it is supposed to be.

Most of the good work of artisans or craftspeople is done by persons with disabilities. They concentrate more than normal people. Therefore, being disabled does not mean that a person is unable to deliver anything as far as a human being is concerned. We are all candidates of disability. At any one time, a person can be normal. When he rises up the following day, he can be disabled. If you look at the scenario that my sister and Hon. Member has just given, it is evident that we are all candidates. Hon. Dennitah Ghata and I were here together in the 11th Parliament. She used to have very good examples. She told us about life in the United States of America (USA). Unfortunately, an accident made her to join the persons with disabilities. It is evident that she is still able to deliver what she is supposed to do.

I also want to walk the path of Hon. Makali Mulu to wish that Hon. Sankok takes it easy at this very hard moment following what happened to his family. He debates in this House. He sits for more hours than most of my colleagues. He sits from morning on Wednesday. He is always the first one to enter into this Chamber in the morning, and the last one to leave. That does not mean he does not have work to do. He does other things but he is patient. He commits himself to work for the 6.5 million people he represents in this House. Therefore, being disabled does not mean that you can be segregated on that basis. If this law is well enforced, let us see various persons with disabilities getting assignments and jobs.

Another perfect example of a person with disability is our Principal Secretary (PS), Ms. Josephtha. She is the first PS who is disabled. Despite the fact that she has disability, she has very smart handwriting. I salute her. She is very eloquent and capable of working. I thank the President for considering her for the appointment.

This Bill also emphasises that discrimination in terms of pay, promotion, training or access to opportunities should be curbed. It should not be witnessed again. That means we are protecting persons with disabilities. We should not be concerned about giving them employment only but also ensure that they are not retained in the lower cadres. They should be allowed to grow through the ranks to the highest levels in office. As legislators, we should create enabling infrastructures. A person should not be employed because he has a disability. He should have gone to school. It is our turn to create good infrastructure and schools. We should give good supportive gears like wheelchairs to persons with disabilities. We are constructing good roads like the Nairobi Expressway to enable us drive very fast. How about persons with disabilities? The best way to enable them to walk is to give them infrastructure and walking gears, even if it means improved wheelchairs that are motorised so that they, too, can walk or go a long distance to enable them go to school and get back home. Those legislators who will come back to this House—I hope that my people of Navakholo will give me another term— should come up with supportive laws, so that we give persons with disabilities enough infrastructure to enable them move around.

We should construct more technical institutions. Each constituency is putting up a technical college right now. How about for persons with disabilities? Did we consider them in terms of the technical skills that we can give them? For now, we can use the few institutions that are around. We need to also provide resources to enable persons with disabilities to advance in their courses using well-equipped technical colleges and universities.

With those remarks, I beg to support the Bill.

Hon. Speaker: Member for Buuri.

Hon. Mugambi Rindikiri (Buuri, JP): Thank you, Hon. Speaker. I rise to support this Bill, which aims at total recognition of our people who are living with disabilities. It has come at the right time. We, the people who have been endowed with all the parts of our bodies, have been worried because the people who live with disabilities have no Act of Parliament that supports their existence as Kenyan citizens.

There is one thing that worries me quite a lot. At the outset, if you go to public institutions like primary schools, you will not find many children with disabilities. We do not know where they are. The parents do not want to expose them. This Bill will bring in total management of children living with disabilities right from birth all the way to old age. We have a new education curriculum—the Competency Based Curriculum (CBC). It does not put more emphasis on people living with disabilities as they do it to people living normal lives. I support the Bill. Once the council and board are set up, they will make it mandatory that all people living with disabilities are registered right from birth.

Secondly, this Bill recognises the need to identify these people and examine them medically, so that they are certified as people living with disabilities. This Bill has come at a time a new government is coming into office. It is our hope and belief that once the United Democratic Alliance (UDA) Government takes office, our key responsibility will be to bring up those people who are not being taken care of. People living with disabilities will be a priority to us. We want to uplift them economically, socially and politically. I agree with fellow Members that this is a very important Bill. I urge that once it is presented to the Senate, they should add more value to it. I urge county governments to put more resources and also focus because we are going to pass this Bill. You know this is a devolved function. We should take it seriously and implement it.

There is a lot of discrimination, particularly in the Kenya Defence Forces (KDF). In the last recruitment of KDF, they discriminated against women and people living with disabilities. We urge the Government to be at the forefront of ensuring there are equal opportunities for everybody

even in the KDF. There is nothing that says that somebody living with disability cannot work in the armed forces. We have very intelligent people in this country who are disabled and their passion is to work in the KDF. So, I urge the Government to take this matter seriously and not to discriminate against these people.

The Bill has come at a good time. I hope and believe that its implementation will be fast-tracked. I believe so because I know we are coming back in the 13th Parliament and we will ensure that the Bill is implemented to the letter.

Hon. Speaker, I support.

Hon. Speaker: Hon. Wanjira, Member for Gilgil.

Hon. (Ms.) Martha Wangari (Gilgil, JP): Thank you, Hon. Speaker. You may confuse people by using that name. I thank you for giving me this opportunity. I also thank the Mover of this Bill.

I start by quoting Mahatma Gandhi who said that the true measure of any society can be found in how it treats its most vulnerable. I am actually surprised that we do not already have this law in place in this country. We have spoken about it and even tried to implement some of the things that we are talking about today. In international fora and using statutory instruments, we have been doing a lot of work. It is actually a surprise that we have not been able to put a framework in place to implement it.

[The Speaker (Hon. Justin Muturi) left the Chair]

*[The Temporary Deputy Speaker
(Hon. Patrick Mariru) took the Chair.]*

I join my colleagues who have already spoken. This is quite an expansive Bill. I have scanned it and there are four issues I would like to touch on. It is quite unfortunate that we are talking of accessibility today. I sit with Hon. Tim Wanyonyi in a Committee and it is not once that we have cancelled a meeting in a hotel because it is not friendly to people with disabilities. Imagine a Member of Parliament who can afford that kind of a hotel cannot get accessibility! What about other people out there? If there is a living example of how quickly one can become a person with disability in this House, it is Hon. Dennitah Ghati. In the last Parliament, we were together and she started very well. She used to walk on her feet, but today, she sits on a wheel chair. All of us are potential persons living with disabilities. How we treat them is quite important and critical.

On the issue of separation, the Bill has segregated it into women, men and children. Different categories of people living with disability have different challenges. Women issues are very close to me. I see sexual reproductive health has been included here. This is already in the supreme law of the land under Articles 10 and 27. I have noted that in this Bill, it is very clear that every woman living with disability has the right to retain and control her fertility. Why do I say that? In some cases, family members not only hide persons with disabilities, but also make decisions, especially on reproduction and reproductive health, on their behalf. They do not give regard to the rights and views of persons living with disability who may want to get children. In fact, they make them take contraceptives or go through processes of sterility that they do not consent to. This is very critical. On the issue of birth control, women with disability must also have a say. They have a right to control their bodies.

On the issue of recognition, I believe it starts with a birth certificate, then an identification card and lastly a passport. They control human rights and also civic and political rights. That is

Disclaimer: *The electronic version of the Official Hansard Report is for information purposes only. A certified version of this Report can be obtained from the Hansard Editor.*

why, in this Bill, the IEBC is mandated to ensure that during voting, people with disabilities are given access to polling stations. They have a right to possess a voter's card, a passport - if they wish to have one - and other documents. They have a right to vote. They should be assisted if they need assistance in the polling stations. Recognition is critical because it gives one identity. It must be protected by all means.

There is also an issue that has caught my attention in the Bill, which encourages employers to employ qualified persons living with disability. It is provided for in Clause 21. It is very interesting because it provides an incentive that if a firm or organisation employs a person with disability, they can claim some percentage of taxable income from the Government in form of a relief. That will encourage more people to take up persons with disabilities in their organisations. They too can work because they are qualified. It also protects these workers from unplanned dismissals just because of their disability. So, this proposed law will go a long way to ensure that we protect persons with disabilities.

On the issue of children, I know Hon. Makali Mulu has spoken about it. We have been trying to support them with bursaries from the National Government Constituencies Development Fund so that they can get proper education. There are children we pay bursaries for right from birth to primary school. I know we want to fast-track this Bill and avoid the counties, but I do not think it will be possible to entirely do so. The council has been mandated to liaise with the national Government and it is responsible for Early Childhood Development (ECD). How then do we rope in counties to do their part? County governments are also mandated to deal with polytechnics and planning of towns. They ought to ensure drainages and passage walkways are done in cities in counties. This can only be done when there is good cooperation between county governments and the national Government.

On the issue of special schools, even if we want to streamline issues and ensure that special children interact with the able-bodied ones in schools, we cannot run away from having special schools. The caregivers have a very hard time. I know children with special needs need someone to take care of them, all round, and even take them to the toilet. So, special schools cannot be treated the same way we treat normal primary schools. When we incubate them... For instance, there is a school called Township in my constituency which has a primary section and a special one. What it means is that as the Ministry of Education allocates money through capitation, there must be affirmative action to give enough money to special schools. Children in special schools need to be taken care of round the clock. They need to be bathed, changed, provided with diapers, and even given mobility assistance. This cannot be a cheap affair. The Government must be deliberate about it and allocate enough money that will run schools.

I would like to end there. I join my colleagues to condole with Hon. Sankok, who has been a champion of people with disabilities in this House. I wish him well with his family. I send my condolences, on my own behalf and on behalf of my family and the people of Gilgil Constituency. I pray to God to give them peace at this time when they have lost their son.

With those remarks, I support.

The Temporary Deputy Speaker (Hon. Patrick Mariru): Hon. Tonui, are you ceding your ground?

Hon. Ronald Tonui (Bomet Central, JP): Thank you, Hon. Temporary Deputy Speaker, for the opportunity to comment on this Bill. This is an important Bill because it will mainstream issues to do with people with disabilities. This is a group which we need to take care of since it is a club that one can easily join. The Bill is timely and we need to support it.

The rights of PWDs must be taken seriously, especially issues to do with access to buildings. We need to legislate and ensure that they access buildings without any hindrances.

We also need to ensure that we take care of the interests of PWDs even in terms of taxation. We know that they require specialised equipment in order for them to operate. For instance, there should be zero-rating of vehicles meant for them. Taxation of vehicles meant for PWDs should be removed because they need to modify them for use. Those are some of the issues that we need to ensure we provide for PWDs.

I am happy that the Government has ensured that PWDs access some stipend every month. That is a positive move and we need to support it. We also need to provide PWDs with more funds.

In terms of employment, we need to mainstream and ensure that the five per cent requirement for PWDs is respected in recruitments. The PWDs should be provided with opportunities for employment especially in public service. That needs to be taken care of. We also need to ensure that issues to do with procurement are dealt with in this Bill to ensure that PWDs are protected when they compete with others for tenders. A certain proportion of Government tenders should be given to PWDs, so that they can improve their wellbeing. This group is at the lowest level of the pyramid and we need to pull them up. These are the real hustlers.

Therefore, this is a timely Bill and I support it. I am in the Departmental Committee on Labour and Social Welfare which is dealing with it. We are still processing it because it is very detailed. We are not yet through. I am very sure that my Chairman will table many amendments to this Bill which we will support to ensure that we take care of the interests of PWDs. Where there are conflicts with the Public Finance Management (PFM) Act, those issues will be polished and straightened so that PWDs are assisted to benefit more through this Bill.

With those few remarks, thank you very much for this opportunity.

The Temporary Deputy Speaker (Hon. Patrick Mariru): Hon. Kiarie, why do you look so unsettled yet it is your turn?

Hon. John Kiarie (Dagoretti South, JP): Hon. Temporary Deputy Speaker, I am keen to contribute to this Bill because it is important.

I stand to support this Bill because it tries to bring more equity. I choose to use the word “equity” over the word “equality” because when it comes to human ability, I associate myself with the quote by Albert Einstein who once said: “Everyone is a genius, but if you judge a fish by its ability to climb a tree, it will live its whole life believing that it is stupid.” That means that we expect PWDs to compete in the same world and the same job market with able-bodied people. The moment we start legislating towards the equity of all people including PWDs, we start walking towards the right path of equity.

Even before I get to this Bill, I would like to take this early opportunity to condole with the family of my very good friend, Nominee 001, Hon. Sankok, for their loss. On behalf of my family, myself and the people of Dagoretti South, I wish to send a message of condolence to Hon. Sankok and his family. Hon. Sankok, as dark as this moment might look, the Good Book reminds us that mourning may endure through the night, but joy comes in the morning. Hon. Sankok, I would like to refer you to a great man in the Bible whom you share a name with. This was a man by the name of David who, in a moment like this, after losing a son, grieved and mourned. When he was done grieving and mourning, he woke up and decided to put on his best clothes and have a good meal. He said that his son would never come back from where he had gone, but it is us who will go to where that young man had gone.

Hon. Temporary Deputy Speaker, the discussion around disability has hitherto been very scattered. Domiciling issues of disability in one piece of legislation is a huge step forward. For that one reason, I support this Bill. However, I hope that in the Third Reading, we will get an opportunity to expand this Bill.

My focus is specifically on Clause 35 on the functions of the council. The functions of the council have been enumerated and they are quite a number. However, I still feel that there is space for expansion of Clause 35 so that it can be brought to the world that we are living in. We are living in the technological and digital world - a place where data and research is currency. Even in this discussion around disability, we can have room for technology, research and production. This is in the sense that, as the world advances, the able-bodied are thinking of how they can utilise the available technology. We also need to bring PWDs up to speed with the technology of the day.

On research, I believe there are issues to do with disability that are very geo-specific. There are some that are unique to Africa, others to Kenya and others to regions within our country. This country needs to invest in good research, so that we map out the disability situation in our country. Research will inform what kind of investments we will make to take this disability discussion forward.

On production, time and again, I hear us talking about zero-rating equipment and devices used by people living with disabilities. The tragedy is that approximately 90 per cent of the devices used by PWDs are imported. It is high time we decided to produce some of these devices within our borders as a country. This would go a long way in cutting the cost of devices used by PWDs. We could set up production plants and factories required for the manufacture of basic devices like walking canes, spectacles, hearing aids, and wheelchairs. If we move in that direction, we will not only talk of zero-rating imported devices from abroad, but also have a cache of devices that would be locally-produced.

The Bill is very elaborate on the rights of people living with disability, especially in employment. I hail from the County of Nairobi and I can say that the Government has employed all the people it can. Corporate Kenya has employed all the people it can. Most of our people in meaningful engagements are currently in what we call hustles. These are people in the *Jua Kali* sector. As we are talking about people with disability in employment, we will have to start considering how we decriminalise hustle in this country. How do we decriminalise work that is taken up by hustlers, some of who are living with disability? In this City today, one of the biggest crimes you can ever do is to try to conduct honest business as a hustler. You will be chased down streets, you will be bungled up, and you will be put into City Council vehicles. You can imagine this is in itself bad enough for an able-bodied person. When it comes to a person with disability, it becomes even more sacrilegious. Even as we are talking about persons with disability in employment, we will have to consider the fact that most people living with disability end up doing hustles like hawking. They are the people selling sweets on the streets. They are the ones who are hawking clothes on the streets. We will have to secure business spaces for people living with disability.

I agree with Hon. Wangari that counties have a big function of taking care of people living with disability. As a Bill emanating from the National Assembly, we also have to think at the back of our minds that there are quite a number of functions under the counties. Specifically pointing at education, the national Government takes responsibility for primary and secondary schools. However, early childhood education is domiciled in counties. Tertiary institutions like polytechnics are also domiciled under county functions. Even as we are taking care of these young angels living with disabilities in their primary and secondary schools, we have to remember that

early childhood education is critical, especially for people living with disability. It is at this point that they are given their skills for life. The skills might be as basic as potty-training, which might come naturally for able-bodied persons, but for a child born with disability, it might take them a long time to learn some of these basic life skills like potty-training. So, even as we think about what the national Government will do, we will also need to very seriously consider what county functions are and how they interact with this Bill.

I would like to end it there and say that this is a Bill I would support any day. I hope I will get the opportunity to make relevant amendments when we get to Third Reading. I appreciate the opportunity to contribute to this very important Bill. Thank you very much, Hon. Temporary Deputy Speaker.

The Temporary Deputy Speaker (Hon. Patrick Mariru): Hon. Nyenze Edith.

Hon. (Ms.) Edith Nyenze (Kitui West, WDM-K): Thank you, Hon. Temporary Deputy Speaker, for this opportunity to contribute to this Bill. I note that disability is the umbrella term for all impairments of the body structure or functions. It is limitation in activities and tasks that a person does, or a restriction in participation. That defines what disability is.

This is a very good Bill because it will enable people with disability to be recognised and registered. This Bill will also try to bring together all the segmented parts of Bills on disability under one umbrella. This will enable different types of disabilities to be identified. There are various types of disabilities, some of which have not been recognised. I remember a few days ago, last month, I met a stammerer who had difficulties. You know most of them have difficulties in expressing themselves or talking. This has not been recognised as a disability. There are so many other disabilities which have not been recognised as such. Therefore, this is a very good Bill which will enable disabilities which have not been recognised to be recognised and registered. In doing so, they will also be assisted in their various disabilities.

The other time I talked about disability, especially the one of children who have severe disabilities. I brought it up in the Children Act. We have children with severe disability. These ones are still put in the bracket of disability. Some of them are so severe that they do not even go to school, they cannot talk, and they cannot move. Such disabilities have not been fully identified and assisted because, according to me, such disabilities require a centre where these children can be assisted medically. This will also free their parents, especially their mothers and grandmothers, to have time to attend to other businesses. Such children grow to be big people who cannot even move or assist themselves. Their mothers are always around them. They do not do any meaningful activities or businesses to help the other children. Such mothers are even discriminated against by their friends because they feel they will not be as active as them. This Bill should recognise such special disabilities and come up with ways of assisting people with such disabilities.

Our education system should also incorporate some of these in the curriculum. It has done it, but not for some. The other time I took a child who has disability to a college. They are deaf and dumb yet they are supposed to go through the same national examination process. The examination is the same as that of an abled person. The education system should recognise that and maybe, even give them more time to study or set different exams for people with challenges so that they are given enough time to concentrate on their studies and exams. Other than doing the exams in one hour, they can be given two hours to complete their exams because they have some difficulties.

This Bill is coming at the right time. Persons with disability are entitled to barrier-free and disability-friendly environments to enable them access buildings, roads and other social amenities;

and to enable them access education and employment. Such a Bill will put in place structures and a policy so that we do not leave some of our people behind.

Since we are leaders, we should be role models by setting a good example to other employers, by employing some of these persons with disabilities in our NG-CDF offices. By doing so, we will be acting in good faith and it will be a good example to other employers.

I am sorry to our colleague, Hon. Sankok. If he were here, he would have contributed a lot to this Bill. I say *pole*. We are with him and we are praying for him.

I support the Bill. Thank you.

The Temporary Deputy Speaker (Hon. Patrick Mariru): Hon. Joyce Kamene.

Hon. (Ms) Joyce Kamene (Machakos CWR, WDM-K): Thank you, Hon. Temporary Deputy Speaker for giving me this opportunity to express my views about persons living with disabilities. I would like to start by first acknowledging persons living with disabilities. It is us leaders who ought to have a lot of compassion for people living with disabilities. There are many areas that we have failed as leaders. First, I want to speak about my experience with people living with disabilities. In Machakos County, majority of the people living with disabilities have not accessed the doctor's assessment to verify their disabilities. Doctors are mainly centred in hospitals that are near towns. It is so hard for them to travel to those facilities. The income of the parents of children living with disabilities makes it almost impossible for them to take their children for assessment. As this Bill is being processed, that is one area that we should ensure is catered for. Every person living with disability should access assessment in the simplest way.

The other thing that I have observed is on physiotherapists. Devolution is here, but hospitals in *mashinani* do not have physiotherapists who should assist children living with disabilities who need to perform some exercises. Therefore, these children continue to get worse because they are not handled in the right way.

The other issue is drugs. Some of the persons living with disabilities need drugs. Some of them are on drugs every day yet if you check their family situations, they cannot even afford putting food on the table. Such persons become endangered species. How I wish that at the Committee of the whole House we will ensure that anything that is missing is added so that persons living with disabilities benefit.

I beg to support. Thank you for the opportunity.

The Temporary Deputy Speaker (Hon. Patrick Mariru): Let us have the Mover to reply. The Leader of the Majority Party.

Hon. Amos Kimunya (Kipipiri, JP): Thank you, Hon. Temporary Deputy Speaker. I want to take this opportunity to thank Members. It is unusual to find Members contributing on a Bill eloquently and in big numbers on the first day after a long recess. I deliberately decided that today we will not request a closure Motion pursuant to Standing Order No.95, to allow as many Members as possible to express their views on the Persons with Disabilities Bill. Persons with disabilities are a significant portion of our society that often feels marginalised. When we have an opportunity to discuss their matters, it is important we give them the attention they deserve. I want to thank Members who have taken time to debate this Bill over the last two hours. I want to assure Members that it is my desire that we get all the amendments to this Bill within the week so that anytime from next week, depending on how we proceed with other pending matters in the House, we move to Committee of the whole House stage of this Bill to finalise it and have it go through the other processes for assent.

The Member for Gilgil specifically raised the issue of a possibility of this Bill affecting counties. That relationship has been well captured in Clause 58 on the relationship between the

national and county governments on matters to do with disabilities. None of those matters relate to the functions or governance of county governments. At the point of concurrence between the two Houses on this Bill, the two Speakers agreed that the Bill does not concern county governments in terms of Article 110 of the Constitution. It does not affect the functions and the powers of country governments, but like any other Bill, it will affect persons living in this country and they live in counties. However, there is a clear distinction between affecting people in the counties and affecting the functions of counties according to Article 110. So, because of that, I would love to see that this Bill moves forward. I want to encourage any Member with an amendment to bring them, so that we can start to process them and in the next two weeks, this 12th Parliament can give life to the Persons with Disabilities Bill, 2021 to update the existing Act of 2003 which is 18 years old.

I will wait for those amendments. I know Members raised a number of issues. We can process them within the framework of winnowing of amendments and make suggestions that will make this Bill better. By and large, I am encouraged with the concurrence that Members have had on the contents of the Bill. I did not hear any dissenting views. The remarks were on making the Bill better and I am looking forward to those amendments that are seeking to make this Bill better.

With those remarks, I beg to reply.

The Temporary Deputy Speaker (Hon. Patrick Mariru): Thank you the Leader of the Majority Party. We shall pend the putting of the Question on this Bill.

(Putting of the Question deferred)

Next Order.

Second Reading

THE MILITARY VETERANS BILL

The Temporary Deputy Speaker (Hon. Patrick Mariru): The Leader of the Majority Party.

Hon. Amos Kimunya (Kipipiri, JP): Hon. Temporary Deputy Speaker. I beg to move that the Military Veterans Bill (National Assembly Bill No. 4 of 2022) be now read a Second Time.

I am happy that we published this Bill on 1st February and now we are in May debating it. That shows urgency and that this Bill matters much as it took a long time to come. It is urgent and important that we thought we needed to clear it before the 12th Parliament goes for recess.

This Bill seeks to establish a regulatory and institutional framework for management of military veterans and the affairs of their dependants. Additionally, it seeks to establish the dependants educational fund and the defence forces retirement home.

Hon. Speaker, a 'military veteran' in Part II of the Bill and basically Clause 6, is very specific in terms of definition. For avoidance of doubt, this is anyone who has served in the Kenya Defence Forces, anyone who became a member of the Kenya Armed Forces between 1963 and 2010 when the Kenya Armed Forces was changed to the Kenya Defence Forces. There are also those who served in the Kings African Rifles, as it was called before 1963. They completed service in the Armed Forces or the Kenya Defence Forces and currently receive pension from either the Armed Forces or Kenya Defence Forces. Most importantly, we are talking of people who have not been dishonourably discharged from duty. Those who have been discharged on medical grounds are, however, not in the same category whether or not they receive a pension. They will be regarded

as military veterans for the purpose of this Bill. Again, the Bill is quite specific in terms of knowing who we are dealing with because if you do not figure out the person, we could end up with all manner of people coming up to claim that they are also veterans.

Military veterans, as we all know, have served this country for a long time in a number of ways. They often put their lives on the line for our great country. We are talking of people who go out of their way. I know we have quite a number of them in this House. They did not just go there to spar with people. It is a matter of live bullets at play and that could extinguish one's life within seconds.

We also know the threats that confront us as a nation both externally and internally. We have seen such cases when we are attacked by terrorists and people who do not like peace and order. The people we depend on, not just for our safety, but to dispel and give assurance that we are well protected, so that even the guys who would want to attack us feel that they cannot do it in the presence of our forces, are the people who serve within our forces. When they eventually retire, they become the veterans. By the time they leave service, they are, unfortunately, left struggling. Even when they start their businesses, because of the way they operate within the military, it becomes very difficult for them even to operate within the civilian societies. We are talking of two different sets of people, one, is so methodical and we saw that during the funeral of the late President. We were told that even if you are from this House, you have to finish business by a certain minute. There is nothing like asking, "Can we be given an extra five minutes?". A minute is a minute. It is with military precision. When you are used to that kind of precision and then all of a sudden you have to go and start negotiating with people to give you tenders, and they tell you to come back next week and all that, it becomes a totally different ball game. So, we know the culprit in that. We need to get some better mechanisms to fit there.

I also know that there are quite a number of challenges. Those in the service may now be able to articulate that better. Their cases have been reported and they are about family breakdowns, impoverishment, and post-traumatic stress disorders, which unfortunately have led to people committing suicide. They are unable to access medical care among other things. This does not go down well, especially when you look at other practices across the world where people are treated much better. These are people who put their lives on the line for the safety of their countries.

When we look at what is happening on the globe, we realise that others are doing things to give some dignity and decorum to these people. This Bill seeks to anchor, in law, some institutions. Resources will be allocated for their overall benefit. So, this Bill proposes to accord the following benefits to a military veteran: counselling and treatment for the Post Traumatic Stress Disorders or related conditions, which have now been documented and have become a main thing, the physical rehabilitation of medical conditions arising out of military service, the honour and memorisation of the fallen military veterans, education, training and skill development, advice on employment placement, and facilitation advice on business opportunities.

The typical thing that every Kenyan thinks of is that since he or she has left the military, and since it was a security operation, he or she should, therefore, start a security company. By the time they go to even try and market that company, they will realise that it is not as easy as they thought. So, this advice on business opportunities and what to do are some of the things that need to be done.

You would imagine that President Uhuru Kenyatta went to a military academy. This is because he has had a lot of attachment to the military during his tenure by getting them to do civil works, to take over the Kenya Meat Commission and making it profitable. There is also Maj.Gen. Badi and the Nairobi Metropolitan Service, and so many other things like construction of hospitals.

I am sure most of these things will also benefit the veterans as they will receive some of these services within those establishments.

This Bill also recognises that the military officers have dependants who will need assistance of one form or the other. I know of some friends who kept on shuffling and their kids had to be moved. They were serving in Eldoret Barracks with their children attending school there and all of a sudden, after I do not know how many years... Dr. Eseli might help us with that cycle. You find that the person has been transferred to another place and the children too have to move. Before long, there is something else. So, people are disrupted in terms of their lives. They cannot even make permanent friends and all that. When this person retires having gone through all that, the family gets affected. It is important that as we look at the veterans, we also look at their families and what we should do in terms of education placement for those children who find themselves moving around and all of a sudden, the person they depend on cannot rise in ranks beyond a certain point. These are some of the challenges that we need to look at. This Bill partly addresses some of those issues.

The Bill also seeks to establish a defence council which, again, will have the administrative powers, including the development of a policy on military veterans. It has considered some proposals by the CS for Defence and the Chief of Defence Forces regarding policies on funding and budgeting in respect of military veterans so that their matters are not just left to some administrative unit within DOD. Now, there will be a form of structure that will address some of these issues including matters policy and not just administration. The Bill proposes that the council shall be headed by a director of military veterans, who shall oversee all administrative functions.

The other highlights of the Bill which I wish to speak to include establishment of a dependants education fund, which shall provide scholarships for the children and members of the Kenya Military Veterans as well as family members of deceased members of the KDF or of military veterans. We should not terminate the education of a dependant just because the member has lost their life in war or has retired earlier for any reason.

The Bill also proposes the creation of Defence Forces Retirement Home to provide residential and related services to military veterans when they reach a point where they need to spend their remaining days in such a place. They can do that in the camaraderie of friends with whom they served together. The lives of these people are characterised by some uncertainties such as duty calls and restriction of certain rights and freedoms. They cannot move the way they want. They cannot get into collective bargaining. Much as the Constitution allows people to form trade unions, these people are excluded from doing that. They can only come to this House to negotiate on their behalf by passing this kind of legislation so that they are accorded the necessary social protection when they are in and out of service. It is in that regard that I wish to call upon Members of the House to support the Bill. Yes, we have done very well with the Constitution that protects people's rights, but it also restricts the rights of certain people. We should use this House to protect those who cannot speak for themselves or who cannot get into trade unions to demand such protection. We should take this opportunity to support our men and women in uniform when they become veterans. They ensure our security during their time in service.

With those remarks, Hon. Temporary Deputy Speaker, I beg to move and ask the Chairman of the Departmental Committee on Defence and Foreign Relations, Hon. Tong'i, to second.

The Temporary Deputy Speaker (Hon. Patrick Mariru): Hon. Tong'i.

Hon. Richard Tong'i (Nyaribari Chache, JP): Thank, Hon. Temporary Deputy Speaker, for the opportunity to second this progressive Bill. Having listened to the Leader of the Majority

Party, I have a feeling that there is nothing useful to add. He is one gifted person. He has explained what the Bill is about and what we hope to achieve by passing it.

I wish to support the Bill. I want to sum it up by the words of a poet called Joanna Fuchs through a memorable poem titled 'The Best on Earth: A Veteran's Day Tribute'. She writes:

“If someone has done military service,
They earn the title ‘veteran,’ and more;
They earn our deep respect and admiration;
That they are special no one can ignore.

They sacrificed the comforts we enjoy;
The list is long of all the things they gave.
Our veterans are extraordinary people;
They're loyal, dedicated, true, and brave.

When terror and invasion were real threats,
They showed us they could handle any storm.
We owe our freedoms and our very lives
To our veterans who served in uniform.

Our veterans should be celebrities;
They are exceptional; no other group compares.
We're grateful for the many things they've done;
They're always in our hearts and in our prayers.

We owe our veterans support and friendship;
Let no one ever question what they're worth.
These men and women served us and our country,
Our veterans—the very best on earth.”

Indeed, our veterans are celebrities. Take the example of what is happening in Ukraine. When everybody else is seeking refuge in other countries, the soldiers in uniform are going towards where bullets are coming from. That cannot be a normal person. Those are, indeed, celebrities. They sacrifice their family comfort and blood for our sake. Their price cannot be measured. Their value and contribution cannot be quantified.

When you listen to the poem from one of the celebrated poets, you appreciate that veterans are not normal people. Being a soldier is not an ordinary job. It is a job that you have to think twice before taking up. I like the way the Leader of the Majority Party has put it: These are people who do things in extraordinary ways. I am grateful to our President, Hon. Uhuru Muigai Kenyatta, for the opportunity he has given them to demonstrate what they are capable of doing. Before the President started giving them assignments, all of us never got to appreciate their capacity. Now we see what they are able to do. Look at the Kenya Meat Commission (KMC), which has been a loss-making company for ever. Today, KMC is able to pay suppliers within a week. The precision with which the soldiers operate is amazing. Look at Nairobi City County. How I wish we could replicate the same in every county. Real change that you can feel has occurred in our lives before our eyes. We are able to walk on pavements which we thought could only happen in America or elsewhere. We see it happening here in Kenya under the management of one of the generals. These are the

people we are celebrating today. When they have completed their service and are going home, we should have a system through which we can remember and recognise them.

I am sure all of us have had a chance of travelling outside Kenya. The USA have a day when they celebrate veterans because they know without the veterans America would not be what it is today. Every 11th of November, they suspend everything else—it is a national holiday—to appreciate and celebrate veterans who have served, protected and made their country great. The UK also has a day when they celebrate their veterans. For two minutes, the entire country comes to a standstill to appreciate what veterans have done for the good of the country. Sometimes we do not appreciate what veterans have done because we have not experienced, by God's grace, war as other countries have. Until then, sometimes we take veterans for granted. Some of our soldiers have gone through war in Somalia and have come back maimed or disabled. They cannot provide for their families like they used to do. They need to be given special treatment and an opportunity to serve in different ways. They need to be recognised.

The Americans and other developed countries - we need to benchmark with them - have given the low hanging fruits. When you are going to a parking or the airport, you are given priority. Veterans are given priority when boarding planes. This does not cost us anything other than give them a chance to say, "The veterans, if you are here on the queue, come and be served first." They appreciate that. It is a simple gesture but goes a long way into appreciating what they have done for the country.

Last week I was with my cousin who is a veteran in the USA. When we went to the airport, he did not pay parking fee. Those are simple things which people appreciate. He does not pay land rates for his mortgage. Those are some of the things we need. If we can get a way to empower our veterans and give them an opportunity to enjoy those facilities, I am sure we will inspire our sons and daughters to join the army so that they can serve the country. This is because in the past, the army was a preserve for people who had not gone to school. Now that I have had an opportunity of serving in this Committee for five years now, I know that some of the sharpest minds you can ever have are in the army. Some of them are picked at a very young age and taken through numerous courses. They have skills which can transform this country but what happens when they go home? This is one of the systems, in my opinion, which is so perfect and efficient that we need to encourage them and give them hope that even after they exit, we still have to appreciate them as a country. We should appreciate their contribution to our people and recognise that without them we would not even be sitting here the way we are doing today.

If you go to Ukraine, for example, there is nothing like Parliament. There are no sessions in Parliament because everybody has taken refuge and the armies are at the warfront to protect their country. Those are the kinds of people we are talking about today. We are developing this Bill to appreciate our soldiers. When they have done their bit and gone home, we will remember to appreciate them and thank them as Kenya is what it is today because of them.

I know some of my colleagues here are veterans and would want to say something about this Bill. Hon. Temporary Deputy Speaker, as a committee, we believe it is a progressive Bill and we truly want to get it concluded in the life of this Parliament. This is so that the next Parliament will recognise that there were Members who thought through this process and appreciated our unsung heroes who have put their lives on the line for the sake of this country.

With that, I second. I can see my Vice-Chairman is here and anxious to speak. He is a son of a former general.

The Temporary Deputy Speaker (Hon. Patrick Mariru): Hon. Tong'i, the discretion to give your Vice-Chair is exclusively mine.

However, that is noted.

(Question proposed)

Let us get Hon. Rasso Ali for obvious reasons.

Hon. Ali Rasso (Saku, JP): Thank you, Hon. Temporary Deputy Speaker, for your kindness. I rise to support this Bill. I consider it to be a watermark Bill for somebody who comes from a military background.

I joined the military when I was 19 years old. I left the military when I was in my 50s to become a politician. I changed my military fatigues for a civilian suit but, in my bones and blood, I still believe I am a military person for the kindness of serving my country with patriotism and honour. This Bill coming at the tail end of the life of the 12th Parliament is a watermark Bill because previous attempts to bring this Bill encountered a push and pull situation. I thank the Leader of the Majority Party and the current Chief of the Defence Forces, Gen. Kibochi, who has vigorously believed that something must be done in the life of the second Government of President Uhuru Kenyatta, and also in his life time, as a general who will be leaving the military in a few years down the line.

I just want to share a story about the Second World War. In 1942 in South Pacific, an American warship was sunk by a Japanese fleet. In this warship there were five brothers who chose to fight together. Historically, this changed a lot of things in the way the Americans manage their war machine. It was uncalled for to have five brothers fight on a single ship. They were later known as the Sullivan Brothers and they were celebrated. The general who was in charge of the navy was writing letters of condolence. He wrote the first letter and signed, wrote the second, third, the fourth and when he was given the fifth letter he said, “oh my God, this is so big a thing that I cannot sign it as a general. It can only be signed by the Commander in Chief.” In this particular incident, the letter was signed by the then President of the USA, Franklin Roosevelt because the occasion was big that one family can be told about the death of all of their five sons.

The family was asked what they felt about it. The mother said that if given the same opportunity, they would do it again. It made men of them. She said; “my boys did not die in vain.” When people join the military, it is not a job; it is a calling. Although it provides opportunity to many, there is not much to gain through resources as most of the time will be spent in the field training, battle field and a few months in the barracks. The contact with their families and the civilian population is quite limited. That is why for an army man whether he is Navy or Air Force, the chances of them embellishing themselves in life by building big industries or housing is not there because they are called in defence of the motherland. That is why when we think about what happens to a soldier who comes out of Somalia having spent six months or one year there, they are likely to even have lost their families. Maybe somebody just got married and they are moved off to that fighting operational area and then the wife is separated from the individual and they start it all over again.

So, as the Leader of the Majority Party has rightly said, they may not have the opportunity to have a life that you would call comfortable which we in the civilian part of life tend to enjoy. In the evening and the weekends we will go to our families. When we have time, we go to tend to our properties or farms. They do not enjoy that. What this Bill will eventually do is to allow the military to manage the soldier and their families until they have a separation with that institution. There are many who get injured in war or during the course of their training but this is a good lesson to the other one who is in the frontline because if this one will not be looked after, the other one will not

have the guts or the energy to fight with valour or to try and move into that fire to help his comrade. This is because he knows in the end, he will just be like the other person.

There are a few things that I would appreciate and talk about in this Bill like the Military Veterans Management Council. That allows that institution to be managed within the body of the military where on the top policy side, we have the Defence Council so that even in terms of seeking resources, it will be sought as part of the military resource package. The second thing is about the issue of education, housing and health. Many of those who retire from the military will tend to have very meagre savings because of the earnings. The major problem in our country today is about health. If there is a health package that is controlled by the military, then we believe even those who are injured or those who are wheelchair-bound are likely to have a relatively decent life towards the end. In terms of housing, or accommodation, those could be few but if you help the few then you have helped many. There are others who will say 'What about the police?' I think that is a thought for another day but as far as the military is concerned; it is a special institution that we need to treat their case on a merited basis for what they have done for this country for our lifetime.

I thank you, Hon. Temporary Deputy Speaker.

The Temporary Deputy Speaker (Hon. Patrick Mariru): Hon. Eseli Simiyu.

Hon. (Dr.) Eseli Simiyu (Tongaren, FORD-K): Thank you, Hon. Temporary Deputy Speaker, for this opportunity to also contribute to this very important Bill. Indeed, it is important that we take good care of our military personnel not just while they are in service but when they are out of service. This is because they need a peace of mind to be able to perform the duty of ensuring the security of the nation, securing our borders and ensuring our sovereignty. They need a real peace of mind. It is difficult when that peace of mind is absent because when you go to war and you come back, perhaps you are injured and you cannot go on with your work, you are retired on medical ground and things like those. You are left there and perhaps you cannot take care of your responsibilities as a parent. This Bill is actually long overdue and we should all support it because this way, we ensure that we have taken care of all the military veterans who have served this country with dedication.

Hon. Temporary Deputy Speaker, recently the military took over the burial of the retired His Excellency President Mwai Kibaki. You saw the precision with which they did it and every Kenyan was impressed. What they do not know is that a lot of work goes into that. When you see a parade moving in unison, it is not something that happens at a drop of a coin. They actually work on it and that is the same way they work when they are out there defending our borders and when they are out there on peace-keeping missions in various parts of this world. This Bill is actually long overdue. When I went through the Bill, I was actually impressed that it is not just talking about taking care of the physical needs of the veteran but also their psychological needs. This is because when soldiers are exposed to a combat zone, they do get certain psychological stresses which need to be handled. I am glad that this Bill actually addresses that issue such that these veterans will also have access to good psychological care so that they can be rehabilitated to be able to mainstream them back into the society, and also the fact that families will be taken care of like their medicals, education and things like those.

In a nutshell, I fully support this Bill and perhaps this should be the beginning so that in future we can beef it up and ensure that we actually give them more benefits than what the Bill has actually foreseen. We need to beef it up eventually to put in more benefits for the veterans. It is unfortunate that in this country when you look at the survival of these uniformed service people, even the police service, once they leave the service you actually find that many of them end up

leading a miserable life. Out there when I meet some of the ex-soldiers in the village, I see that they are actually very good people. They can be of very good service to the community but then sometimes they lack the basics of being mainstreamed back into the society. This Bill actually takes care of that. I fully support and pray that the House passes it as fast as possible in the short period that is remaining. If we do so, this House will have delivered something good for the military by the time we end this Session of the House.

Thank you, Hon. Temporary Deputy Speaker.

The Temporary Deputy Speaker (Hon. Patrick Mariru): Hon. Kiarie, do not be nomadic.

Hon. John Kiarie (Dagoretti South, JP): Hon. Temporary Deputy Speaker, I am very swift also. I am honoured to be contributing to this very important Bill. Allow me to start by commending the Leader of the Majority Party for being able to bring this and present it before the end of the life of the 12th Parliament. As Hon. (Dr.) Eseli has said, I pray that we shall pass this before the end of this 12th Parliament. I also want to single out the Chief of Staff of the KDF, General Kibochi, for the work that has gone to build this to this level and to present it to this House. I pray that it shall be a fitting honour to General Kibochi as another feather on his cap in his very illustrious career in the military. Whenever the picture of our military is painted, a very rosy picture is presented. We are presented with a picture of a military that has been able to secure our borders and a military that has been able to maintain law and order in volatile zones in this continent and even beyond. We are also told about the role that this military has played in securing the sovereignty of our country. However, behind this very rosy picture, there is a story of a big trail of bodies—I want to use that figuratively—of men who have served very committedly in this military who end up suffering when they are out of service. So, in that very sense, I believe that this country is in order to bequeath a Bill that checks into the welfare of these military officers when they are in service and beyond. We know the contribution of the military, even beyond affairs of war and peace keeping.

Hon. Temporary Deputy Speaker, I will take an example of the discipline that you understand very well called strategy. Whether it is being drawn for political science needs or as a marketing strategy in the field of the arts or sciences, it is borrowed from the military. It has made contribution beyond securing volatile areas in the area of research. In the places where the military is well developed, for example in a jurisdiction like the USA, it contributes heavily into the research that goes into anything that you can imagine, for example medicine, technology in construction and beyond. So, the military is a unit of society that contributes beyond its core duty. I support this Bill because it seeks to improve and secure the welfare of the military veterans.

I stand here to celebrate that there is a need to secure these veterans. This Bill offers an opportunity for this country to offer some good health benefits to them. As *Daktari* has said, it gives an opportunity to secure their health not only for their physical bodies but also mental health. I celebrate that this Bill seeks to ensure that people who leave service will have meaningful engagement after it. I also celebrate that this Bill identifies the dependants of the people in service and realises that they will be depending on them, even beyond their service.

It is a good idea that we put in this new body called the Military Council. This is one of the big things why I am celebrating this Bill. I hope that it shall be tasked with the duty of formulating policies that will secure all the things that I have said in my foregoing contribution. I celebrate the idea of having a Kenya Defence Forces retirement home as it has been stipulated in this Bill.

Without taking much time, I want to make a contribution on an amendment that will be important in this Bill. I will bring it in the Committee of the whole House. I hope that I shall get the assistance of people who understand this field, so that we can celebrate veterans beyond the

military boundaries. The military in Kenya has instituted ways of decorating service men who serve with honour and dignity. However, it only lives within the boundaries of the military camps and barracks. We, as civilians out here, do not celebrate our military. There is an amendment that I shall bring to this Bill. As we are building the new hall of fame at the Uhuru Gardens, we can celebrate the military beyond the boundaries of the barracks. The civilians can recognise some of the veterans who have served in this country in an exceptional way.

I want to single out the case of General Mahmoud. In the military circles, he is understood as a man who changed the course of history in this country on that fateful day of 1st August 1982. However, beyond the military recognition that he got, very little is said outside here in the civilians' circles. I believe that in the Committee of the whole House, I shall formulate an amendment that will identify heroes who go beyond the call of duty and serve beyond what is required of them in service, so that they can be celebrated when we put up these heroes' hall of fame at Uhuru Gardens.

In totality, this is a magnificent Bill which I support. Thank you very much, Hon. Temporary Deputy Speaker.

The Temporary Deputy Speaker (Hon. Patrick Mariru): Hon. Memusi, Member for Kajiado Central.

Hon. Memusi ole Kanchory (Kajiado Central, ODM): Thank you very much, Hon. Temporary Deputy Speaker. Let me join my colleagues by supporting this Military Veterans Bill. This House has passed very important legislations for this country. However, this one stands out. It seeks to celebrate those who have served this country. We have a tradition of celebrating those who have done well for this country only when they are no more.

I rise to support this Bill. Let me state that we can all contribute and state the many sacrifices and achievements that our military has made. However, I will look at the small things that this Bill seeks to bring. There are small things that are really important in retirement. My colleagues have talked about medical care. When one retires, he really needs it. Medical care is one of the things that are in this Bill. We also have a small thing like free parking which my Chair stated here. These are small things that really go a long way. We have a card that military officers show when they retire. This is a very small thing that matter in retirement.

I have served in the Departmental Committee on Defence and Foreign Relations for two terms now. I served in the 11th Parliament. I am still serving in this Parliament. I have had a close interaction with our military. When people say that we are going to militarise institutions in this country, if it is possible, let us do that in all our institutions. These people show exemplary performance in every task that they are given. For example, my Chair talked about the Kenya Meat Commission which is an institution that had gone to the dogs. It was dead. However, when it was handed over to the military, they revamped it. It is now serving us. I come from a pastoralist community. I know that this is an institution that will uplift the livelihood of our people. When young people join the military, it starts as a job. However, when they get into it, they realise that this is not just a job. When most of us are looking for jobs, the things that we think of are comfort and financial gain. However, you forget about these things in the military. You forget about your comfort and remuneration that will make your life better. It ends up being a sacrifice.

There is a lot we can say about our military and the sacrifice they make. I stand to support. I thank the Leader of the Majority Party for bringing this Bill. As a Committee, we went through it. We also thank our military for the valuable contribution they made when we were looking at this Bill.

With those few comments, I support. Thank you.

The Temporary Deputy Speaker (Hon. Patrick Mariru): There being no interest to speak on this, Hon. Leader of the Majority Party, you may reply.

Hon. Amos Kimunya (Kipipiri, JP): Thank you, Hon. Temporary Deputy Speaker. Again, I am a very excited person today because even as Hon. Ali Rasso was making his contribution, he reminded me of my own connections to the military. He talked of a ship that was destroyed in 1942 and I know that on 12th February 1944, a ship sailed from Mombasa to Maldives on the way to Colombo, Sri Lanka. This ship was carrying 1,511 passengers including about 1,000 Africans who had just been taken from the Kings African Rifles. The ship was called the Khedive Ismail. This ship was torpedoed by the Japanese at 2.30 p.m. I am quoting those details because they were written by my father who was one of the 207 survivors out of the 1,511 who were on that ship. He proceeded to fight in Burma and India and later came back. If he would not have survived, I would not be here or I would be here in a different form. Courtesy of my mother, we probably would have moved on to somewhere else. There he was and she waited for him to come back from the war and got married after the war and started a family. There are several stories he used to tell us about service in the army. He passed on in 2011; God rest his soul in peace. My respect for people in the military started from that point. When I was told to move this Bill by the people in the forces and also those who had been calling, I wanted to have it passed before we go on recess. I am so glad today we are at a point we have moved it and I have replied. I hope by next week or the week after, we should have this Bill finally processed and on its way to His Excellency the President for assent so that the 12th Parliament can give this group of Kenyans the protection they need and motivation to serve this country knowing that even when they retire, their country will take care of them as much as they have taken care of the country.

I thank the Members who contributed and give special thanks to the Committee for the time they put into this.

With those remarks, I beg to reply.

The Temporary Deputy Speaker (Hon. Patrick Mariru): We shall also not put the Question on that. We shall do that at a subsequent time.

(Putting of the Question deferred)

Let us proceed to the next Order.

Second Reading

THE PROMPT PAYMENT BILL

The Temporary Deputy Speaker (Hon. Patrick Mariru): Hon. Members, I have a note from the Chair of the Departmental Committee on Finance and National Planning. I am told they are working on the Finance Bill so we shall defer that particular agenda.

(Bill deferred)

Next Order.

Second Reading

THE STARTUP BILL

The Temporary Deputy Speaker (Hon. Patrick Mariru): The Chairperson of the Departmental Committee on Communication, Information and Innovation. Member for Embu, are you the Chair?

Hon. (Ms.) Jane Njiru (Embu CWR, JP): Thank you, Hon. Temporary Deputy Speaker. I stand to request for postponement of the Second Reading because this Startup Bill is a Senate Bill. It was published on 9th February 2021 and passed by the Senate on 3rd December 2021.

The principal objective of the Bill is to provide a framework for entrepreneurship and tap talents in Kenya and also on the capital...

The Temporary Deputy Speaker (Hon. Patrick Mariru): Are you moving or you are seeking deferment? I heard you say that you are seeking deferment.

Hon. (Ms.) Jane Njiru (Embu CWR, JP): I am requesting for deferment. I just wanted to explain why we are requesting for deferment.

The Temporary Deputy Speaker (Hon. Patrick Mariru): For record. Proceed.

Hon. (Ms.) Jane Njiru (Embu CWR, JP): We had considered the Bill as a Committee but there were issues that came up. After we did public participation, we got comments from the National Gender and Equality Commission and we have not been able to process them. We are considering that. If you allow us more time, we shall conclude and table our Report on the same.

Thank you, Hon. Temporary Deputy Speaker.

The Temporary Deputy Speaker (Hon. Patrick Mariru): Fair enough. That agenda is deferred.

(Bill deferred)

Next Order.

Second Reading

THE MUNG BEANS BILL

The Temporary Deputy Speaker (Hon. Patrick Mariru): The Chairperson of the Departmental Committee on Agriculture and Livestock. Leader of the Majority Party, you seem to have a word. Okay, you do not. The Chair is not here and he has not said where he is. So, we shall defer that agenda.

(Bill deferred)

Next Order.

Second Reading

THE COUNTY BOUNDARIES BILL

The Temporary Deputy Speaker (Hon. Patrick Mariru): The Chairperson of the Departmental Committee on Justice and Legal Affairs. The Chair is not there as well. What is it KJ? Do you have something to say on that? Are you moving?

Hon. John Kiarie (Dagoretti South, JP): Hon. Temporary Deputy Speaker, I would like to bring to the attention of the House that the Committee is still considering this Bill. I believe that if it is given consideration for a later time, it would be good.

Thank you very much.

The Temporary Deputy Speaker (Hon. Patrick Mariru): Fair enough. So, that is deferred.

(Bill deferred)

ADJOURNMENT

The Temporary Deputy Speaker (Hon. Patrick Mariru): Hon. Members, there being no other business and the time being 6.13 p.m. this House stands adjourned until Wednesday, 11th May 2022 at 9.30 a.m.

The House rose at 6.13 p.m.