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NATIONAL ASSEMBLY

THE HANSARD

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Tuesday, 18th June 2024

The House met at 2.30 p.m.

[The Speaker (Hon. Moses Wetang'ula) in the Chair]

PRAYERS

Hon. Speaker: Hon. Members, we have a quorum to transact business. Clerks-at-the-Table, where is the Message?

(Several Members walked into the Chamber)

Order! Hon. Members on their feet, take your seats. Hon. Wamaua, take the nearest seat, at least, for now.

MESSAGE

PASSAGE OF THREE SENATE BILLS AND TWO NATIONAL ASSEMBLY BILLS

Hon. Speaker: Hon. Members, I have a Message from the Senate on the passage of three Senate Bills and two National Assembly Bills.

Pursuant to the provisions of Standing Order 41(4), I wish to report to the House that I have received five Messages from the Senate regarding the passage of three Senate Bills and two National Assembly Bills. The first Message conveys that on 11th June 2024, the Senate considered and agreed to the National Assembly amendments to the County Licensing (Uniform Procedure) Bill, (Senate Bill No. 9 of 2022). You will recall that this House passed the said Bill with amendments on 2nd May 2024, following which I referred the Schedule of National Assembly amendments to the Senate for consideration in accordance with Article 110(4) of the Constitution. The concurrence of the Senate with the National Assembly on the Bill concludes the bicameral consideration of the Bill under Article 110 of the Constitution.

The second Message conveys that the Senate considered and passed the County Governments Additional Allocations Bill, (Senate Bill No. 19 of 2024), on 11th June 2024 with amendments. The said Bill seeks to provide additional allocations to county governments for the 2024/2025 Financial Year, and the responsibilities of national Government and county governments pursuant to such allocations.

The third Message conveys that on 11th June 2024, the Senate passed the County Allocation of Revenue Bill, (Senate Bill No. 25 of 2024), with amendments. This annual Bill seeks to provide for equitable allocation of revenue raised nationally among county governments for the 2024/2025 Financial Year, and the responsibilities of national and county governments.

Having passed the two Senate Bills, the Senate now seeks the concurrence of the National Assembly pursuant to the provisions of Article 110(4) of the Constitution. The centrality of the said Bills in the Budget process and the prescribed statutory timelines calls for their expedited

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passage. In this regard, you will notice that I have directed the Clerk to list the two Bills for First Reading under Orders No.10 and 11 in the Supplementary Order Paper of today, Tuesday, 18th June 2024. Thereafter, both Bills will stand committed to the Budget and Appropriations Committee for consideration. I urge the Committee to prioritise the Bills and report to the House as soon as is practicable possible to enable the House to proceed with the next stage of the Bills.

The fourth and fifth Messages convey that on 11th June 2024, the Senate considered and passed the Statutory Instruments (Amendment) Bill, (National Assembly Bill No. 2 of 2023), and the Independent Electoral and Boundaries Commission (Amendment) Bill, (National Assembly Bill No. 10 of 2024), with amendments. The Senate has now referred the two Bills back to the National Assembly for consideration, pursuant to Article 112(1)(b) of the Constitution. Therefore, this House is required to consider the Senate amendments to the two Bills.

In this regard, I direct the Clerk to circulate the Schedule of the Senate amendments to the two Bills to all Members. Thereafter, the Senate amendments to the Statutory Instruments (Amendment) Bill of 2023 will stand referred to the Committee on Delegated Legislation, while the Senate amendments to the Independent Electoral and Boundaries Commission (Amendment) Bill of 2024 will stand referred to the Departmental Committee on Justice and Legal Affairs.

The two Committees are expected to expedite the consideration of the Senate amendments to the respective Bills and submit their reports to the House. Aware of the nature of the Independent Electoral and Boundaries Commission (Amendment) Bill, I direct that the Departmental Committee on Justice and Legal Affairs should table its Report this week on Thursday, 20th June 2024, during the morning Sitting.

The House is accordingly guided. Thank you.

Next Order.

PAPERS

Hon. Owen Baya (Kilifi North, UDA): Hon. Speaker, I beg to lay the following Papers on the Table:

1. Documentation submitted by the Cabinet Secretary of the National Treasury and Economic Planning during the Budget Highlights' Day of Thursday, 13th June 2024:
 - (a) Budget Statement for the Financial Year 2024/25.
 - (b) Budget Highlights – the Mwananchi Guide for the Financial Year 2024/2025 Budget.
 - (c) Statistical annex to the Budget Statement for the Financial Year 2024/25.
2. Legal Notice No.215 of 2023 relating to the Wildlife Conservation and Management (Access and Conservation) (Fees) Regulations of 2023 and the explanatory memorandum from the Ministry of Tourism and Wildlife.
3. East African Community (EAC) Custom Proposals for the Financial Year 2024/25 from the National Treasury.
4. Report on the status of administrative justice and access to information in Kenya from the Commission on Administrative Justice for 2012-2023.
5. Nominees to the Webuye West, Isiolo South, Nandi Hills and Mumias East constituencies' committees from the National Government Constituencies Development Fund Board.

6. The Agreement on the establishment of the Global Green Growth Institute (GGGI) from the Prime Cabinet Secretary and the Cabinet Secretary for Foreign and Diaspora Affairs.

I thank you, Hon. Speaker. I beg to lay.

Hon. Speaker: Chairperson of the Committee on Regional Integration, Hon. Wanjiku.

Hon. Wanjiku Muhia (Kipipiri, UDA): Hon. Speaker, I do not have the Papers. Maybe, I should consult the Table Office in a few minutes.

Hon. Speaker: Clerks-at-the-Table, do you have her Papers? Chairperson of the Departmental Committee on Labour. Hon. Karemba, do you have a Report to table? Clerks-at-the-Table, you should be notifying Members who have business way in advance.

Hon. Wanjiku Muhia, take the next microphone. There is a microphone next to you. Is it not working? Hon. Gacheri, give space to Hon. Wanjiku. Use that.

Hon. Wanjiku Muhia (Kipipiri, UDA): Thank you, Hon. Speaker. This is working. I beg to lay the following Papers on the Table:

Reports of the Committee on Regional Integration on:

1. Consideration of business transacted by the East African Legislative Assembly (EALA) at the Fourth Meeting of the First Session of the Fifth Assembly held in Arusha-Tanzania from 11th to 23rd June 2023.
2. Report of the Committee on Regional Integration on a study visit to the headquarters of ECOWAS in Abuja in the Federal Republic of Nigeria.

I beg to lay.

Hon. Speaker: Hon. Karemba.

Hon. Muchangi Karemba (Runyenjes, UDA): Hon. Speaker, I beg to lay the following Paper on the Table:

Report of the Departmental Committee on Labour on its consideration of the Employment (Amendment) Bill, (National Assembly Bill No. 62 of 2023).

Thank you, Hon. Speaker.

Hon. Speaker: Next Order. Chairperson Regional Integration Committee, Hon. Wanjiku Muhia.

NOTICES OF MOTION

ADOPTION OF REPORT ON BUSINESS TRANSACTED BY EALA AT THE FOURTH MEETING OF THE FIRST SESSION OF THE FIFTH ASSEMBLY

Hon. Wanjiku Muhia (Kipipiri, UDA): Sorry, Hon. Speaker, the microphones have a problem.

Hon. Speaker, I beg to give notice of the following Motion:

THAT, this House adopts the Report of the Select Committee on Regional Integration on its consideration of business transacted by the East African Legislative Assembly at the Fourth Meeting of the First Session of the Fifth Assembly, laid on the Table of the House on Tuesday, 18th June 2024.

Thank you.

Hon. Speaker: Hon. Timothy Wanyonyi, Member of Parliament for Westlands Constituency.

FORMULATION OF A LAND USE POLICY ON ZONING OF
LAND FOR AGRICULTURE AND BUILT DEVELOPMENT

Hon. Tim Wanyonyi (Westlands, ODM): Hon. Speaker, I beg to give notice of the following Motion:

THAT, aware that land is a critical but limited factor of production that supports human habitation and food production; noting that, agriculture is Kenya's economic mainstay; appreciating that the Central Bank of Kenya (CBK) Monetary Policy Committee Agriculture Sector Survey 2022 estimated the contribution of the agriculture sector to the country's Gross Domestic Product (GDP) to be 22 per cent directly and 27 per cent indirectly, through its linkages with other sectors; further appreciating that, the Survey showed that the sector employs over 40 per cent of the Kenya's total population; concerned that, in the Land Reform, Vol.3 Publication, the Kenya Land Alliance Land estimated that only 17 per cent of the country's land mass is classified as suitable for rain-fed agriculture land while the remainder is either semi-arid or arid; further concerned that, the country's agricultural productivity has been decreasing over the years; cognisant of the fact that, the decline in agricultural productivity is partly attributable to the shrinking agricultural land due to unplanned settlements that encroach on agricultural lands; further concerned that, agricultural lands in rural areas are continually being sub-divided into small portions for built development, thereby diminishing the size of land available for agriculture; noting that, there is need to put in place measures for effective land use in the country in order to guarantee optimal use of agriculture; now therefore, this House resolves that, the Government, through the Ministry of Lands, Public Works, Housing and Urban Development, puts in place a policy framework for effective land use in rural areas by consolidating and designating zones for built development for commercial and residential developments with shared public utilities and separate zones for agricultural use in order to arrest further diminishing of agricultural land and steady the country's agricultural productivity.

Thank you, Hon. Speaker.

Hon. Speaker: Thank you. Hon. Peter Nabolindo.

NATIONAL SENSITISATION AND SUPPORT FOR COMBATING
SICKLE CELL AND HAEMOPHILIA DISEASES

Hon. Peter Nabolindo (Matungu, ODM): Hon. Speaker, I beg to give notice of the following Motion:

THAT, aware that Article 43(1) of the Constitution entitles every person to the right to the highest attainable standard of health, which includes the right to health care services; further aware that, every year, an estimated 14,000 children born in Kenya suffer from sickle cell and haemophilia diseases, with the highest prevalence rate being within Western, Nyanza and Coastal regions; concerned that, failure to undertake sickle cell and haemophilia screening at birth hinders timely administration of appropriate treatment and other mitigation measures to forestall high infant mortality rate that is caused by preventable diseases like malaria; cognisant that, national population surveys do not include data on sickle cell and

haemophilia diseases; concerned that, the dearth of data and information negatively hinders prioritisation of resources and implementation of sickle cell disease management programmes; recognising that, the number of infant deaths that are caused by the disease continues to grow as a result of under-funding due to lack of data on the number of cases of the killer disease; now, therefore, this House resolves that the National Government, through the Ministry of Health, and in conjunction with county governments –

1. Conducts awareness and sensitisation programmes on sickle cell and haemophilia diseases and support research and training for medical personnel on the two diseases; and,
2. Put measures in place for mandatory screening of newborns with sickle cell and haemophilia diseases in all public health facilities in the country to create a database to guide funding and other interventions aimed at curbing the diseases and reducing infant mortalities resulting from the diseases.

(Loud consultations)

Hon. Speaker: Go on to the next. Hon. Members, the conversations are too loud. I can barely hear what the Member for Matungu is saying. Go on to the next.

POLICY AND FUND FOR SUGAR-CANE FARMING
TO AVERT SHORTAGE IN WESTERN KENYA

Hon. Peter Nabolindo (Matungu, ODM): Hon. Speaker, I beg to give notice of the following Motion:

THAT, aware that commercial sugar-cane production in Kenya was introduced in the early years of Independence with an aim of eliminating dependence on sugar importation and contributing to economic transformation in the sugar belt and the country at large through agriculture; acknowledging that, at its pinnacle, the sugar industry significantly contributed to the country's GDP and became one of the largest employers which supported livelihoods of many Kenyans both directly and indirectly; concerned that, over the last 25 years, sugar-cane farming particularly in Western Kenya has been declining significantly, thereby dipping sugar production from over 600,000 metric tonnes per year in the 1990s to less than 300,000 metric tonnes in recent years; noting that, the decline in sugar-cane farming has forced local millers to operate far below their milling capacities and pushed the country to over-rely on net importation of sugar, which negatively impacts on the balance of trade; noting that, the decline in sugar production is attributable to factors such as mismanagement, interference and unfair competition from cheap imported sugar; further concerned that, state-owned sugar millers like Mumias Sugar Company and Nzoia Sugar Company ceased milling while owing farmers hundreds of millions of shillings; appreciating that, the Government has been putting in place strategies, policies and regulations to define roles of millers and major players and stakeholders in the sugar industry in a bid to revamp the sector; concerned that, the acute shortage of sugar-cane resulting from mass abandonment of sugar-cane farming continues to

roll back initiatives for reviving sugar milling; recognising that, further investment in revamping sugar companies before reviving sugar-cane farming would occasion loss of the invested public funds instead of yielding success; now therefore, this House resolves that, the national Government, through the Ministry of Agriculture and Livestock Development, reviews the sugar development policies to provide that every investor-miller sets aside definite funds for development of sugar-cane farming, incentivising farmers to embrace sugar-cane growing and to enhance cane production in each of the respective zones.

Thank you, Hon. Speaker.

Hon. Speaker: Thank you, Hon. Oscar Nabalindo. Next Order.

QUESTIONS AND STATEMENTS

Hon. Speaker: Requests for statements. Member for Kirinyaga County, Hon. Jane Njeri.

REQUESTS FOR STATEMENTS

MURDER OF MR DERRICK GACHOKI AT THE KIANDAI SHOPPING CENTRE IN KIRINYAGA COUNTY

Hon. Njeri Maina (Kirinyaga County, UDA): Hon. Speaker, pursuant to the provisions of Standing Order 44(2)(c), I rise to request for a statement from the Chairperson of the Departmental Committee on Administration and Internal Security regarding the murder of Mr. Derrick Gachoki who had finished his secondary school education in 2023 and was set to join the university.

On 18th May 2024, Mr. Derrick Gachoki, aged 19 years, was shot dead by a police officer attached to Kianyaga Police Station at the Kiandai Shopping Centre in Kirinyaga County. The unfortunate incident happened at 11.00 p.m. when police officers who were on patrol arrived at the market centre where Mr. Derrick Gachoki and his friends were playing pool. As a result, angry residents accompanying the deceased family stormed the Kianyaga Police Station. They recorded a statement under OB No.23/29/5/24 demanding answers over the killing of their kin. Consequently, a police officer from Kianyaga Police Station was arrested following the killing. However, she was later released.

The family of the late Derrick Gachoki has the right to know the details surrounding the incident and clarity on what led to such a loss of life. Most importantly, the security agencies must conduct a thorough investigation and provide clear and honest explanations to address any concerns and uphold trust in the justice system.

It is against this background that I request for a statement from the Chairperson of the Departmental Committee on Administration and Internal Security on the following:

1. Provide a report from the relevant agencies regarding the status of the investigations into the death of Mr. Derrick Gachoki at Kiandai Shopping Centre;
2. Provide information on whether the police officer involved in the killing of Mr. Derrick Gachoki has been apprehended and prosecuted; and,
3. Explain measures the Government has put in place to address extra-judicial killings and the use of excessive force by the police.

I thank you, Hon. Speaker.

Hon. Speaker: Hon. Tongoyo, when can you bring a response? Two weeks?

Hon. Gabriel Tongoyo (Narok West, UDA): Yes.

Hon. Speaker: Next, Hon. Rael Kasiwai, Member for West Pokot County.

STATUS OF SIYOI-MURUNY DAM PROJECT IN WEST POKOT COUNTY

Hon. Rael Kasiwai (West Pokot County, KUP): Hon. Speaker, pursuant to the provisions of Standing Order 44(2)(c), I wish to request for a statement from the Chairperson of the Departmental Committee on Blue Economy and Irrigation regarding the current status of the construction of the Siyoi-Muruny Dam in Pokot South Constituency, West Pokot County.

Hon. Speaker, the Siyoi-Muruny Dam is a critical development project for West Pokot County that is designed to supply portable water to approximately 350,000 residents in Kapenguria, Kabichich, Chepareria towns and adjacent regions which currently grapple with lack of access to clean and safe water. That multi-purpose dam project, which is being implemented by the National Water Harvesting and Storage Authority (NWHSA), was initiated in March 2015 with an initial projected completion date of March 2018. However, it is deeply concerning that more than six years after the original scheduled completion date, the project remains unfinished. The prolonged delays have significantly impacted the residents of West Pokot County, thus infringing on their constitutional rights to access clean and safe water in adequate quantities as enshrined in Article 43(1)(d) of the Constitution.

Hon. Speaker, it is against this background that I request for a statement from the Chairperson of the Departmental Committee on Blue Economy and Irrigation on the following:

1. What is the current status of the Siyoi-Muruny Dam Project, and what are the reasons behind the delay in its completion?
2. What steps has the Government undertaken to address the challenges that have led to the delay in the completion of the project?
3. What measures are being taken by the Ministry and NWHSA to complete the Siyoi-Muruny Dam project, including budgetary allocation in the Financial Year 2024/2025 and revised timelines for the full operationalisation of the dam?

Thank you, Hon. Speaker.

Hon. Speaker: Chairman of the Departmental Committee on Blue Economy and Irrigation, Hon. Bowen, when can you bring the Statement?

Hon. Kangogo Bowen (Marakwet East, UDA): Hon. Speaker, we will bring a response in two weeks.

Hon. Speaker: Okay, two weeks it is. Next is Hon. Rahab Mukami, Member for Nyeri County.

SUPPORT FOR PERSONS WITH CEREBRAL PALSY

Hon. Rahab Mukami (Nyeri County, UDA): Thank you, Hon. Speaker. Pursuant to the provisions of Standing Order 44(2)(c), I rise to request for a statement from the Chairperson of the Departmental Committee on Health regarding support for persons with cerebral palsy in the country.

Hon. Speaker, in the past, stigma and discrimination were major barriers for persons with cerebral palsy. Such challenges were due to lack of awareness and the attribution of cerebral palsy to witchcraft. Consequently, many children with cerebral palsy were hidden and excluded from

the society. This can be sorted through minimal Government support, budget allocation, society outreach and product services for intervention.

However, persons with cerebral palsy are now coming out and interacting with society, but we are still not yet where we need to be in terms of supporting them in Kenya. There are still gaps in healthcare, education, employment, support and social participation that need to be bridged. In addition, there is a need for continued effort to improve the lives of persons with cerebral palsy and their families, given that many children with cerebral palsy are born to young mothers who lack the necessary information, condition and financial support, among other factors, to enable them to provide essential care.

Hon. Speaker, it is against this background that I request for a statement from the Chairperson of the Departmental Committee on Health on the following:

1. What measures has the Government taken to increase awareness about cerebral palsy and equip caregivers with the necessary information?
2. Could the Chairperson explain the Government's efforts to increase the availability and affordability of cerebral palsy interventions, quality assessments, therapy services, assistive devices, medication and basic essentials?
3. Are there any support systems, such as financial or physical assistance, that are provided by the Government to enable families to provide better care for people with cerebral palsy?

Thank you, Hon. Speaker.

Hon. Speaker: Chairman of the Departmental Committee on Health, Hon. (Dr) Pukose, that request is to your Committee. Were you even listening? I saw Hon. Wangari is keeping you busy.

Hon. (Dr) Robert Pukose (Endebess, UDA): Yes, Hon. Speaker. I was consulting with the Chair about the retreat to Kisumu, which they had scheduled for this week and yet, we have the Finance Bill. I want to assure the Member that we can give the response in two weeks.

RESPONSES TO REQUESTS FOR STATEMENTS

Hon. Speaker: Statement requested by Hon. Timothy Toroitich, Member for Marakwet West. Hon. Tongoyo.

NATIONAL POLICE RESERVISTS DEPLOYED IN BANDITRY PRONE AREAS

Hon. Gabriel Tongoyo (Narok West, UDA): Thank you, Hon. Speaker. The Member for Marakwet West, Hon. Timothy Toroitich, sought a statement regarding the issue of National Police Reservists (NPR) deployed in banditry-prone areas.

In response to the said request for statement, I want to state as follows:

1. Hon. Speaker, the NPR assists the National Police Service (NPS) in dispensing its mandate, including maintenance of law and order and protection of life, property and law enforcement. The National Police Service (NPS) Act section 115 provides that Reserve Police Officers shall be paid as such remuneration and allowances as the NPS Commission shall, in consultation with the Salaries and Remuneration Commission (SRC), determine. To be very specific, our NPR currently gets a stipend of Ksh5,000 that is paid to them monthly.

2. Hon. Speaker, the NPR are recruited from locals who are conversant with the local culture and terrain. The sub-county security process of doing it is as follows:
 - (a) The Security Sub-County Committee, in collaboration with the local administration, identifies potential candidates. After the Committee identifies such candidates, the minutes are sent to the County Security Committee for verification. Thereafter, they are sent to the Kenya Police Headquarters together with the fingerprints of their recruit candidates. The fingerprints are forwarded to the Directorate of Criminal Investigations (DCI) for further vetting, and clearance is received before the training commences.
 - (b) Section 110(7) of the NPS Act 2014 stipulates that the Inspector-General (IG) of Police undertakes the training of reserve police officers to ensure that they are consistent with the relevant provisions of the Constitution and this Act.
 - (c) Section 113, sub-section 3 of the same, provides that the reserve officers shall be enlisted and trained by the IG. The NPS Standing Orders provide that NPR may undergo training, which includes general police duties, weapon training, shooting, conflict resolution and management, methods of persuasion and care of specific victims. The training is done at the county level. There exists a standard training syllabus which is used for all the training countrywide.
3. Hon. Speaker, the NPR undergoes a mandatory six-week training course on arms handling, law and safety, after which successful trainees usually pass out through a police parade.

Thank you, Hon. Speaker. I submit.

Hon. Speaker: Hon. Timothy Toroitich, have you heard the response? Give him the microphone.

Hon. Timothy Kipchumba (Marakwet West, Independent): Thank you, Hon. Speaker. Whereas I appreciate the response by the Chairman of the Departmental Committee on Administration and Internal Affairs, we have been informed that the allowance payable to NPR is Ksh5,000. I would like to know the exact frequency of payment. Are they paid monthly, quarterly or yearly?

Hon. Speaker: Hon. Tongoyo.

Hon. Gabriel Tongoyo (Narok West, UDA): Thank you, Hon. Speaker. I indicated that they are paid a stipend of Ksh5,000 monthly. It is also good to appreciate that the Government is looking into this. When the economic situation improves, discussions will be held to see how we can enhance that amount.

Hon. Speaker: Next is a response to a request by the Member for Kilgoris, Hon. Julius ole Sunkuli. Is he in the House?

SECURITY SITUATION IN KILGORIS CONSTITUENCY

Hon. Gabriel Tongoyo (Narok West, UDA): Thank you, Hon. Speaker. On the request for a statement sought by the Member for Kilgoris and my senior, Hon. Julius Sunkuli, I will respond as follows:

The question regards the insecurity in Angata Barikoi, where there is conflict among the Kuria, Maasai and Kipsigis over the use and ownership of Lolgorian land. Indeed, there is a court case that is pending before the Nakuru High Court. The Government has taken the following measures to enhance peace in the area:

One, peace *barazas* and peace-building initiatives have been adopted by the Government from time to time.

Two, the putting up of Angata Barikoi Police Station to help enhance security in the area. This was established in a disputed land, and the area Member of Parliament can attest to this.

Three, in the same area, there has been the formation of several units like the Anti-Stock Theft Unit, General Service Unit (GSU) and the Rapid Response Unit (RRU) to help ensure that peace prevails in the area along the border.

Hon. Speaker, the Government has implemented the following measures to ensure the harmonious coexistence of all warring communities that border each other:

Continuous engagement with local leaders, increased police patrols to deter criminals, the establishment of the peace committee and deployment of specialized units. We are also in the process of providing vehicles to the same police station to enable police officers to patrol when the need arises.

Thank you, Hon. Speaker.

Hon. Speaker: Hon. Julius Sunkuli, are you satisfied with the response?

Hon. Julius Sunkuli (Kilgoris, JP): Hon. Speaker, I want to thank the Chairperson for that answer. The court case is not between the people of Angata Barikoi and Kuria. It is between the Maasai people of Lolgorian and the Kipsigis people of Angata Barikoi. The Kuria do not have any land dispute with anybody. I think the Ministry should give a better answer and an analysis of the true cause of that fighting. Can the Chairperson confirm that one of the biggest problems is the lack of police vehicles? Vehicles for the OCPD in Lolgorian should be provided as soon as possible. If the Ministry treats this as a land dispute between the Kuria and the people of Angata Barikoi, they have it wrong. They should identify who is disputing that land. This is because the Kuria have not gone to court against the Kipsigis people who live in Angata Barikoi.

Hon. Speaker: Hon. Tongoyo.

Hon. Gabriel Tongoyo (Narok West, UDA): Thank you, Hon. Speaker. I appreciate the concern of the Member of Parliament. For the record, I come from the same county and understand the dynamics of the land equation in that area. When Hon. Sunkuli was a practising lawyer, he may have handled land dispute cases in that area. Therefore, with his help and other players in the area, the Ministry will be able to answer that question.

Hon. Sunkuli knows about the land issues in that area. Besides the issue of the Kuria, Kalenjin and the people of Lolgorian, there is a long-standing problem between the Uasin Gishu and Siria people. Those problems are correlated in a manner. I want to give an assurance that we are going to speed up the investigations. If there are people who are behind this, the Government will not hesitate to act.

I also know there has been a problem with our police officers' mobility as they respond to distress calls. The just-read Budget includes Ksh10 million to look into leasing police vehicles, and Kilgoris is one of the constituencies that will benefit.

Hon. Speaker: Hon. Kitayama, Member for Kuria East. Give him the microphone.

Hon. Maisori Kemero (Kuria East, UDA): Thank you, Hon. Speaker. The answer I have heard is a true misrepresentation of facts on the ground. It is a perpetuation of escapism that all governments have been doing in that area.

The problem in that area is known by everybody, including the one who asked this question. It can be traced from the 1660s when the migration of people was happening in this country. The Constitution gave us instruments through the establishment of constitutional bodies to address historical land injustices, hence the setting up of the National Land Commission (NLC). It is on record in this House that when the Laikipia migration was happening back during the colonial days, resettlement was also happening in the Trans Mara - Kuria border, which started those problems.

Everybody knows that they are playing to the gallery by escaping the facts. The Truth Justice and Reconciliation Commission (TJRC) was set up to look into those issues and documented that problem extensively. After the TJRC Report, the NLC listened to complaints by the people of Kuria, Kilgoris and the Maasai. It is unfair for us to continue receiving answers that are not solving the problem. It is not true that the people of Kuria are not in court. The Member knows that in Kilgoris and Nakuru, there is a running court case on this matter. He appeared before the NLC over the same matter, and they are reviewing it continuously. This answer is not helpful to the communities.

There is no such thing as Kurias having no rights there. The Kuria have documented rights. If you go to the national archives, you will find the agreements that the colonial governments wrote during the... Governments exist in perpetuity. So, the colonial government recorded the agreements. The people of Kuria are rightfully claiming that land, and the matter has been frustrated by senior Government officials over the years. Since Independence, every Government that has been in power in this country has continuously frustrated the rights that the people of Kuria have been claiming over this. That is why you have not been told that in 2019, the National Land Commission awarded the Kuria community that said piece of land. It is only 20,000 acres. If you go to the Kenya Gazette of January 2019, the National Land Commission – a legal Commission of this country – awarded the people of Kuria that land. So, this is a scheme to keep this matter in court and to continue frustrating the people of Kuria, purporting that they have no right to live in Rift Valley.

The people of Kuria live in Tanzania, Rift Valley and other jurisdictions!

Hon. Speaker: You have made your point.

Hon. Maisori Kemero (Kuria East, UDA): Yes, Hon. Speaker. We cannot continue having... It can also be traced. In 1989, when...

Hon. Speaker: You have made your point, Hon. Kitayama. Hon. Tongoyo, are you misleading the House?

(Hon. Tongoyo spoke off the record)

Hon. Speaker: Hold on, Hon. Tongoyo. Let us hear Sunkuli first. Hon. Sunkuli.

Hon. Julius Sunkuli (Kilgoris KANU): Hon. Speaker, in view of the comments by my very dear friend, Hon. Kitayama, will I now not be in order to propose that you direct the Chairman to come up with a more researched answer? When I walked into this House, I did not know that the Kuria people of Kuria District, Migori County, were out on an act of aggression, and they were claiming land which is in Trans Mara. Is it not in order for the Chairman to ask the Government to come up with a clear boundary between Migori County and Narok County? We all live in our own homes. If people are going to trace their historical rights, then with that, we are not going to get to the bottom of the problem, and we will not get an answer. So, can you direct the Chairman

– who has not answered this question – to get a more researched answer that will be satisfactory and dissuade my colleagues from Kuria from claiming that land in Trans Mara?

Hon. Speaker: Yes, Hon. Kitayama. This time, take less time. Give Kitayama the microphone.

Hon. Maisori Kemero (Kuria East, UDA): Hon. Speaker, the Constitution of this country allows anybody to buy land anywhere within the jurisdiction of this country. History has recorded how the people of Kuria acquired that land. It is in the records of the Government. This is not a matter of Migori County, Trans Mara or Rift Valley County. This is a matter of our people owning land in another part of this country. Whether that part is in Rift Valley or not, nowhere does the Constitution say that the people of Kuria can only be in Migori. If there is such, I need to be shown. The people of Kuria have a right to reside in the Rift Valley just as other communities have a right to reside in Rift Valley, Nyanza and other regions. The Chair knows that. There are people of Kuria who reside on their own farms. He knows that the people of Mashangwa are Kuria people who live in the Rift Valley. So, he cannot turn around now and say that the Kuria people can only be found in Migori. In Tanzania, we are found everywhere. We are in the Rift Valley and the Mara. We are not going to be subjected to that kind of warmongering, which started in 1989. We all know who the leaders were at that time, when the people of Kuria were flushed from their land in an area called Muyui. That is a fact that is recorded very well. It was properly prosecuted. If this House was to set up a tribunal to look into it, you would be surprised who would be left with an egg on their face on this matter.

Hon. Speaker: Hon. Tongoyo. Order, Hon Sunkuli. This cannot be a ping-pong between you and Hon. Kitamaya.

Proceed, Hon. Sunkuli.

Hon. Julius Sunkuli (Kilgoris KANU): Hon. Speaker, this is not about the Kuria people who live in Trans Mara. The Kuria who live in Trans Mara live in a place called Mashangwa. They are my voters, and their rights are protected. Those aggressors to Angata are people from a village called Nyanderema, who are voters of my colleague there. They live in a different county and they do not have a title on any land. I do not want to say that the Constitution says this or that. The Constitution is very clear that, if you have land, then you have property over it. Tribe does not come in. However, I am not talking about the people of Mashangwa. The people of Mashangwa have rights and they have land. We are giving them more locations, sub-locations and a road. They are very well protected. The people of Nyanderema have no rights on the land of other people. The land belongs to the people of Angata.

Hon. Speaker: Order. Both of you are actually saying the same thing. The Chairman of the Committee said that the land in issue has a contest between people from the Kipsigis community, the Maasai community and the Kuria community. If you need more details, go to the Committee and prosecute your case.

Hon. Tongoyo.

Hon. Gabriel Tongoyo (Narok West, UDA): Thank you, Hon. Speaker. If you listened keenly to both Members of Parliament, they have just confirmed what I had said earlier that, the whole problem has been the issue of land ownership and it has a very long history. Issues as complex as this go beyond the mandate of the Departmental Committee on Administration and Internal Affairs. It is a cross-cutting issue. It touches on issues of land that are dealt with by the Ministry of Land. Actually, many times, it also calls for a political solution. All of us, as leaders, may occasionally be called upon to help address such problems. So, let the leadership between Hon. Sunkuli and the people concerned to look for an amicable way of addressing the problem. It

goes beyond a security issue. It touches on land and its boundaries. There are several cases in court on the same. So, I suggest – and you can guide on that – that we allow the leaders to address the issue at a higher level. All the players, including the Ministry of Land, the administration, and the political class, should sit down and look for a lasting solution to that problem.

Thank you.

Hon. Speaker: Thank you. Yes, Hon. Wandayi.

Hon. Opiyo Wandayi (Ugunja, ODM): Hon. Speaker, you know I have listened keenly to the response from the very able Chair of the Departmental Committee on Administration and Internal Affairs – who is also my friend - Hon. Tongoyo. However, I have been left wondering. This House, under Article 95 of the Constitution, is mandated to resolve issues that concern the people. From the way I have deciphered, that issue is serious. It is an issue that can potentially evolve into a bigger problem if not addressed with the seriousness that it deserves. It is an issue concerning three large communities - the Kuria, the Kipsigis and the Maasai.

Will I be in order to suggest that, perhaps, this issue goes beyond the Departmental Committee on Administration and Internal Affairs of my friend, Hon. Tongoyo, and perhaps – with your guidance – we set up a mechanism, be it a committee or a tribunal to address that conflict expeditiously? Otherwise, history might judge this House harshly for starting a matter which could have been resolved and yet, we left it to snowball into something unmanageable. That is my take.

Thank you, Hon. Speaker.

Hon. Speaker: Hon. Owen Baya.

Hon. Owen Baya (Kilifi North, UDA): Thank you, Hon. Speaker. You know I also serve as a Chairman of Minority Groups. Through your guidance, my advice is that you select an *Ad Hoc* Committee of Parliament consisting of Members from those areas so that they can sit and find an amicable solution. Instead of looking for an administrative solution, they should look at a communal solution that is participatory. The Constitution of Kenya also allows us to have an Alternative Dispute Resolution (ADR) to give the elders of Kuria, Kipsigis and the Maasai communities an opportunity to sit down as elders to get a better solution instead of an administrative solution that may not be acceptable to all.

I thank you, Hon. Speaker

Hon. Speaker: Hon. Tongoyo, you come from the county where this issue emanates. I advise that you have a session in your Committee with the two Members. If you want to escalate the matter, you can involve the Departmental Committee on Lands to resolve the matter without raising passions. Hon. Leader of the Minority Party and Hon. Baya, if you want to set up a committee, you know the procedure.

Next Order.

PROCEDURAL MOTIONS

RESOLUTION TO HOLD A THURSDAY MORNING SITTING

Hon. Speaker: Hon. Leader of the Majority Party. Where is Hon. Ichung'wah?

(Hon. Owen Baya spoke off the record)

(Hon. Kimani Ichung'wah walked into the Chamber)

Move your Procedural Motion.

Hon. Kimani Ichung'wah (Kikuyu, UDA): Thank you, Hon. Speaker. I beg to move the following Motion:

THAT, pursuant to the provisions of Standing Order 30(3)(c), this House resolves to hold a morning sitting on Thursday, 20th June 2024, commencing at 9.30 a.m., for purposes of considering priority business.

Hon. Speaker, this is on behalf of the House Business Committee that met earlier this afternoon. It considered bringing this resolution, through this Procedural Motion, to allow Hon. Members adequate time to debate the Finance Bill of 2024/2025, which we expect to be tabled in the course of this Sitting by the Chairperson of the Departmental Committee on Finance and National Planning. Considering that many Members are very interested in contributing to the debate on the Finance Bill, we thought it would be wise to have a morning sitting on Thursday. We will have the whole day tomorrow from 9.30 a.m. to 9.00 p.m. as you directed during the House Business Committee meeting earlier today. We will also have Thursday from morning up to 5.00 p.m. for debate of the Second Reading of that Bill.

We have also priority business to consider the Senate Amendments to the Independent Electoral and Boundaries Commission Bill. Hon. Members are aware that two constituencies still have no representation in this House. They are bound to have by-elections, but we cannot do that because we do not have an IEBC Commission. It is, therefore, imperative that we consider the amendments that were made to that Bill by the Senate. If we agree with them, then that Bill can be assented into law to kick off the process of the recruitment of new IEBC Commissioners.

With that, I beg to move and ask Members to support the Motion to have a Thursday morning sitting. I request the Leader of the Minority Party, who is also a Member of the House Business Committee, to second.

I beg to move.

Hon. Opiyo Wandayi (Ugunja, ODM): Hon. Speaker, I wish to second the Motion, but I want to add the following. Obviously, Members from across the political divide would want adequate time to contribute to the matter of the Finance Bill at the Second Reading stage. It was the wisdom of the House Business Committee that we allocate enough sitting days, that is Wednesday morning and afternoon, Thursday morning and possibly Thursday afternoon, for Members to effectively contribute and for their constituents to get to know where they stand on this very important matter.

Secondly, I agree that the matter of the IEBC is crucial. We have two constituencies, that is Banissa Constituency in Mandera County and Magarini Constituency in Kilifi County, that are not represented in this House. The case of Banissa Constituency is extremely sad. They have lacked representation in this House since March last year. You all know the procedures for reconstituting the IEBC are going to take approximately four months, even after this Bill is finally enacted into law. It is, therefore, in order that we approve this Motion. I have been trying to scan around but I cannot see the Chairperson of the Departmental Committee on Finance and National Planning in the House and yet, I have been eagerly waiting to lay my hands on the Committee Report. This morning, we were treated to some very juicy news from State House by Hon. Kimani Ichung'wah and the Chairperson about certain measures they have taken on the Finance Bill. But as I always say, the taste of the pudding lies in the eating. Unless we see the report of the Committee containing those far-reaching amendments that we were made to understand have been

made, we cannot be sure. We are eagerly waiting to see that report and dissect it with a toothcomb before we can make informed decisions.

With those remarks, I second.

Thank you.

(Several Members stood in their places and the aisle)

Hon. Speaker: Order, Hon. Members. Those on their feet, take your seats.

(Question proposed)

(Question put and agreed to)

Next Order!

REDUCTION OF PUBLICATION PERIOD OF THE APPROPRIATION BILL
(National Assembly Bill No.33 of 2024)

Hon. Speaker: Chairperson of the Budget and Appropriations Committee.

Hon. Ndindi Nyoro (Kiharu, UDA): Thank you, Hon. Speaker. I beg to move:

THAT, pursuant to the provisions of Standing Order 120, this House resolves to reduce the publication period of the Appropriation Bill, (National Assembly Bill, No. 33 of 2024), from seven days to five days.

This is because the calendar that we have between today and next week is very tight. We will be discussing major and far-reaching policy instruments in this House, especially the Finance Bill and the Appropriations Bill. The essence of this is to meet the timelines as we move to the close of this Financial Year by the of this month. At the same time, we have given ample time for Members to peruse and interrogate the Appropriation Bill. Members are aware that those two processes would be intertwined. We have decided to have the Appropriation Bill after the Finance Bill because this is a very democratic House and country. It wants us to first trace where the monies are coming from, even before we finalise the Appropriation Bill, so that whatever Members may feel around the Finance Bill can also be taken care of in the Appropriation Bill to balance our revenue and expenditure.

I am hopeful that we will look at those matters in a very objective manner because we are all looking forward to the many programmes that we have undertaken to complete. For example, electricity in our constituencies will get Ksh50 million per constituency and all the others including the increment in the agricultural sector, National Government Constituencies Development Fund (NG-CDF) and all the other elements that are very important for service delivery in regard to the Kenyan people. Also, the monies that we are appropriating to our counties, Ksh400.1 billion, is etched in this Bill. Alongside this Bill is also the revenue side which is the Motion that is a heavy one before us. It will be moved by the Chairman, Hon. Kimani Kuria.

I beg to move and request the very able Hon. Didmus Barasa, the man of *kofia*, to second this Motion.

Hon. Speaker: Hon. Didmus.

Hon. Didmus Barasa (Kimilili, UDA): Thank you, Hon. Speaker. I rise to second this Motion. As the Chairman has explained, it is in very clear terms. We have a lot that this House is going to process and most importantly, we must meet the timelines considering that we are coming to the end of this Financial Year. This House is youthful. We can go through the Finance Bill and understand where those monies are coming from.

Without much ado, I beg to second. Thank you.

Hon. Speaker: Thank you, Hon. Didmus.

(Hon. Patrick Makau walked into the Chamber)

Order Commissioner Makau. Commissioner Makau, freeze or take the nearest seat.

(Question proposed)

Can I put the Question?

(Hon. Kajwang' spoke off the record)

Yes, Hon. Kajwang'.

Hon. T.J. Kajwang' (Ruaraka, ODM): Hon. Speaker, I see no merit in reducing the dates or days that we have in this Bill. The number of days that we are talking about in this Bill is already published, but it is five days old. If we then reduce, it becomes ripe, which in number ten, it can be put before the House to be read a first time. Mathematically, what we are talking about is two days. We have already passed a resolution to discuss the Finance Bill tomorrow.

The Leader of the Majority Party has just told the House Business Committee that you have directed that this can be done from tomorrow to Thursday. We, then, can properly examine this Bill - if it were to take seven days - on Tuesday next week. Quite properly, it would have taken seven days in the normal manner of things and we would then begin debating it on Tuesday. For us to accept this, a person moving or seconding must give reasons. The only reason I have heard is that we are going to discuss important Bills. The seven days is for the common person to interact with the Bill as well as the Member representing that person. So, if there is no reason other than the fact that we are going to discuss some important issues in the course of today and tomorrow, the Chairman of the Budget and Appropriations Committee has not given us a very good reason for which we have to extend those dates.

I submit.

Hon. Speaker: Hon. Kajwang', you are a Member of the House Business Committee. You know that allocating the Finance Bill the number of days that we did does not mean it will consume all the days. In case it ends early, then this Motion becomes relevant. But it is entirely up to the House. Can I now put the Question?

Hon. Members: Yes.

(Question put and agreed to)

Hon. Speaker: Hon. Members, as we go to the next Order, it is expected that the Chairman of the Departmental Committee on Finance and National Planning, Member for Molo, will table his Committee Report this afternoon. I have not seen it yet. I have to approve it to be tabled. When

I recess, I will have to perform that function. Once that is done, the Report will be available at the Table Office. I encourage each Member to get the Report either from the Table Office physically or on the parliamentary website. Read through it properly.

Upon doing so, we have allocated time as follows: Tomorrow morning from 9.30 a.m., the Finance Bill will be moved by the Committee Chairman. It will be open to debate the whole of tomorrow morning and afternoon. We have just approved a sitting for Thursday morning. Remember that tomorrow you will sit up to 9.00 p.m. or 9.30 p.m. On Thursday morning, we will again sit on the Finance Bill and the House Business Committee has directed that we will then vote on the Bill on Thursday afternoon. The Committee of the whole House on the same Bill will come on Tuesday afternoon.

I have seen some amendments and approved some, although it would be more decent and proper to file them after reading the Report to see whether you are proposing amendments that have already been dealt with by the Committee. I have directed the Clerk that the closure for submitting the amendments be on Thursday, 1.00 p.m. Those of you who want to file any amendments upon reading the Report and the Bill, ensure that you file your amendments at or before Thursday, 1.00 p.m. Thereafter, we will be time-barred, and you would claim that you were not given proper direction. I hope that when the Bill is debated from tomorrow, you will debate from an informed position on the content of the Bill, Report and say what you desire the Bill to be. Thank you.

Next Order.

BILLS

First Readings

THE APPROPRIATION BILL
(National Assembly Bill No. 33 of 2024)

THE COUNTY GOVERNMENTS ADDITIONAL ALLOCATIONS BILL
(Senate Bill No. 19 of 2024)

THE COUNTY ALLOCATION OF REVENUE BILL
(Senate Bill No. 25 of 2024)

*(The Bills were read a First Time and
referred to relevant Committees)*

Second Reading

THE CARE AND PROTECTION OF CHILD PARENTS BILL
(Senate Bill No. 29 of 2023)

Hon. Speaker: Hon. Beatrice Kemei. You are the co-sponsor of that Senate Bill. It is now your time to move the Bill. Give her a functioning microphone.

Hon. Beatrice Kemei (Kericho County, UDA): Thank you, Hon. Speaker. I beg to move:

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THAT, the Care and Protection of Child Parents, (Senate Bill No. 29 of 2023), be now read a Second Time.

The principal objective of the Bill is to provide a legal framework for the care and protection of child parents within the counties. The framework is intended to ensure that an expectant child or a child parent actualise their right to basic education. It also seeks to ensure proper care of their children as enshrined in Article 53 of the Constitution.

Hon. Speaker, it has been 61 years since Kenya gained its Independence from colonial rule, but child pregnancies still remain a huge concern. They not only affect the child's ability to continue with their education, but also impact on the Government's effort in reducing poverty levels in the country.

The Kenya National Bureau of Statistics (KNBS) in the Kenya Demographic and Health Survey conducted in 2022 noted that 15 per cent of adolescent women, between 15 and 19 years, have been pregnant, with 12 per cent having given birth, 1 per cent experiencing pregnancy loss and 3 per cent being pregnant with their first child. The KNBS further noted that the number of teenage pregnancies is higher in rural areas, particularly in pastoralist communities, compared to urban areas. It further noted that teen pregnancies decline as the level of education rises, and that it also declines as the level of household wealth increases.

Article 53(1) (b), (c) and (d) of the Constitution of Kenya 2010 provides for the right of a child to free and compulsory basic education, the right to basic nutrition, shelter, health care and the right to protection from abuse, neglect, harmful cultural practices, all forms of violence, inhuman treatment and punishment that is there, and even exploitative labour.

Section 13 of the Children Act, No. 29 of 2022, reiterates the right of a child to basic education and mandates the cabinet secretary in charge of children matters, in consultation with the cabinet secretary in charge of education, to develop and implement policies for the realisation by every child's constitutional right to education.

[The Speaker (Hon. Moses Wetang'ula) left the Chair]

[The Deputy Speaker (Hon. Gladys Boss) took the Chair]

Hon. Deputy Speaker, the Basic Education Act (No.14 of 2013) provides that no child should be denied admission to a public school.

The above notwithstanding, children who become pregnant in school, especially those that are born in poor households, are likely to drop out of school so that they can fend for their babies. This not only impacts on their right to education, but also exposes them to early marriages and exploitative labour practices as they seek to fend for themselves and their children.

Some schools conduct mandatory pregnancy tests without the consent of the learners and, more often than not, they expel any student who is discovered to be pregnant. Such children are also exposed to ridicule and harassment and are often cited as examples of bad behaviour; often leading them to drop out of school. It is also difficult for children who have been pregnant before to be re-admitted to the school or to another school as they are often shunned by the school administration fearing that readmitting them will be viewed as tolerating ill-behaviour, which they are afraid of spreading to other students.

Hon. Deputy Speaker, even when the child is re-admitted to school, they sometimes have no one to leave the newborn baby with. This either delays re-entry to school or make them not to concentrate on their studies, thus resulting to poor academic results.

Existing legislation only provides for the rights of children generally and does not take care of the circumstances unique to child parents. Those laws do not provide how children who fall pregnant are to be handled by the school administration during their pregnancy and also delivery. They also do not provide for ways of ensuring that once those children have given birth, they are re-admitted to school and have support and access to child care facilities, particularly those without anyone to take care of their newborn babies while in school.

We also do not have a law providing a framework for the establishment, management and inspection of child care facilities to ensure that they are safe for children. There is, therefore, need to create a framework to protect children in vulnerable households to ensure that they complete their basic education and get a chance for better quality of life. Therefore, this Bill seeks to provide a legal framework for protection of the rights as set out under Article 53(1)(c) and (d) of the Constitution in relation to child parents. It also outlines means through which the expectant child parents can realise their right to education and, at the same time, ensure care and protection of the baby. Additionally, it provides standards for the establishment and regulation of care centres for child parents by county governments.

Clauses 4, 5 and 6 of Bill provide for obligations of national and county governments with respect to preventing pregnant children and child parents from dropping out of school. The Government should also provide social assistance to such children. Clause 7 of the Bill provides for preparation of management plans by school administration. The plans are aimed towards reduction of drop-out rates as well as prescribing how pregnant children and child parents will be handled within the school. Clause 8 of the Bill provides for the rights of pregnant and parenting students, including the right to continue with their studies for as long as they are medically capable of being in school. It also provides for the right to be re-admitted to school upon delivery and weaning of the baby. They should also have the right to access adequate pre-natal and ante-natal healthcare and counselling services.

Clause 9 of the Bill provides for the role of county governments in reducing drop-out rates as well as ensuring that those who drop out are re-admitted to school. The vulnerable children who are likely to drop out of school should also be catered for so that they remain in school. Clause 10 of the Bill provides for the role of school principal in managing teenage pregnancies in the school. Clause 11 provides for medical examination to confirm that a child is pregnant. The child cannot be compelled to undergo medical examination. And a principal may decline to inform the child's parents of the pregnancy, in case they are a danger to the child. Clauses 12 and 13 provide for the right of a pregnant child to receive pre-natal and post-natal health care and information. They also have the right to receive counselling and support services. Clause 14 provides for confidentiality when handling the case of any child who is found to be pregnant within a school.

Clause 15 provides that where the person responsible for the pregnancy is an adult, the school principal should disclose the same to the county director of education, the council and the nearest police station. If the person is a teacher, an additional report is to be made to the Teachers Service Commission (TSC). Clause 16 provides for re-admission of the child to school once she has given birth and weaned the baby. She should be re-admitted at the same level she was prior to giving birth. Clause 17 provides that the school should not discriminate against the pregnant child while she is in school on account of being pregnant or having given birth. Clause 18 requires parents of the pregnant children to continue with their parental obligations and support to the child. Clause 19 provides for the school's obligation to counsel the child and re-admit her once the child is born and weaned. The school should also continue supporting the child so that she can continue with her education.

Clause 20 makes it an offence for the school administration to refuse to re-admit a child once they have given birth. Upon conviction, the school principal and every member of the school administration may be fined up to Ksh500,000 or jailed for six months, or both. Clause 21 provides for establishment of childcare centres in or within the vicinity of an institution of basic education. Clause 22 provides that childcare services are for the benefit of children less than three years old, whose parents are children who are being re-admitted to school. Clause 23 provides the requirements of a childcare centre, including its accessibility, affordability, ability to give adequate supervision to the children and availability of qualified personnel to cater for the children.

Clauses 24 to 33 provide for licensing of childcare centres by counties. Counties are also required to enact legislation to guide the licensing process within the county. Clause 35 provides for services to be provided in a childcare centre, including the care and supervision of children, counselling of child parents, outreach programmes and recreational activities. Clause 37 provides for inspection and evaluation of safety in the care centre and the obligation to keep the premises safe for children. The centres should also have contacts of emergency service providers such as hospitals, ambulance services and firefighting services. Clause 42 provides for continued recognition of care centres already in existence and licensed. Implementation of the measures proposed in the Bill will ensure protection of child parents and ensure that the country moves closer to 100 per cent access to basic education by children in Kenya.

Hon. Deputy Speaker, with those remarks, I beg to move and request Hon. Emaase to second.

Hon. Deputy Speaker: Hon. Emaase.

Hon. Mary Emaase (Teso South, UDA): Thank you, Hon. Deputy Speaker, for giving me the opportunity to second the Bill. This is a very straightforward and timely Bill. It comes at a time we are dealing with so many issues around children, gender-based violence and pregnancies that arise from incest. The statistics are very clear that 15 per cent of teenage girls between the ages of 15 and 19 become pregnant. Out of that, 12 per cent give birth while 3 per cent lose their children in the process. Further, 1 per cent are pregnant for the first time. As we have been told, this Bill seeks to provide a legal framework for the Government to deal with teenage pregnancies. It provides a framework of how this matter should be dealt with by county and national governments, because an expectant child has rights. As legislators, we have not given this area the attention it deserves.

This Bill seeks to ensure that if a child is expectant, there is a proper plan on how she should be handled. The school administration should address the matter such that the child is guaranteed the right to education and the child's baby is taken care of by the Government. I thank Hon. Beatrice and the Senate for coming up with this Bill. Teenage pregnancy is a problem. Once those children are guaranteed their education even after conceiving, we are sure that we will continue to bring down teenage pregnancy numbers. Every day in our constituencies, we encounter quite a number of schools that report as many as 20 or more pregnancy cases. We need this legislation so that those children are taken care of, and given proper guidance and psychosocial counselling in order to guide them so that they are not harassed or ridiculed in schools. This will enable them to continue with their studies and have their right to education. As a nation, we will address so many other multiplier effects of those dropouts. We will also deal with poverty.

Hon. Deputy Speaker, with those few remarks, I second the Bill. Thank you.

(Question proposed)

Hon. Deputy Speaker: Hon. T.J. Kajwang’

Hon. T.J. Kajwang’ (Ruaraka, ODM): My contribution will be very short. If you examine this Bill, how comes it is not a Money Bill? The memorandum of objects and reasons for the Bill says it is not a Money Bill.

Hon. Deputy Speaker: Sorry, I cannot hear you. Can you start again?

Hon. T.J. Kajwang’ (Ruaraka, ODM): Hon. Deputy Speaker, if you look at this Bill, how else can you explain that it is not a Money Bill? The memorandum of objects and reasons for the Bill says it is not a Money Bill. However, when you open it up, it creates centres and talks about inspectors who must be employed by somebody. They must also be supervised or coordinated somewhere. Those centres must be maintained by the public Exchequer. When you open up those big premises of policy on protecting the child, she will be protected where there are functions which money follows.

I am really sympathetic to the girl-child. I want to have a Bill which fixes her issues. Since the onset of bicameral legislation process, we have had problems where good Bills are lost because of the people who sponsor them or the thought process behind them. If this Bill originated from this House where my colleague sits and she originated it, we would not talk about this issue. We would talk about how to reinforce it and make it better to protect the girl-child. For some reasons, Members of the other House get into issues which they do not investigate very well. This is a constitutional issue which we cannot do something about it. Article 114 of the Constitution is a constitutional issue. Hon. Emaase, an emeritus lady and a doyen of this legislation, will see the Bill because she is a Member of the Budget and Appropriations Committee.

Hon. Emaase, please, convince us that this is not a Money Bill. She is still consulting. Please do not mistake us.

Hon. Deputy Speaker: Hon. Emaase, listen.

Hon. T.J. Kajwang’ (Ruaraka, ODM): We are the fighters for the girl-child. We want her to be ring-fenced. Some of us are fathers of girls. The problem we have in this legislation is that people sponsor Bills without looking at the Constitution. There is an inspector and a caregiver in the Bill. They will definitely use taxpayers' money.

How can it be a Bill outside Article 114 of the Constitution? Just convince us and we will pass it within a record time. If you are unable to do so, find a way of withdrawing it and reintroduce it here, so that the care and protection of child parents issues are addressed. This is very important to a girl-child. We cannot do away with it on technicalities. There must be a way to pass this Bill, so that the real issues of the girl-child are protected.

Thank you very much, Hon. Deputy Speaker.

Hon. Deputy Speaker: Thank you very much, Member for Ruaraka, Hon. T.J. Kajwang’. You have raised a very important point. I agree with you. Before I say anything about it, it is important that I allow the Mover and Seconder of the Bill to comment. Let us start with the Member for Baringo County. You have raised a very important issue. Let us hear what other Members will say. Thank you for that.

Member for Baringo County, Hon. Jematiah, please, proceed.

Hon. Jematiah Sergon (Baringo County, UDA): Thank you, Hon. Deputy Speaker. I rise to support this Bill, though with a lot of amendments. I support it because it addresses a very pertinent and important topic.

As much as I support this Bill that Hon. Beatrice has brought to the Floor of the House today, it needs a lot of scrutiny and understanding of its implications. If it is passed like this, it will cause socio-economic and psychological implications. This Bill seeks to protect children who are

pregnant. Is the society ready to have pregnant children? When you take care of them in schools, you have to consider economic factors because we have to budget more money and give keen interest to them because their interests are different.

Hon. Deputy Speaker: Give me a moment, Member for Baringo County. Member for Kericho County, please, listen carefully because I will give you an opportunity to reply. Take notes so that you can respond. I would also like a Member of the Budget and Appropriations Committee to say something.

Proceed, Hon. Jematiah.

Hon. Jematiah Sergon (Baringo County, UDA): Thank you, Hon. Deputy Speaker. I agree with Hon. T.J. Kajwang' that this is a Money Bill because of the structures that will be put in place for its actualisation. When you take those expectant children or child parents back to school, a lot of things have to be considered. They will have specific interests at specific times.

In the society, we should look at whether we want to entertain pregnancies in school. As Africans and as much as we have problems of teenage pregnancies in our society, we do not want to take it up as a promotion. We should not make it okay for a girl-child to be pregnant as long as she can still get the opportunity to go back to school. By doing this, we will erode most of the morals in the society. I do not mind it and I will still encourage the child to go back to school. However, it is not a good idea to encourage those girls to get pregnant just because they are able to go back to school. Some students work very hard to maintain discipline and complete their studies without getting pregnant. We will most likely be disadvantaging and influencing those who are keen to finish school without getting pregnant. We will be allowing much indiscipline. As a Women Representative, I pay school fees for most them. Their performance in school is very wanting due to distractions from society. You cannot be a mother and a student at the same time. If you ask me, this Bill needs a lot of clean up. I do not know whether we will ask the Mover to withdraw and re-introduce it so that we take some time to understand and prosecute it to impact the society.

As much as I support, I really ask my colleague to sit back and brush through it with the aim of coming up with a better Bill. Thank you, Hon. Deputy Speaker.

Hon. Deputy Speaker: Member for Suba North, Hon. Millie Odhiambo.

Hon. Millie Odhiambo-Mabona (Suba North, ODM): Thank you, Hon. Deputy Speaker. I do not know whether you are giving me an opportunity to speak or to inform the Member. She has already sat down.

Hon. Deputy Speaker: I just saw your intervention. You can proceed to inform the House.

Hon. Millie Odhiambo-Mabona (Suba North, ODM): Well, I was informing the Hon. Member. Her talking seems to infer to persons below 18 years as though they have had children as voluntary mothers. Those are cases of sexual abuse. It is presumed that anybody who has a child while below 17 years is a victim of sexual abuse. Legally, they cannot consent to sex. We are talking about an abused child.

Hon. Deputy Speaker: Thank you very much. Hon. Millie, we have been in the trenches together. We have been fighting for the girl-child and abused children during our time at Cradle. I understand where you are coming from. I think the Member for Baringo County is properly informed. I will allow the Member from Mombasa, Hon. Zamzam Chimba.

Hon. Zamzam Mohammed (Mombasa County, ODM): Ahsante sana, Mhe. Naibu Spika.

Naunga mkono Mswada huu ambao mwenzangu ameleta wa kupatia watoto wa kike nafasi ya pili katika masomo. Wengi wa watoto wanaopewa nafasi ya pili wako na umri wa chini. Pengine walipata ujauzito kwa kunajisiwa au *forced marriages*. Inawezekana hawakuwa na uwezo. Kwa

hivyo wanapewa nafasi ya pili kupata masomo. Mimi kama Mama Kaunti wa Mombasa nimerejesha watoto 350 shuleni. Nawalipia *full scholarship* kupitia National Government Affirmative Action Fund (NGAAF) ili wasome.

Sisi tunataka uongozi wa mwanamke lakini, uongozi wa mwanamke una matatizo mengi sana. Ni lazima mtoto wa kike apate elimu ya kutosha ili afike kiwango cha kuingia uongozini. Wakati mwingi utapata kuwa mtoto wa kiume anayemtia mtoto wa kike ujauzito huendelea na masomo yake ilhali wa kike anabaki nyumbani. Nimewapa watoto wale nafasi mwaka huu. Watoto waliomaliza Kidato cha Nne ni 21. Nina wengine walio Kidato cha Kwanza hadi cha Tatu na wanaendelea vizuri. Wengine wameungama. Hata walikuwa wameingilia madawa ya kulevya kwa sababu ya *stress*. Wengi wanashindwa kuamua waangalie mtoto au warudi shule kusoma ili baadaye wapate kazi. Kwa hivyo, wengi wamekwama.

Ninachosema ni kuwa hii *Bill* inahitaji pesa. Ni lazima kuwe na mpango wa Serikali kuwekeza pesa za kuangalia sehemu za kulelea watoto ikiwa itataka watoto hao wapewe sehemu ya kulelea watoto shuleni. Kwa kifupi, naunga mtoto wa kike ama *a young mother* mkono ili arudishwe shuleni akiwa bado na tamaa ya elimu. Nimeweka hao *young mothers* pamoja kwa sababu hadi sasa hatuna sehemu za kuweka watoto wao shuleni. Nimewapa mradi na mtaji. Wanafanya biashara ili walee watoto wao huku wenzao wakisoma.

Naunga mkono japo nina shtaka moja. Kuna Bill nilitoa na kupendekeza kitambo nikaiwasilisha kule kwenye ofisi ya kuweka Bills. Haijaja humu Bungeni hadi wa sasa. Yangu ilikuwa na sehemu nzuri nzuri walizokuwa wakiulizia. Nilijua hakika lazima hiyo itakuwa ni *Money Bill*. Itahitaji mapeni. Cha kusikitisha hata zaidi ni kuwa baadhi ya hao watoto wamepata ujauzito kwa kukosa sodo. Wapo ambao wamedanganywa kwa maandazi wakijua watapata mia moja ya kununua sodo ili waondoe aibu. Mara wanapata ujauzito!

Nasikitika kwamba sodo zilizoahidiwa za Kaunti ya Mombasa hazijafika hadi sasa, licha ya kuwa Mama Kaunti najibidiisha kurejesha hao watoto shuleni. Nina wasiwasi mimba zitazidi kwa ukosefu wa sodo. Sisi tuko pamoja. Hata wewe, Bi. Naibu Spika, ni mama wa kaunti na umeona vile tunalalamika. Kwa wale wamepewa nafasi ya kutuletea sodo katika kaunti zetu, tunaomba wazilete ili tuzipeane kwa watoto.

Namuunga mkono mdhamini wa Mswada huu. Nina Mswada wangu ambao ni mzuri sana. Nitauleta tujadili kwa kuwa una vitengo tofauti tofauti vizuri. Hii ni *Money Bill* na inahitaji mgao ili isaidie.

Hon. Deputy Speaker: *Ahsante sana.* Member for Seme, Hon. James Nyikal. I can see you are on intervention.

Hon. (Dr) James Nyikal (Seme, ODM): Thank you, Hon. Deputy Speaker. This is a very interesting Bill. Whereas, in principle, the Bill is important to support the girl-child, there are basic issues about it. Some have been raised. When I first saw it, I noted that it is a Money Bill. In addition, this Bill will interact with very many other Acts of Parliament. I have gone through it and not seen transition clauses to raise those issues.

Other than that, it is an important Bill because we are dealing with adolescent pregnancy, which is a biological problem in the context of a changing society. That is the problem before us. There is increasing early puberty in children, both boys and girls. Therefore, early sexual activity increases. This is a big problem because of the liberal upbringing and provisions in our protective laws. It is necessary to address it. Girls get into pubescent very early. Menarche comes extremely early. They start ovulating and seeing periods early and are, thus, capable of getting pregnant and yet they are still children.

There is freedom that has come with the empowerment of the girl-child. Are we taking care of that as a society? That is the issue some Members are raising. How shall we deal with the psychological, traditional and cultural orientation? Anybody below 18 years is a child if we are to take a strict legal definition. They should not get pregnant if the law was nature. However, the law is not nature. We are dealing with legal situations against biological ones. Those children will need much psychological support even before we start thinking of education. The impact is huge physiologically, physically, mentally, and even in their development, if they get pregnant. Some of them get pregnant before the maturity of their organs. That is a big problem. The greatest developmental impact will be on their education. They cannot go on with their education. This is where this Bill comes in. I support the aspect of finding a way for those children to go back to school. We come here and talk about their protection. We are now forced to protect two children: the mother is a child and the baby is a child too. We have now established centres where they are taken care of. Those children even give birth in the centres. So, the centres have become extremely complex.

In terms of education, the most important questions that we should ask when we are dealing with this matter are: How do they get to school? What psychological and physical support do they need when they go back to school? We should also look for ways to support the babies because some of the children come from families that are disadvantaged and cannot look after a baby that is left behind. In the Bill, we have provided that, that can be done in the centres which are huge and complex. How are we going to set them up without money? Therefore, this must, first and foremost, be looked at as a money Bill.

In my view, we need to re-look this Bill. I support it in principle, but if it is passed as it is, it will give us a lot of problems in its handling. We either need to redo and bring it up again or look at it in a much broader sense. But as it is, it is good in principle. It is something we should pursue, but not as it is now.

Thank you, Hon. Deputy Speaker.

Hon. Deputy Speaker: The Member for Kibra, Hon. Peter Orero.

Hon. Peter Orero (Kibra, ODM): Thank you, Hon. Deputy Speaker. I want to add my voice to this Bill. All the Bills that are introduced in this House should always pass through the Budget and Appropriations Committee to have them designated either as money Bills or not. What I find most important is the assumption that a girl under 17 years of age is a child. I support this based on our current law. Culturally, my mother married at 17 years, but see how healthy I am. She gave birth to seven healthy men and three healthy ladies. My colleague here, *Daktari*, has talked about two children. Sometimes, our culture makes our young girls to marry under our cultural norms. Sometimes, *wazees* decide that their daughters marry because of certain circumstances. However, in the eyes of the law, I know that it is assumed that anybody under 18 years is a child. I support the Bill because it is going to enrich our cultural values. It will also enrich our society and take care of our young girls.

I support the Bill.

Hon. Deputy Speaker: Hon. Member for Dagoretti North, I can see you have pressed the intervention button.

Hon. Beatrice Elachi (Dagoretti North, ODM): Thank you, Hon. Deputy Speaker. I know this is a Bill every woman will support and ensure that, indeed, there is protection and care for every child. There are many challenges that children are facing today. Allow me to narrate a story. Recently, there is a girl who went to the Swedish Embassy. She is supposed to travel to Sweden, but since she was born, she has never communicated with the father. The mother was told that they

needed the father's consent or alternatively, she goes to court to file for sole custody of the child. With such situations, we need the law to be very clear, especially for Kenyan children. This is because we cannot force husbands not to leave their wives. This, sometimes, can bring trauma to a child.

So, the Care and Protection of Child Parents Bill will assist in many things. International law and the Children's Act have provided for that protection. I think it is a money Bill because there are issues that will come out and we have to look at them. This is a very important Bill that every woman in this House must support because it is going to help very many families that find themselves in this challenge.

When children who have been in orphanages reach the age of 17 years, they want to know their identity. Those are some of the issues we are highlighting. As we provide for their care, both parents must agree on this matter. A child under those circumstances will choose the person he or she has lived with; a person who has taken care of them as the parent. They will not choose for parents people they have never seen. I hope that the Bill has provisions to safeguard such children. They may have a biological parent who may not have bothered about them, but have a foster parent who took care of them. In fact, nobody may know whether that is their parent or not. That is what the Bill should address because we have very many children today who are in that scenario.

This Senate Bill, co-sponsored by Hon. Beatrice Kemei, also needs to look at the different laws that we have concerning children so that they do not overlap. This is to ensure that when one goes to court, the judge is supposed to refer to the Children's Act although the Constitution always takes precedence as the principal law. We should ensure that we do not find ourselves in a court of law where many laws concerning children are quoted to give children their rights.

So, as we debate this Bill, it is very important for us to look at the proposed amendments and see whether we can introduce our own amendments to enrich the Bill so that it protects the child. How do we ensure also that it protects a child who has also gone through a lot and is before a juvenile court and needs assistance? Let me give the example of the young man who beat a policeman. Nobody questioned whether the young man had his own trauma and was going through a lot. He could be a child to a single parent and we do not know what he is going through. We only castigated him. This is something that we are doing a lot to many children today as they grow. As a result, they are becoming more hardcore and aggressive in their lives in order to protect themselves.

So, as we talk of the care and protection of a parent child, we must also address issues of parents. If, indeed, a parent has not stayed with their child for more than 10 years, they cannot just walk into the life of the child and say they have arrived. There must be a process and it has to be well stipulated within the Bill.

I beg to support.

Hon. Deputy Speaker: Thank you. Member for Kisauni.

Hon. Rashid Bedzimba (Kisauni, ODM): Ahsante sana, Mhe. Naibu Spika kwa kunipa fursa ya kuchangia Mswada huu. Nachukua nafasi kuwaombea nafasi ya pili wale watoto wetu wa kike ambao wanapata ajali ya kuwa wajawazito. Ni vyema wasiwachwe nje bali wapewe nafasi ili warudi waendeleze masomo yao. Vile vile, Mswada huu utahitaji fedha kwa sababu patahitajika majengo ya kutumika kuangalia watoto katika shule hizo. Mswada utachukuwa muda mrefu sana ndiyo upitishwe.

Mhe. Zamzam alileta Mswada ambao utarahisisha shughuli za kuwalinda watoto wetu wa kike, lakini Mswada huo umekaa tu pale *Table Office*. Hauletwi hapa. Sioni tatizo liko wapi ilhali umependekeza njia rahisi ya kusaidia watoto wetu wa kike. Mhe. Zamzam ameonyesha moyo kwa

kuwasaidia watoto zaidi ya 350 waliopata ujauzito kule katika Kaunti ya Mombasa. Tunaomba huo Mswada wake uharakishwe. Vile vile, watoto wetu wa kike mjisitiri msije mkapata mimba za mapema kwa maana haziwasaidii.

Mhe. Naibu Spika nimesimama kuunga mkono kwamba watoto wa kike wapewe *second chance* lakini pia wajisitiri ili hili jambo lisije likawa la mazoea. Haya yote yanasababishwa na *muguka* lakini tunawatakiya kila la heri. Mungu awabariki wajisitiri ili waendeleo na masomo hadi vyuo vikuu.

Hon. Deputy Speaker: Member for Marakwet West.

Hon. Timothy Kipchumba (Marakwet West, Independent): Thank you, Hon. Deputy Speaker. I rise to support this very progressive piece of legislation, that is, the Care and Protection of Child Parents Bill, 2023. This group of parents called child parents have for a long period of time been neglected by the society. It is time their fundamental rights are taken into account in order to protect them. Those are parents who are below the age of 18 years. Those are parents who have borne children at that tender age. That group of parents have suffered discrimination and abuse from the Kenyan community. I will propose certain amendments at the Committee Stage that will go into the substance of the Bill.

This Bill further goes ahead to provide counselling and support services for mothers who have borne children below the age of 18 years. This element of counselling and support is very vital and important so that we nurture that young parent.

Also, the issue of confidentiality under Clause 14 of the Bill provides very clearly that every child who falls pregnant in an institution of basic education and training shall be handled by the management of the institution in a manner that ensures confidentiality. Those young children, who become parents when they get pregnant at a young age, are normally embarrassed and cajoled. It is time their rights are protected and the issue of pregnancy be made confidential.

Hon. Deputy Speaker, Clause 15 of the Bill requires an amendment too. The clause states: “Where it is determined that a person responsible for pregnancy...” This is not right because at this stage, unless a paternity test is undertaken, you cannot determine whether someone is responsible for the pregnancy or not. So, I will propose an amendment to the effect that where it is suspected, because at this stage the element of suspicion comes in, it is only during paternity that a matter is determined with finality whether that person is the parent of the child or not.

Hon. Deputy Speaker, that is an area that we must look at carefully so that we also protect the interests of whoever would be the father of that child. Under Article 50 of the Constitution, we have something called presumption of innocence until proven guilty. So, at this stage, that would-be father should be presumed innocent until proven guilty by a competent court of law.

The Bill goes further to protect the interests of that child by subjecting the suspect under this particular proposed law to certain legal processes. The teacher's code of regulations is very clear on how to handle issues of teachers who are suspected of impregnating students. The law is very clear on that matter. I believe this clause should be read alongside the Teachers Service Commission (TSC) Act of 2012, plus the Code of Regulation of Teachers of 2015 because it cannot be read in isolation. As it is here, it is not determinate. It is not certain, and it has not provided a clear framework on how to handle the issue of teachers. But I believe that we should have a clause that this law should be read together, of course, with the Teacher Service Commission Act and the Code of Regulations.

On the issue of re-admission, young girls who have been out of school courtesy of pregnancy have had it difficult going back to school. Schools have been reluctant to re-admit young girls who got pregnant and, therefore, were not able to complete their studies. Now that we have a

legal framework, we have a specific law that provides and mandates our institutions to re-admit young girls who have been out of school due to pregnancies.

Finally, I support the establishment of care centers. Normally, most parents are not willing to embrace child parents. When I say “parents”, I mean the mothers of the child parents are not at times willing to take care of young children who have been born. So, the issue of caregivers is very important so that children who are born by young parents, or what you call child parents, can be taken care of at the care centers. This is very progressive. I support it and call upon the Members of Parliament that, when it comes to the Third Reading, we propose the necessary amendments and pass the Bill.

Thank you, Hon. Deputy Speaker.

Hon. Deputy Speaker: Member for Tinderet, Hon. Julius Melly.

Hon. Julius Melly (Tinderet, UDA): I rise to support this Bill. First of all, I commend the co-sponsor and the Senate for coming up with such a very progressive Bill, which is tailored to the to the child parent. Many people in this country do not know about the existence of child-parents. Those are underage children. They are less than 18 years and some are as young as 10 years. This Bill seeks to bring into perspective who a child-parent is. The Bill seeks, among many others, to tell the society that there is a parent who is not of age giving birth. The two parents are not of age.

It also goes ahead to note that, that child-parent has a right to go to school and access medical care. They give birth when their body systems are still very weak. They need a lot of medical attention. They need to undergo clinical checkups every other time. The Kenya National Bureau of Statistics has just pointed out that majority of the children-parents are in rural areas, especially in pastoral communities and households where the income is very low. This Bill seeks to bring awareness and to ensure that child-parent rights are well taken care of as stated in the Constitution. The child-parent should have proper medical care and undergo a lot of support socially, psychologically and economically. This is a girl who gets pregnant while in primary school and has a baby when she is less than 14 years old. So, she is stigmatised and never heard.

As the Bill indicates, majority of the schools conduct forced pregnancy tests on those girls. Immediately they are re-discovered, they are stigmatised, ostracised by the school heads, parents, and communities. They get shunned. It is high time we took this up because it is a serious problem. About 15 per cent of all girls either become pregnant or lose their child. This percentage is very high and alarming. Through this Bill, the county governments are being alerted to come up with ways on how to stop child pregnancies.

After the girl has given birth, the parents should know that this is not the end of her education. She should be permitted to go back to school. So, her parents are supposed to take care of her child and allow her to go back to school to finish her education and realise her dreams. This Bill goes on to ensure that we establish centres where those child-parents will be taken care of, if their real parents are unable to. That is why county governments are being informed of the need to take care of those child-parents so that they can continue with their lives.

This Bill is very important. Because of the establishment of county centres, it is a Money Bill. So, this House needs to come up with ways of ensuring it is implemented and becomes the law of the land. By extension, it will ensure that many child-parents in the society are taken care of.

Lastly, the child is also of concern because he or she is a citizen of this country. Whereas the mother is underage, that child has a right to be taken care of and even access medical attention. They need to attend all the post-natal clinics in order to grow strong. If the child-parent is not assisted, she will engage in child labour and by extension her child will not have the necessary

medical services for good health. She will not go back to school. This Bill is good for us and I ask this House to support it.

Thank you, Hon. Deputy Speaker.

Hon. Deputy Speaker: Next is the Member for Narok North, Hon. Agnes Pareyio. I am allowing Members to ventilate on this Bill because we cannot rule on the issue raised by Hon. T.J. Kajwang', Member of Ruaraka, until we get feedback and notes from the Budget and Appropriations Committee. So, I hope Hon. Kemei, the Member for Kericho County, is taking notes. We shall put the question another time. For now, let Members ventilate. The Member for Narok North.

Hon. Agnes Mantaine (Narok North, JP): Thank you, Hon. Deputy Speaker, for giving me this opportunity to add my voice to this Bill. It seeks to look into the problems that our young girls below 18 years undergo after dropping out of school, as a result of pregnancies. This subject is dear to my heart because I rescue those girls and I know what they go through. After they involve themselves in early sex, they get pregnant and confused. They do not know what to do or where to run to. Some parents do not take care of them.

This Bill is providing a framework for the protection of their rights as set out in Article 53(1)(c) and (d) of the Constitution, concerning the rights of children. Those girls become parents and yet, they are not of age to take care of children and end up being confused. It is also providing a framework for the expectant girl or child-parent to realise their right to education. At the same time, it seeks to ensure the care and protection of the new-born child.

We need to offer education to those girls because education is power. When you educate a child, they realise their rights and earn a living. This Bill has come at the right time so that we can support those girls and they can have a second chance to realise their goals. It does not mean because a girl is pregnant, she has to drop out of school and cannot be who she wants to be in life. If the Government supports those girls, they will have a second chance and go back to school.

They need a lot of counselling because some of them are suffering emotionally. There are cases where parents chase them away from their homes because they see them as a burden. I support this Bill so that we can give those girls a second chance to go back to school. Becoming pregnant does not mean they should be denied their right of becoming who they want to be. They can still achieve their goals.

Thank you, Hon. Deputy Speaker.

Hon. Deputy Speaker: Member for Suba North, Hon. Millie Odhiambo.

Hon. Millie Odhiambo-Mabona (Suba North, ODM): Thank you, Hon. Deputy Speaker, for giving me this opportunity...

(Hon. Rozaah Buyu consulted loudly)

Hon. Deputy Speaker: Hon. Rozaah, please, allow Hon. Millie Odhiambo to speak.

Hon. Millie Odhiambo-Mabona (Suba North, ODM): Hon. Deputy Speaker, there is just a lot of excitement...

Hon. Rozaah Buyu (Kisumu West, ODM): Much obliged, Hon. Deputy Speaker.

(Laughter)

Hon. Millie Odhiambo-Mabona (Suba North, ODM): Thank you, Hon. Deputy Speaker. There is a lot of excitement concerning the on-going issues relating to the Finance Bill. As you

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know, our party is having a Parliamentary Group Meeting. I know your party held a Parliamentary Group Meeting this morning. I am sure our party will give their position after this. I am glad that, at least, Kenyans are being listened to, which is a good thing.

I support this Bill in principle and I want to point out some issues around it. As I speak, I want to urge Hon. Kaluma to listen to me. He normally purports to know much about children issues. Even if he is my uncle, I am an expert in this area more than him. I would want to...

Hon. Deputy Speaker: Kindly remove the word ‘purport’.

Hon. Peter Kaluma (Homa Bay Town, ODM): On a point of order, Hon. Deputy Speaker.

Hon. Millie Odhiambo-Mabona (Suba North, ODM): Hon. Deputy Speaker, you are helping him. Have you given him a chance or should I proceed?

Hon. Deputy Speaker: Allow Hon. Millie to prosecute her matter.

Hon. Millie Odhiambo-Mabona (Suba North, ODM): Thank you, Hon. Deputy Speaker. I will proceed. As I have said, I support this Bill in principle. However, I want to comment on some issues which Members have raised. Even though I support it in principle, the architecture is challenging. The reason is that the Government normally has a policy on how to legislate certain issues. In the last Parliament, I brought a Child Justice Bill and I was encouraged to collapse it into the Children Act. This is because in the past, there were almost 66 pieces of legislation relating to children. The Government formed a taskforce headed by retired Chief Justice Effie Owuor, which agreed that we come up with one law on children, so that we do not give lawyers a difficult task.

When I represented children while I was the Director at the Cradle, it meant that if I wanted to deal with adoption matters, I had to look for the Adoption Act. If I wanted to deal with the issues of orphans, I had to look for the Orphans and Vulnerable Children’s Act. There were over 66 pieces of legislation on children’s matters. That does not mean that what is provided in this law is wrong. It is excellent. However, the architecture is not good. Should we kill the Bill because of this? Perhaps not, especially because a Member has put in too much effort. However, it talks to an Executive that is asleep.

The Executive should advise Members. Not only the Executive, but also the Parliamentary Office, and in this case, it is the Senate Legal Office, that should have offered guidance. The fact that Members want to bring Bills does not mean they should do so in any format. What they should have done is to bring an amendment to the Children’s Act, so that all that is provided here is in the Children’s Act.

(Applause)

Hon. Deputy Speaker, all that is contained here are children in need of care and protection. If you look at this Bill carefully, it primarily contains two major issues. That is re-admission of children who are pregnant into school and protection of children who have given birth. It is not even dealing with the criminal justice aspect, which is covered under the Sexual Offences Act.

In principle, I support this Bill. However, I wish it was done differently. The Hon. Member has gone quite a long distance, but I encourage the House leadership, and the legal departments in both the Senate and the National Assembly to please take their work seriously because the fact that Members want to move in... You are the experts and as lawyers, you should advise them on how to do this.

The reason I am putting it back again to the Executive is that the same way you asked me to move my Child Justice Bill, which in substance had more critical issues, but it was collapsed

and made smaller as a chapter in the Children's Act because as a policy, the Government had agreed to collapse all children matters into one.

It appears that there is no longer any policy relating to children matters because if you look at our budget for instance, right now, you will realise we are putting a lot of money into institutionalising children and yet, the Government policy has been against institutionalisation. What are we doing? We are building centres to institutionalise children. It means we have no clue what our policy as a Government is in relation to institutionalisation of children. That is also appearing here.

I encourage the President that, as soon as he is done with the challenges relating to the Finance Bill, 2024 and his Deputy, he can then work on the issue of ensuring that there is a clear policy that emanates from the Executive on legislation. I have said this in this House and it might be taken lightly. But in reality, that speaks to a dysfunctional Government. The right hand does not know what the left hand is doing. Even when it is a Private Members' Bill, it must follow the Government policy of the day. That is why for me, for instance, even though I wanted my Child Justice Bill, the Government policy of H.E Uhuru Kenyatta at that time was towards one Bill. I let mine die. So, that is a reality we have to deal with.

Other than that, Hon. Deputy Speaker, I encourage Members... Sometimes, when I am listening to what Members are saying, I feel very sad. I hear Members saying that in their culture, girls get married at 17 years of age. My brother from Kibra - and it seems he has already left... However, I will invite him to the Parliamentary Caucus on Children and Parliamentarians for Global Action, which are human rights organisations for parliamentarians globally. I chair both networks in Kenya.

As a country, we have progressed over the years. We have ratified the Convention on the Rights of the Child. We have raised the standards for protecting our children. We cannot talk about lowering the age for our children because of men's libido.

Hon. Deputy Speaker, in fact, nowadays, it is the opposite. People are amused that I am sharing that in this Finance Bill. There is a young man who has written to me when people are writing and telling me to make sure that the Finance Bill does not pass. A young man, instead, is writing to me that I am young, but I have inches. So, it is the reverse since young men are now very keen on looking for retirees like me. I do not mean that I have retired in my work, but in that other sector. Telling me about inches, what do I do with inches?

However, I am saying that even for those young men, we must protect our young boys from such people. I think we call them cougars. They may be older, but may want to take advantage of young boys who are poor and want to take advantage by giving them money. In this instance, when a girl or boy is below 18 years of age, we presume that legally, they cannot have sex. The only challenge we have under the Sexual Offences Act is ensuring that when they have sex with each other, we treat them as children in need of care and protection.

However, this is dealing with a civil issue that is emanating from a criminal act. So, because of the Hon. Member who has put in so much effort, I will support it. However, I would wish that the architecture was done better. I would have spoken more but, because of time, just ask some of us who are experts in those areas. We can help you and support you. I support it, but I wish we would change the architecture and bring amendments in relation to some of the issues I have seen here.

Thank you, Hon. Deputy Speaker.

Hon. Deputy Speaker: Thank you, Hon. Millie Odhiambo. Hon Member for Kericho County, Hon. Kemei, I hope you are taking notes. This is a very important issue on the architecture

of the Bill. This is something that can be discussed at the Committee level. I am glad that Hon. Millie has raised it. She knows that, together, we have come a long way with the Children Act. Do liaise with her. She has a lot of information and knowledge on this particular point.

Hon. Member for Homa Bay Town.

Hon. Peter Kaluma (Homa Bay Town, ODM): I thank you, Hon. Deputy Speaker.

(Hon. (Dr) Ojiambo Oundo spoke off the record)

Hon. Deputy Speaker: I am going to come to you, Hon. Member.

Hon. Peter Kaluma (Homa Bay Town, ODM): Thank you, Hon. Deputy Speaker. It is in very rare occasions that we agree with Hon. Millie Odhiambo, who is my niece. However, today, I agree with Hon. Millie Odhiambo, except where she says I purport to know a lot about children matters.

Hon. Deputy Speaker, I had intervened because, unknown to Hon. Millie, I was taught by the Hon. Deputy Speaker law. The one area of law you specialised in at the University of Nairobi and you taught me was the subject of children and the law. Hon. Millie does not know that, inspired by the depth of your teaching, I went ahead and did my master's degree specialising on, among others, the law relating to the protection of children. That is what I would dis-account from Hon. Millie. The idea that she was besmirching not just my knowledge, but also the expertise of the best expert on matters of children, who happens to be our Hon. Deputy Speaker now. But we forgive her because she has spoken the language I desire to speak to.

Hon. Deputy Speaker, I had a meeting with our First Lady a while back. The meeting lasted for over three hours. I was touched by the passion of the First Lady on matters of children. I want to confirm to the House that we have a First Lady who is looking at how we can deal with matters of children and adequately protect them.

For the first time, it may have passed the notice of Hon. Members here, but there is a budget-line under what we call "Children of the Nation", which is a new program of the National Government to be implemented by the First Lady. Initially, we focused on women and others. However, the First Lady is now focused on matters concerning children. I can confirm to the House that the "Children of the Nation" Programme' is a budget line in the Budget under the Office of the First Lady. Matters concerning children also concern the leadership of our nation and, more so, our current Mother of the Nation. You would also remember the President's Speech at Safari Park during the launch of the G7 to G16 Caucus. The President requested that we focus on the matter of teenage pregnancies, early marriages and female genital mutilation (FGM). I am happy the First Lady picked it up. I also thank Parliament for budgeting for it so that we can take it seriously.

Hon. Deputy Speaker, that aside, let me now speak to the matter as you taught me. This Bill is good in substance, and I am happy that we have a clear framework on how to establish the child care centres, both at the county and national level, and how they should be supervised.

A while back, a person claiming to be a philanthropist opened a children's care centre in Bomet. Unfortunately, our children were being sodomised there. This is not an isolated incident, as similar abuses happen in many other institutions. The Cabinet Secretary in charge of children affairs has repeatedly emphasised the need to re-evaluate the necessity of privately run childcare institutions and consider abolishing them in favour of Government-established ones. In fact, she has recommended the abolition of privately run institutions altogether.

The Bill in question should be rejected by the National Assembly, not because of its substance, but because it is not appropriately positioned. Before the current Marriage Act was established, there were separate marriage laws for Hindu, civil, African Tradition and Customary and Sharia marriages. You then advised us to consolidate those laws into a single Marriage Act to provide a comprehensive reference for marriage in Kenya.

It is in the same light that in the 12th Parliament, we decided to consolidate all laws related to children into the current Children Act. I urge Members of the National Assembly not to backtrack on this decision. The Children Act should be our Bible or Quran on all matters affecting the children. This is the ideal position in terms of proper legislation and legal practice across the world. As it is, the Children Act deals with all issues concerning children, and is supported by Article 53 of the Constitution. Having separate laws for child care and protection, children with disabilities, orphans, children in the context of criminal offences and children from various family structures would only create confusion within the legal framework for children.

I know the Mover is keenly listening. She should tell the proponent of the Bill in the Senate that we are not rejecting the Bill based on its merits but, rather, to allow for the incorporation of its good provisions and make appropriate amendments to the Children's Act. We should strive for one comprehensive law that addresses all matters concerning children.

I am happy that Hon. Millie has talked about policies which is very important. I wish she was around so that I can also tell her that, just in the same, way we should work collaboratively with the Executive to develop proper Government policy. In a similar situation in the past, the Attorney-General asked Hon. Millie to withdraw her Bill because they were already pursuing a drafted law based on their policy. I will not speak about it because she has gone. On account of the need for a single comprehensive law - a Bible on matters concerning children - let us collapse this Bill. We urge the proponents of this Bill from both houses to come together and select the beneficial provisions so that we do not lose them but, instead, incorporate them as amendments to the Children Act. It is important not to scatter matters concerning children all over the place.

On account of those submissions, I allay any fears that we can do anything other than that which upholds Article 53 and protect our children. Going by the need to provide and protect our children securely, we will reject this law. If the proponent of this Bill does not pick it and domicile it within the Children Act, we will do so. It is not about...

(Hon. Peter Kaluma's microphone went off)

Hon. Deputy Speaker: Thank you, Hon. Members. I have the Members for Moiben, Turbo and Funyula lined up. Hon. Members, I will give you an opportunity to contribute but allow me to go back to Order No.5 which was deferred. Let us have the Chairperson of the Departmental Committee on Finance and National Planning, Hon. Kimani Kuria, and then we will resume debate on the matter.

PAPER

Hon. Kuria Kimani (Molo, UDA): Thank you, Hon. Deputy Speaker. I beg to lay the following Paper on the Table:

Report of the Departmental Committee on Finance and National Planning on its consideration of the Finance Bill, National Assembly Bill No. 30 of 2024.

Thank you.

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(Debate on the Motion resumed)

Hon. Deputy Speaker: Thank you. Hon. Members, we can now resume debate. Let us have the Member for Funyula, the Member for Turbo and the Member for Moiben in that order.

Hon. (Dr) Oundo, you may proceed.

Hon. (Dr) Ojiambo Oundo (Funyula, ODM): Thank you, Hon. Deputy Speaker for giving me this opportunity to also contribute to the Care and Protection of Child Parents, Bill (Senate Bill No. 29 of 2023). First, I am a father of four girls and many other girls out there. When I got elected as a Member of Parliament for Funyula Constituency in 2017, we encountered those scenarios and we had to be ingenious on how to deal with them.

Perusing this Bill brings us salient issues that are becoming common, and are permeating our modern society. I am afraid that this particular Bill perpetuates the problem, and does not even seem to try and solve the root cause.

For us to have the kind of scenario that we have, and to even contemplate a Bill of this nature, is an admission that parenting in this country has failed. We are trying to legalise a matter which is purely moral, parental and religious. This, therefore, confirms our fears that the entire ecosystem that takes care of the children has collapsed. The church, parents, community and the entire kinship system of the family has failed. Therefore, we are trying to solve a problem using a legislation whereas, the problem can be solved elsewhere.

This Bill has got good intentions but, unfortunately, going through it, seems to be short of useful content. It seems to be basically, a cut and paste of matters that can be dealt with administratively and in policy.

I also want to join my colleague, Hon. T.J. Kajwang', to say that reading through this Bill, it is a straightforward Money Bill. The Constitution of Kenya is clear on how we generate a money bill. As we have clearly said, at the right time, we will have an opportunity for the substantive Speaker and Budget and Appropriations Committee to give us guidance on the matter.

This Bill purports to take away the functions that are already domiciled in the various Acts of Parliament that are already available in various administrative offices. Issues of children are adequately and elaborately contained in the Children Act. Issues to do with children who are going to school are clearly contained in the Basic Education Act. Crime and all those kinds of things have already been dealt with in the Sexual Offences Act and the Penal Code. I do not know the intentions of this Bill. Are we creating a problem that does not even exist?

I am a Catholic and our Catholic faith and ways are very clear. Where I come from, we have ways on how to deal with criminals, child indiscipline and truancy. Hon. Members who are parents, to allow the State to infringe on your area is an admission of a failed society. It is a matter that we can deal with at the societal level.

Danger looms in this Bill because it purports to give the county governments powers to supervise the national Government. Basic education is mandated in the national Government. Asking the County Executive Committee (CEC) in charge of education at the county level to superimpose and instruct the county director of education is a sign that we are already walking into murky areas. I want to join my colleague, Hon. Millie, that yes, we empathise with the efforts that have been expended by the sponsor of this Bill in the Senate but, honestly, in this case, our legal team has let down the sponsor, Senate, Parliament and Kenyans.

Senators and Members of Parliament are not experts in legislative drafting and that is why the legal office is populated with adequate number of technical people who ought to advise that the way the Bill is drafted is impossible to implement.

There is a policy to abolish children's homes and minimise custodial arrangements. Care centres is another name for a children's home, and this country has a very bad history with the children's homes, which includes abuse, child trafficking and sexual violence. I thought you would deal with the matter that way.

Looking at this Bill, it contemplates that the child would go back to school after weaning the baby. That a child who is pregnant and in school and probably with medical challenges, and has to attend to pre-natal care, the school will give her an opportunity to cover up the lost hours or minutes in school. For any typical Kenyan or school manager, how practical is it? Would a teacher stop teaching because a pregnant girl in class has gone to attend a pre-natal clinic? Will you force the teacher to provide remedial classes for a student who returns after the others have gone home? That is against the Government policy. How can we even consider such kind of a matter?

Under Clause 6(2), the programme under Section 1 shall involve the parents and the guidance of the children in the governance of basic education institutions; which is clearly established in the Basic Education Act. The Bill does not purport to amend this Act to include parents of expectant children in the board of management of the school. It is impossible to approve.

I just want to tell Kenyans that Clause 21(2) of the Bill says that a county government, for the purpose (1), shall establish care centres in or within the vicinity of basic education and training institutions in order to ensure access to such facilities by a child parent. We are telling our girls to go and get pregnant and we will put a baby nursery next to their classrooms. Is that what any parent would wish his or her child to go through? Is that the kind of morality that we want to teach our children? As I said, the intention is good.

Hon. Deputy Speaker: Are you rising on a point of order, Hon. Owen Baya?

Hon. Owen Baya: No, Hon. Deputy Speaker!

Hon. Deputy Speaker: Proceed, Hon. Oundo.

Hon. (Dr) Ojiambo Oundo (Funyula, ODM): The intention is good and I can see where the drafter is coming from. Probably, he or she has grappled with cases of second chances, how kids would go back to school but, honestly speaking, this legislation ought not to have come here. It should have gone to the amendments to the Children's Act and the Basic Education Act. In any case, it is already provided for – that a child shall not be discriminated against – on whatever grounds. Those of us who are Members know that when children in our constituencies become pregnant, they are re-admitted back to school. We do not need any policy because it already exists. I am constrained and feel sad to oppose a Private Members' Bill; but for this one, allow me to oppose. And if it proceeds to the next level, we will bring amendments that might leave it a worthless piece of paper.

Thank you.

Hon. Deputy Speaker: Hon. Owen Baya, since you said that you do not have a point of order, allow Hon Phylis Bartoo to speak if you want to contribute.

Hon. Owen Baya (Kilifi North, UDA): Okay.

Hon. Deputy Speaker: You can speak after her.

Hon. Phylis Bartoo (Moiben, UDA): Thank you, Hon. Deputy Speaker, for giving me the chance to also add my voice to the Care and Protection of Child Parents Bill. I would like to congratulate the Member of Parliament for Kericho County, for taking the bold step in bringing this Bill to the House.

Hon. Deputy Speaker, children are very vulnerable, especially when they are not catered for and, more so, if their parents are from a vulnerable background. So, it is very problematic when both the child and the parent are vulnerable. Recently, while I was traversing my constituency, I came across so many children who were facing serious challenges. They were born out of wedlock when their mothers were still in school and they have now been left with their grandparents. The grandparents do not even know what to do with those children because their mothers have possibly run away from home because they cannot provide for them. It is very problematic. They are now children in the business of making illicit brews. They are children in our streets because something somewhere is wrong.

Hon. Deputy Speaker, on the issue of going to school, when we are giving out bursaries, the bulk of the needy cases are those children who have been abandoned by their mothers. Their mothers got pregnant when they were young and left them. Those children have now been left with their grandparents who are aging and cannot protect them. In as much as I support this Bill, it is also important to note that we have several bits and pieces of legislations on issues touching on children.

The Children Act has been progressive. There are so many legislations that have been passed on issues affecting the children. The Children's Court caters for so many of those issues. In my view, the Mover of the Bill should just redraft it. In as much as she wanted to bring a framework to look into issues of children, she needs to go back to the drawing board and redraft it. She should churn out real issues that have not been catered for so that we can have one comprehensive Act that caters for all issues. We cannot legislate every piece of issue. The society is progressive and there will be several challenges facing children from different perspectives in different forms and so on. We need to have one umbrella Act which caters for all children to avoid having several bits and pieces of legislation. In doing so, we will avoid having ambiguous laws in a court of law where one deletes another. I think it is important to have one comprehensive law.

On the issue of education, I do not think anyone can be denied a chance to go back to school after they get pregnant. The Basic Education Act is very clear. Young mothers are allowed to go back to school. Young mothers have been given an opportunity whereby if you fall by the wayside, you can still pick up yourself, get somewhere for the child to stay and then go back to school. We need to comb out all those issues which we can anchor in the Children's Act. Nowadays, our courts of law are going back to the alternative justice systems because we cannot always have everything done in a court of law. It is providing frameworks for people to sort out societal issues through alternative justice systems. The Chief Justice and the entire judicial system have come up with a very comprehensive way of sorting out those issues in a very harmonious way by having the people decide. However, in the case of children, it can be very problematic because their issues can be mismanaged.

We also have to be very careful so that we do not destroy the moral fabric of society. We should not just encourage or plan for an illegality; for instance, a young girl having sex when she is underage. There is also a provision in law for that. We should not look too much into it to an extent that we now go back and destroy the moral fabric. We will have young girls just getting pregnant because they know the child will be protected, taken to a care centre and provided for in terms of medication, and so on. Let us not forget that morality is also important. It should be made very clear that when you are a child or a student, sex is a no-go zone. That you must wait until you are of age. They should be encouraged to go to school and when they are done, the rest will come. They should do the right thing at the right time.

However, in an event that you got a child when you were underage, defiled or other accidental instances, we can then look at such issues. It should be provided in an umbrella Children Act so that we do not have bits and pieces of legislation that are dealing with this issue. If we do not do that, somebody else will come and bring another Bill on another aspect of the Children Act and many others. Therefore, we should just have them under one umbrella.

Thank you, Hon. Deputy Speaker, for giving me the opportunity to contribute.

Hon. Deputy Speaker: Hon. Member for Kilifi North, Owen Baya.

Hon. Owen Baya (Kilifi North, UDA): Thank you very much, Hon Deputy Speaker. Issues and matters of children are very delicate and complicated. Therefore, they must be handled that way. When we bring many pieces of legislation on matters children, we continue to expound the problems that bedevil them.

That said, I want to thank the Mover of this Motion who is also the co-sponsor, Hon. Beatrice Kemei. I also want to congratulate her for being one of the very few Members of Parliament to bring a fresh Bill to Parliament. Many of us have just brought amendments, but she is presenting a whole Bill in the National Assembly. I congratulate you for that effort. As we speak here and many people contribute, I would like to ask you to, please, take note so that you can improve on that. Congratulations on that feat.

Sometimes, we might handle simple situations in a more complicated manner, and complicated ones in a simpler way. I am saying this because some of these issues have already been legislated upon. Some of them are even policies that are out there. For example, it has already been legislated that when a girl gets pregnant, she can go back to school after she delivers. That is given. It is practical and it is happening. Do we need to legislate on that?

Hon. Deputy Speaker, many things that are in this Bill are those that parents should do. Do we want to legislate on what a parent must do or must not do? Are we not becoming superfluous in legislation? I know the Deputy Speaker is a renowned professor of law and, therefore, when we speak on matters of law in the House, we must be very careful. That is what I am trying to do so that I do not offend a lot of knowledge that is out there.

I refer to a message that a lady called *Kasichana Lewa* sent to me, which said: “Hon. Member of Parliament, when a girl gets pregnant in school, she is sent away. But the boy remains in school and continues to study and yet, it took the two to make the pregnancy. Because it is the girl who carries the pregnancy, she is seen as a bad person, and the boy is seen as innocent.” We say this child must go home. When this child comes back to school, she still has the burden of taking care of that child. Those are contradictions. They are things that we must look into.

I have only one issue. When we legislate and make the Bill law, what are we telling girls? Are we telling them that it is legal to get pregnant at school? I do not know whether that is okay. I am a proud father of daughters. When you are a father of daughters and you say, “Hey, please, take care of yourselves. Do not get pregnant at school.” My daughter, being clever, will tell me: “But you see, dad, the law provides that if I get pregnant, I can still continue with school. So why are you stopping me from getting pregnant?” Those are some of the interesting things that we need to look into. Issues of morality and legality are things that we must look into as we legislate on matters to do with children.

I associate myself with the sentiment of Hon. Millie Odhiambo. There are very many confusing pieces of legislation. We need to bring them together. Although I have congratulated Hon. Beatrice for the attempt to introduce a legislation proposal like this one, I would rather we make amendments to the Children’s Act. This will ensure that we amalgamate a lot of issues in

one Act. At the end of the day, we will have one piece of legislation on children that can easily be referred to in court. Lawyers can use it and even lay people can read and understand it.

What is the role of the Senate as provided for in the Constitution? There are many Bills that are coming from the Senate to the National Assembly. Some of those Bills are lost when they come to the National Assembly. This is because there is better and more robust scrutiny of Bills here in the National Assembly. I do not think the drafters of the Constitution really wanted the Senate to make laws, even within the confines of the Fourth Schedule of the Constitution, but they have been attempting to do so. I have seen many Bills that are coming from the Senate on areas that are not theirs. The realm of primary school education is with the national Government, but there are Bills of that nature that are being passed by the Senate and come to this Chamber. There are so many things that must be done at the county level, but the Senate ignores them. The Senate does not want to deal with the issues for which it has been created. I want to tell Senators that we have many issues in the counties that require their intervention. There are many things that must be done in the counties. Concentrate there. We are 349 Members in the National Assembly. We can handle the issues that concern the functions of the national Government as outlined in the Fourth Schedule of the Constitution.

This is a law that requires better scrutiny. This law requires us to look at it deeply. This is a law that we need to be very careful with so that we do not injure already existing laws. I have issues with this Bill. I will bring them when we get to the amendments stage so that we can make this a better law.

Hon. Deputy Speaker, I thank you.

Hon. Deputy Speaker: Thank you. Member for Turbo, Hon. Janet Sitienei.

Hon. Janet Sitienei (Turbo, UDA): Thank you, Hon. Deputy Speaker, for giving me this opportunity. At the outset, I thank the Member for Kericho County for bringing this very important Bill. This Bill speaks to the challenges that are facing our society, including our parents in the constituencies and the country as a whole. Many of those children are actually victims of sexual abuse. A majority of the children who have dropped out of school and suffered sexual abuse are victims of relatives, adults, *boda boda* people and their own peers. The Member is trying to address the issue of the high number of children who are dropping out of school. In as much as the Ministry of Education has accepted that they should go back to school once they deliver, it is our responsibility to ensure that such children access education and complete their studies. It is also our responsibility, as Government, to provide pre-natal and post-natal care as well as education to a child parent. Children born by child-parents are a future generation that we need to keep healthy, protect and take care of.

More importantly, we should be looking for preventive mechanisms. How do we stop this vice? We need to identify the factors that lead to those early pregnancies and early school dropouts so that we can address them. We should implement intervention programmes to ensure that the number of pregnancies or school dropouts are reduced to the minimum. That is a call to the society. We need to sensitise the society on upholding our moral values and go back to societal fabric to prevent those particular vices.

If you ask for statistics, you will be really shocked. Many of the children who fall victim to sexual abuse and hence drop out of school are girls who are orphaned through HIV and AIDS, and are taken care of by grandparents who are elderly and poor. It is the vulnerable children who actually fall victim to that vice. The Member is trying to prevent early pregnancies. Once it has occurred, those affected should be catered for, protected and taken care of.

As I conclude, I agree with Hon. Kaluma and the Deputy Leader of the Majority Party. We need to harmonise those bits of legislation so that they are in one compact Bill to address all the issues of our children, including child-parents and the children of child-parents. However, this does not stop us, as a society, from going back and looking at what happened. Where did we go wrong? When did the rain start beating us for us to have so many children dropping out of school and missing out on education? I thank the Government because it has agreed that every child who gets pregnant should go back to school.

Even as this happens, we must also look at the peers so that we control that vice. I tell parents in my constituency that when the girl child goes home for maternity, the boy-child who got her pregnant must also be disciplined. He must also be dealt with. He must be given leave of absence or a punishment, so that we can stop that vice and stop setting bad precedence. Otherwise, we will continue allowing those girls to become pregnant. We should not be seen to be doing so. We know the vulnerability that leads to such pregnancies. Once it occurs, we need to address the situation and support those children so that they can continue with education. When we do this, they will grow up into well-taken-care-of adults. The children born by those child-parents will be protected.

I support my colleague and suggest that she goes back and looks at whether this Bill can be harmonised with the Children's Act, 2022, so that we can have one legislation that addresses all other issues that touches our children.

Thank you, Hon. Deputy Speaker, for giving me the opportunity to add my voice to this Bill.

Hon. Deputy Speaker: Thank you. I do not see any other Member who wants to contribute to the Bill. Therefore, I call upon the Mover to reply. Hon. Beatrice Kemei, please, reply.

Hon. Beatrice Kemei (Kericho County, UDA): Thank you, Hon. Deputy Speaker, for giving me this opportunity to reply.

Firstly, I thank all the Members who have taken a keen interest in this Bill. I realised that issues to do with children touch everybody. From all the Members who have contributed, it is very clear that, as a House, we need to take children's issues very seriously. They have given me many points to note. Firstly, I need to find out whether this is a Money Bill or not. I will request the Budget and Appropriations Committee to look into it.

Secondly, I appreciate the fact that some of our Members have taken a step to support the teen mothers to go back to school. Hon. Zamzam has echoed the same. I am the County Woman Representative for Kericho County. I am proud because I have taken over 250 teen mothers back to school. Just as Hon. Janet has said, those are vulnerable children. Among the girls I picked was a girl who was brewing local beer. Because of this programme of full scholarship, she went back to school and is now in Form Two. She left two children under the care of her mother, who is still brewing.

Children who give birth to children need to be supported. Some of them run away from home because of the circumstances that they find themselves in. Their parents are very poor, vulnerable and cannot afford to support them. The children only get support from the so-called 'boyfriends' who give them about Ksh20 for sanitary towels or *mandazi*. That is why we need to give them the support.

All the Members who have spoken have agreed to allow those children to go back to school and incorporate this Bill in the Children's Act, 2022. It is very clear from the Members that we have very many pieces of legislation that are dealing with children that need to be incorporated in the Children's Act. However, I will still push this Bill to be supported and guided by Hon. Millie,

and you, Hon. Deputy Speaker, being a lawyer, you will be of great help. Morality is key. This Bill seeks to support and help children who give birth at a tender age. This does not mean that we encourage other girls to also give birth, which is immoral. When we were growing up, we knew that sex before marriage was wrong. Because of many factors, our children do not see it as something wrong. We still need to correct them because many of our daughters are out of school for one reason or the other.

Children who give birth to children do not go to antenatal clinics. This Bill encourages them to attend pre-natal or ante-natal clinics. I appreciate all the Members who have contributed to the Bill. We will still look into it. About 15 per cent of our children give birth at a tender age. We cannot sit back and watch. One of the Members mentioned that the care centres are like children's homes which are owned by the church or individuals. According to the Bill, care centres are the responsibility of the county governments. They should look into them carefully, and guide and monitor what goes on there.

I appreciate the fact that Members have come out strongly to support this Bill, which originated from the Senate. I confirm that we have brilliant Members in the National Assembly. I am ready to work with them and consult some of them, so that we can move to the next level.

With those remarks, I reply.

Hon. Deputy Speaker: I will defer the putting of the Question for the reasons I had given earlier. There is need for more consultation and reference regarding this matter.

(Putting of the Question deferred)

Next Order.

BILL

Second Reading

THE MUNG BEANS BILL
(Senate Bill No.13 of 2022)

Hon. Deputy Speaker: We will defer this Bill because the Member who sponsored the Bill, Hon. Paul Nzengu, had requested to go to another meeting.

(Bill deferred)

Let us to move to the next Order.

MOTIONS

ADOPTION OF REPORT ON FINANCIAL STATEMENTS FOR NG-CDF
FOR CONSTITUENCIES IN BUNGOMA COUNTY

THAT, this House adopts the Report of the Decentralized Funds Accounts Committee on its consideration of the Reports of the Auditor-General on the Financial Statements for the National Government Constituencies Development

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Fund for nine constituencies in Bungoma County for Financial Years 2013/2014, 2014/2015 and 2015/2016, laid on the Table of the House on Thursday, 7th March 2024.

Hon. Deputy Speaker: Hon. Members, upon the request of the Member, this particular Motion is deferred.

(Motion deferred)

ADOPTION OF REPORT ON PUBLIC PETITION NO.4 OF 2022 ON FUNDS SPENT BY THE NATIONAL GOVERNMENT CONTRARY TO THE PROVISIONS OF ARTICLE 223 OF THE CONSTITUTION

THAT, this House adopts the Report of the Public Petitions Committee on its consideration of Public Petition No.4 of 2022 regarding funds spent by the national Government contrary to the provisions of Article 223 of the Constitution, laid on the Table of the House on Tuesday, 12th March 2024.

(Motion deferred)

ADOPTION OF SECOND REPORT ON FINANCIAL STATEMENTS OF CERTAIN STATE CORPORATIONS

THAT, this House adopts the Second Report of the Public Investments Committee on Social Services, Administration and Agriculture on its consideration of the Reports of the Auditor-General on the Financial Statements of the Kenya Medical Training College for Financial Years 2017/2018 to 2020/2021; the Kenyatta University Teaching, Referral and Research Hospital for Financial Years 2019/2020; the Kenya Medical Research Institute for Financial Years 2012/2013 and 2013/2014; the Kenya Medical Laboratory Technicians and Technologists Board for Financial Years 2014/2015 to 2020/2021; and the Kenya Medical Practitioners and Dentists Council for Financial Years 2017/2018 to 2020/2021, laid on the Table of the House on Thursday, 22nd February 2024.

Hon. Deputy Speaker: Hon. Members, we will defer the Motion.

(Motion deferred)

ADOPTION OF REPORT ON ENHANCING REPORTING OF PARLIAMENTARY BUSINESS ON ONLINE PLATFORMS

THAT, this House adopts the Report of the Select Committee on Parliamentary Broadcasting and Library on Enhancing Reporting of Parliamentary Business on Online Platforms, laid on the Table of the House on Wednesday, 4th October 2023.

Hon. Deputy Speaker: Hon. Members, the Motion is deferred.

(Motion deferred)

ADOPTION OF REPORT ON INSPECTION VISIT TO SEMI-AUTONOMOUS
INSTITUTIONS OF EAC IN UGANDA

THAT, this House adopts the Report of the Committee on Regional Integration on its consideration of the Inspection Visit to the Semi-Autonomous Institutions of the East African Community in Uganda, laid on the Table of the House on Wednesday, 29th November 2023.

Hon. Deputy Speaker: Hon. Members, upon the request of the Mover, this particular Motion is deferred.

(Motion deferred)

ADOPTION OF REPORT ON FIRST REPORT ON IMPLEMENTATION STATUS
OF REPORTS ON PETITIONS AND RESOLUTIONS PASSED BY THE HOUSE

THAT, this House adopts the Report of the Select Committee on Implementation on its consideration of the First Report on Implementation Status of Reports on Petitions and Resolutions passed by the House, laid on the Table of the House on Thursday, 26th October 2023.

Hon. Deputy Speaker: Hon. Members, the Motion is deferred.

(Motion deferred)

ADOPTION OF REPORT ON INQUIRY INTO ALLEGED UNFAIR
TRADE PRACTICES BY FOREIGN INVESTORS

THAT, this House adopts the Report of the Departmental Committee on Trade, Industry and Co-operatives on the Inquiry into Alleged Unfair Trade Practices by Foreign Investors in Kenya, laid on the Table of the House on Thursday, 7th March 2024.

Hon. Deputy Speaker: Hon. Members, the Motion is deferred.

(Motion deferred)

ADOPTION OF SECOND REPORT ON EMPLOYMENT DIVERSITY
AUDIT IN PUBLIC INSTITUTIONS

THAT, this House adopts the Second Report of the Select Committee on National Cohesion and Equal Opportunity on the Employment Diversity Audit in Public Institutions, laid on the Table of the House on Thursday, 21st March 2024.

Hon. Deputy Speaker: Hon. Members, the Motion is deferred.

(Motion deferred)

BILL*Second Reading*

THE LAND LAWS (AMENDMENT) (NO.2) BILL
(National Assembly Bill No.76 of 2023)

Hon. Deputy Speaker: Hon. Members, this particular Bill is deferred.

(Bill deferred)

ADJOURNMENT

Hon. Deputy Speaker: Hon. Members, there being no other business, and the time being 6.00 p.m., the House stands adjourned until tomorrow, Wednesday, 19th June 2024, at 9.30 a.m.

The House rose at 6.00 p.m.

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