

# NATIONAL ASSEMBLY

## OFFICIAL REPORT

Wednesday, 25th April, 2007

The House met at 9.00 a.m.

*[Mr. Deputy Speaker in the Chair]*

### PRAYERS

### ORAL ANSWERS TO QUESTIONS

#### *Question No.015*

#### NUMBER OF KENYANS HOLDING INTERNATIONAL POSITIONS IN UN AGENCIES

**Ms. Ndung'u** asked the Minister for Foreign Affairs:-

(a) how many Kenyans work in international positions within the United Nations agencies and the African Union;

(b) if he could table their names and respective positions;

(c) what quota for international positions is allocated to Kenya within the United Nations agencies and the African Union; and,

(d) what action he is taking to ensure that Kenyans are employed by these organisations and that Kenya utilises its quotas to the fullest extent.

**Mr. Deputy Speaker:** Is the Minister for Foreign Affairs not here?

**The Vice-President and Minister for Home Affairs** (Mr. Awori): Mr. Deputy Speaker, Sir, since this is an important Question, and I know that the Minister is coming to answer it, may I seek your indulgence so that you can come back to it during the second round? I know you have not been doing it but may be we could try it this morning.

**Mr. Deputy Speaker:** Your Excellency, the Vice-President and Minister for Home Affairs, let us proceed and see how it goes. We will leave that Question until the end then.

Next Question by Mr. Owino!

#### *Question No.016*

#### ACQUISITION OF NJABINI LAND BY MIDLANDS LIMITED

**Mr. Deputy Speaker:** Is Mr. Owino not here? We will leave his Question until the end then.

Next Question by Mr. Ndambuki!

#### *Question No.204*

NON-PAYMENT OF SITTING ALLOWANCE TO  
MAKUENI TRIBUNAL COMMITTEE

**Mr. Ndambuki** asked the Minister for Lands:-

- (a) whether he is aware that members of the District Dispute Tribunal Committee in Makueni have not been paid their sitting allowances since 2005 to date; and,  
(b) when the sitting allowances will be paid to the committee members.

**Mr. Deputy Speaker:** Is anyone here from the Ministry of Lands? We will leave that Question until the end then.

Next Question by Mr. Bett!

*Question No.093*

COST OF CONSTRUCTION OF MBAGATHI WAY

**Mr. Deputy Speaker:** Is Mr. Bett not here? We will leave his Question until the end then.  
Next Question by Mr. Khamisi!

*Question No.011*

NON-PAYMENT OF  
WORKMEN'S COMPENSATION  
TO MRS. KAZUNGU

**Mr. Khamisi** asked the Minister for Labour and Human Resource Development:-

- (a) if he could explain why Mrs. Grace Dhahabu Kazungu, wife of Mr. Julius Kazungu (deceased), a former employee of the Ministry, has not been paid the balance of her workmen's compensation claim amounting to Kshs100,000; and,  
(b) when she will be paid.

**Mr. Deputy Speaker:** Is anyone here from the Ministry of Labour and Human Resource Development?

**The Vice-President and Minister for Home Affairs** (Mr. Awori): Mr. Deputy Speaker, Sir, for certain, I had an early meeting in my office in Jogoo House with hon. Ms. Mwau and I know she is on her way.

**Mr. Deputy Speaker:** We will leave that Question until the end then.

Next Question by Mr. Mukiri!

*Question No.133*

NON-POSTING OF MR. GIBSON  
KARURU BY TSC

**Mr. Deputy Speaker:** Is Mr. Mukiri not here? We will leave his Question until the end then.

Next Question by Mr. Osundwa!

*Question No.115*

## WATER SHORTAGE IN MUMIAS TOWN

**Mr. Osundwa** asked the Minister for Water and Irrigation:-

- (a) whether he is aware that there is a serious water shortage in Mumias Town; and,
- (b) what urgent plans there are to upgrade the existing piping system which was installed more than 30 years ago when the population of Mumias was still low.

**Mr. Deputy Speaker:** Is anyone here from the Ministry of Water and Irrigation? We will leave that Question until the end then.

Next Question by Mr. Bahari!

*Question No.128*CO-OPERATIVE SOCIETIES REGISTERED IN  
GARBA-TULLA SUB-DISTRICT

**Mr. Deputy Speaker:** Is Mr. Bahari not here? We will leave his Question until the end then.

Next Question by Mr. Mirugi!

*Question No.159*UTILISATION OF LATF/FUEL LEVY FUNDS  
BY NAKURU MUNICIPALITY

**Mr. Deputy Speaker:** Is Mr. Mirugi not here? We will leave his Question until the end. Next Question by Dr. Manduku!

*Question No.213*MEASURES TO RAISE STANDARDS OF  
ELDORET DISTRICT HOSPITAL

**Mr. Deputy Speaker:** Is Dr. Manduku not here? We will leave his Question until the end. Let us move on to the second round! I want to believe that Parliament can run even when it is raining. So, again, let us go back to hon. Ms. Ndung'u's Question!

*Question No.015*NUMBER OF KENYANS  
HOLDING INTERNATIONAL  
POSITIONS IN UN AGENCIES

**Ms. Ndung'u** asked the Minister for Foreign Affairs:-

- (a) how many Kenyans work in international positions within the United Nations agencies and the African Union;

- (b) if he could table their names and respective positions;  
 (c) what quota for international positions is allocated to Kenya within the United Nations agencies and the African Union; and,  
 (d) what action he is taking to ensure that Kenyans are employed by these organisations and that Kenya utilises its quotas to the fullest extent.

**The Vice-President and Minister for Home Affairs** (Mr. Awori): Mr. Deputy Speaker, Sir, I beg to reply on behalf of the Minister for Foreign Affairs.

(a) The United Nations system covers the whole globe and has offices and operations of different kinds in virtually all countries of the world. Like in any other institution, there is both horizontal and vertical mobility of personnel. One cannot, therefore, be exact on the number and positions held by Kenyans. The sum total of Kenyan UN and AU professionals are as follows:

African Union (AU)	8
United Nations Office in Nairobi	6
United Nations Habitat	8
UNEP (United Nations Environmental Programme)	31
WIPO	1
UNHCR (United Nations High Commission for Refugees)	43
ILO (International Labour Organisation)	4
UNCTAD (United Nations Conference on Trade and Development)	1
WHO (World Health Organisation)	5
WMO (World Meteorological Organisation)	1
IFAD (International Fund for Agricultural Development)	4
WFP (World Food Programme)	30
FAO (Food Agricultural Organisation)	9
UNESCO (United Nations Scientific and Cultural Organisation)	5
United Nations, New York and other offices	66
UNECA (United Nations Economic Commission for Africa)	11
CTBO (Centre de Transformation sur le Bois Ouvre)	3
IAEA (International Atomic Energy Agency)	1
UNIDO (United Nations Industrial Development Organisation)	1
<b>SUM TOTAL</b>	<b>238</b>

(b) I hereby table a list showing the names of Kenyans working in various United Nations offices and the African Union, their grades and positions as at 31st January, 2007.

(c) (i) Kenya's quota in the African Union is eight professionals recruited members of staff, hence the same is fully utilised.

(ii) The quota system in the United Nations is allocated according to a country's contribution to the budget of the United Nations. Our annual contribution is approximately 0.1 per cent of the total budget. It varies from year to year on a pro-rata basis. Therefore, our quota is relatively small.

In addition, due to the fact that we host the United Nations office in Nairobi, the employment of Kenyans, particularly in the general service cadre of over 700 in number, has made our quota full in other United Nations bodies and agencies.

(d) The Ministry of Foreign Affairs has established an international Jobs and Diaspora office, which will ensure a more co-ordinated approach in identifying and securing jobs for Kenyans in international and regional organisations.

Mr. Deputy Speaker, Sir, I was supposed to table the names of Kenyans. Somehow, the list is missing, but I will pass it on.

**Mr. Deputy Speaker:** You will table the list?

**The Vice-President and Minister for Home Affairs** (Mr. Awori): Mr. Deputy Speaker, Sir, I will table it.

**Ms. Ndung'u:** Mr. Deputy Speaker, Sir, I have had the privilege to see the list of the names of Kenyans that will be tabled before the House. Most of the Kenyans who work in these institutions are in the lower cadres. In other words, in senior ranking positions where decisions are made, for example, in Job Group D and above in the United Nations, there are no Kenyans.

When we agreed to host UNEP and Habitat, part of the deal that Kenya entered into with the United Nations was to have Kenyans in high ranking offices. However, after Prof. Reuben Olembu retired from being the Deputy UNEP Executive Director and Mr. Kaniaru retired from being the Head of Legal Affairs, there is no senior Kenyan in both of these institutions which Kenya hosts.

What is the Minister doing to ensure that we get back our positions in these two very important organisations that we are hosting? What aggressive method is he using to ensure that Kenyans are recruited into the senior ranks of these institutions?

**Mr. Awori:** Mr. Deputy Speaker, Sir, I agree entirely with the hon. Questioner. However, we are going to be much more aggressive in pushing our candidates to senior positions.

Nevertheless, let us not forget what I said earlier, that somehow, the quota for international positions depends entirely on our contribution towards the United Nations budget. But that does not detract the fact that we were unable to replace the two senior officers in the senior cadre. We will do the best we can to ensure that this happens.

**Mr. Ndambuki:** Mr. Deputy Speaker, Sir, the Questioner has asked about the quota, but the Vice-President has read the number of Kenyans in each category. It seems we Kenyans are only considered for lower cadre positions. Does it mean that because of our contribution, Kenyans cannot be recruited to senior positions, as the Questioner has asked?

**Mr. Awori:** Mr. Deputy Speaker, Sir, I will repeat what I said. Indeed, we have not been aggressive enough. We intend to be aggressive enough so that we can, at least, recover the two positions that we had which the Questioner quoted.

Mr. Deputy Speaker, Sir, with regard to the quota, indeed, there must be something amiss here, where the number of employees in the Nairobi office are being used to ensure that our quota in various places is filled. It is up to us to be aggressive.

**Mr. Osundwa:** Mr. Deputy Speaker, Sir, four years ago, there was a position of Director-General in the World Meteorological Organisation which a Kenyan, Mr. Evans Mukolwe, was vying for. Could the Vice-President and Minister for Home Affairs inform this House what effort the Government made to ensure that Mr. Mukolwe got this position? What support did you give him?

**Mr. Awori:** Mr. Deputy Speaker, Sir, I remember that was a subject of a Question in this House. The answer given was that our support came a little bit rather late.

**Capt. Nakitare:** Mr. Deputy Speaker, Sir, from the answer given by the Vice-President and Minister for Home Affairs, you can see that we have been short-changed in terms of Kenyans being recruited to the United Nations. Earlier on, we had an Economic Commission for Africa, where we had a Director, Mr. Billy Wamalwa, as one of those who represented Kenya in the United Nations. Mr. Masakhalia was also an economist in the Commission. Why were these positions phased out?

**Mr. Awori:** Mr. Deputy Speaker, Sir, I can only repeat what I have said that, in future, we will be more aggressive.

**Ms. Ndung'u:** Mr. Deputy Speaker, Sir, if you take a look at the list of names that will be tabled, you will find that there are some names that look slightly suspicious. In other words, these are not names that we normally find among ordinary Kenyans.

Also, there are some names of people who have been out of Kenya for a long time and they may have changed citizenship. Could the Minister check with the Ministry of State for Immigration and Registration of Persons whether these persons are still Kenyan citizens and whether they still hold Kenyan passports? If they do not, the United Nations should be informed and real Kenyans should be given those jobs.

**Mr. Awori:** Mr. Deputy Speaker, Sir, that will be done.

*Question No.016*

ACQUISITION OF NJABINI  
LAND BY MIDLANDS LIMITED

**Mr. Owino** asked the Minister for Lands:-

(a) under what circumstances the company by the name Midlands Limited acquired land at Njabini Farm; and,

(b) what portion of land the company acquired, for what purposes and at what cost.

**Mr. Deputy Speaker:** I would have expected you, first of all, to apologise to the House for coming late. This is the second time that I am calling out your Question.

**Mr. Owino:** Mr. Deputy Speaker, Sir, I am sorry. I did not know that you had called for this Question to be asked.

**Mr. Deputy Speaker:** Look at the clock! It is 9.20 a.m!

**Mr. Owino:** Mr. Deputy Speaker, Sir, I am very sorry.

**Mr. Deputy Speaker:** Very well! Mr. Owino has apologised. The apology is taken. Is the Minister for Lands there?

**Mr. Maore:** On a point of order, Mr. Deputy Speaker, Sir. If you recall, from the records, this Question was not supposed to be responded to by the Minister at all.

The Assistant Minister was adamant that the content of his answer was sustained and the Speaker promised that he would go through the records to see what transpired and see whether the Assistant Minister was right in saying what he said. He had said that he had confirmed his

information from the Registrar's office. After the Clerk had ascertained that hon. Kimunya was a Director of this company, hon. Kamama declined to apologise to the House. It was upon the Chair to make a ruling on the way forward and the Minister was not supposed to answer the Question.

**Mr. Deputy Speaker:** Hon. Maore, I am quite familiar with what you have said. I have gone through the HANSARD and we have checked the records and Mr. Kamama was supposed to come to the House this morning to address the matter. I can only give him the benefit of the doubt, as indeed, many hon. Members, including Ministers are absent this morning. The matter will be dealt with appropriately tomorrow afternoon.

**The Minister for Planning and National Development (Mr. Obwocha):** On a point of order, Mr. Deputy Speaker, Sir. From previous rulings of the Chair, if my memory serves me well, the directorship of public companies is a public matter. When we have insisted that the directors be named here, the Speaker has normally referred us to the Registrar of Companies because these are public documents.

**Mr. Deputy Speaker:** Can I assist, you, hon. Obwocha? Probably you are not familiar with the matter. That process has already been undertaken and the Registrar of Companies has already communicated to the House on this matter. It is really a small issue remaining to be resolved. I am sure when hon. Kamama comes here, the matter will be resolved.

This Question will be deferred to tomorrow afternoon. I would like to ask the Leader of Government Business to ensure that hon. Kamama is here to resolve the matter. This matter has been outstanding for too long.

*(Question deferred)*

*Question No.204*

NON-PAYMENT OF SITTING ALLOWANCE  
TO MAKUENI TRIBUNAL COMMITTEE

**Mr. Ndambuki** asked the Minister for Lands:-

- (a) whether he is aware that members of the District Dispute Tribunal Committee in Makueni have not been paid their sitting allowances since 2005 to date; and,
- (b) when the sitting allowances will be paid to the committee members.

**Mr. Deputy Speaker:** I cannot see the Acting Minister for Lands here. Are you able to answer the Question, your Excellency, the Vice-President and Minister for Home Affairs?

**The Vice-President and Minister for Home Affairs (Mr. Awori):** Mr. Deputy Speaker, Sir---(Inaudible)

**Mr. Osundwa:** On a point of order, Mr. Deputy Speaker, Sir. We know that the docket of the Minister for Lands has been vacant for quite some time. Is it not about time we asked the Vice-President and Minister for Home Affairs to inform the President that he has to fill that position?

**Mr. Deputy Speaker:** Mr. Osundwa, the Chair has nothing to do with the [Mr. Deputy Speaker]

appointment of Ministers. Therefore, I will not give any directions. Can we defer this Question to tomorrow afternoon?

**Mr. Ndambuki:** On a point of order, Mr. Deputy Speaker, Sir. If we continue this way, we will continue deferring one Question after another. Even the other pending Questions will never be answered.

**Mr. Deputy Speaker:** You are, indeed, right, Mr. Ndambuki. However, in this case, both the Ministers and the Questioners are culprits. It is not a one-sided issue. At one time, we defer a

Question because the Questioner is not here. This time round, we are deferring this Question because the Minister is not here. This is an unusual morning. That is all the Chair can say.

**Mr. Ndambuki:** On a point of order, Mr. Deputy Speaker, Sir.

**Mr. Deputy Speaker:** No, no, no! There is no issue on which to waste time here.

Next Question, Mr. Bett!

**Mr. Bett:** Mr. Deputy Speaker, Sir, before I ask my Question, I would like to apologise for coming late, and agree with you that the traffic jams on our roads do not affect Ministers and Members of Parliament alone.

*Question No.093*

COST OF CONSTRUCTION OF MBAGATHI WAY

**Mr. Bett** asked the Minister for Roads and Public Works:-

(a) when the construction of Mbagathi Way began and when it will be completed; and,

(b) at what cost it is being constructed and how much money has so far been disbursed.

**Mr. Deputy Speaker:** Is the Minister for Roads and Public Works not here?

Hon. Members, this is a good example. Yesterday, the Assistant Minister for Roads and Public Works, Eng. Toro, was here, and he agreed with Mr. Bett that the Question be deferred to today. They approached the Chair and requested that the Question be deferred to this morning. In fact, I had deferred it to today afternoon, but the duo came and pleaded with the Chair that it be answered this morning. Even Mr. Bett has just arrived. So, why should I crucify the Ministers?

**The Vice-President and Minister for Home Affairs** (Mr. Awori): Mr. Speaker, Sir, on behalf of the Minister for Roads and Public Works, I beg to reply.

**Mr. Deputy Speaker:** Very good!

**The Vice-President and Minister for Home Affairs** (Mr. Awori): Mr. Deputy Speaker, Sir, I beg to reply.

(a) The construction of Mbagathi Way began on 19th August, 2005 and the programmed completion date was 18th August, 2006. This being the first major concrete pavement project in the country, some technical and operational problems were experienced, which in turn delayed the project's completion. The expected date of completion is now 30th June, 2007.

(b) The road is being constructed at a contract sum of Kshs445,363,927.20. Payments made to the contractor as at 31st March, 2007 amount to Kshs318,627,140.02.

Thank you, Mr. Deputy Speaker, Sir.

**Mr. Deputy Speaker:** Eng. Toro has just come! The Vice-President and Minister for Home Affairs has started answering the Question.

**Mr. Bett:** Mr. Deputy Speaker, Sir, I hope that our Standing Orders allow the Assistant Minister for Roads and Public Works, Eng. Toro, to take over from the Vice-President and Minister for Home Affairs.

**Mr. Deputy Speaker:** There is no reason as to why the Assistant Minister for Roads and Public Works should be barred from taking over from the Vice-President and Minister for Home Affairs. If he wants to do so, he can, but even the Vice-President and Minister for Home Affairs is competent enough to continue answering the Question. So, it is up to the two to decide. There is nothing that bars a Minister from proceeding to answer a Question when another Minister had initially stepped in for him or her. Ministers discharge their duties on the basis of collective responsibility.



**Mr. Bett:** Thank you, Mr. Deputy Speaker, Sir. It seems that the contract has been varied, and I believe that a variation order has been issued. I would want to know the initial cost of the project before the variation order was effected.

**The Assistant Minister for Roads and Public Works (Eng. Toro):** Mr. Deputy Speaker, Sir, let me take this opportunity to, first, apologise for coming late. I have been in a traffic jam for the last two hours.

Having apologised, I would like to proceed and correct Mr. Bett by saying that there were no variation order. The original contract sum is as stated. What has happened is that there was some delays initially because, this being the first concrete road we are making, we could not proceed without getting all the parameters right. We could not start construction and then after doing a 100 metres, we demolish what has been constructed. So, there was no variation. The original contract sum is as given above, and we anticipate that we are going to adhere to that contract sum.

**Mr. Mukiri:** Mr. Deputy Speaker, Sir, Mbagathi Way is a very important road in this city. I do not know whether the Assistant Minister is satisfied with the way the drainage system is being done. It looks as if the contractor is not competent to do that work. Could he confirm to this House that they are getting value for money?

**Eng. Toro:** Mr. Deputy Speaker, Sir, the contractor is competent, because the engineers who are supervising the works are competent. The drainage works are being done now. The drainage work could not be done before the carriageway was complete. Even now, I passed through that road. As far as drainage is concerned, there is only one small section where I found some flooding. So, the issue of the drainage system has been addressed. Whatever problem there is, will be identified now that there is a lot of rain.

**Mr. Gitau:** Mr. Deputy Speaker, Sir, I do not know whether you have heard what the Assistant Minister has said. He is evading issues. Initially, he was asked why it has taken so long for the project to be completed. He said that it is because they had to get all the parameters right. Why did they initiate the process if they did not have the parameters right? In response to Mr. Mukiri's question, he has told us that the engineers who are supervising the project are competent and, therefore, the contractor also competent. What is he talking about?

**Eng. Toro:** Mr. Deputy Speaker, Sir, the contractor is not an engineer. He is supervised by the engineers. Whatever comes out is determined through supervision by the engineer. The contractor is told what the right mixture of the concrete is, and where the alignment of the road is. He has been told everything. If there is a mistake, it is up to the resident engineer to tell the contractor to re-do the work.

Mr. Deputy Speaker, Sir, you can have a very perfect design on paper, but when it comes to the implementation of that design, it is a different matter altogether. So, there are some issues that were not foreseen initially. They came out when we started construction. For instance, there was a chemical and a mixture, which were found necessary, and we had to import them from South Africa. That also took time

**Mr. Kipchumba:** Mr. Deputy Speaker, Sir, given that this was a pilot project, and probably the first one in this country, what was the experience of the Ministry? When will it implement a another similar project, given that it costs a lot of money? Could he tell this House whether this new technology is sustainable?

**Eng. Toro:** Mr. Deputy Speaker, Sir the experience we have is that construction of concrete roads in Kenya is very expensive. When we finally complete the project, and it is handed over, we will do the final cost analysis and we will be able to determine the durability of concrete roads *vis-a-vis* bitumen roads, and decide whether, really, in future, we might want to embark on concrete road projects on any section of our roads. Concrete road construction is a very expensive

exercise. We now know it as a reality. It is no longer theoretical. Hon. Members of this House used to ask why we did not have concrete roads in Kenya. We now know the cost implications of constructing such roads, and we have to be very careful when we decide to do another similar road.

**Mr. Bett:** Mr. Deputy Speaker, Sir, at the start of this project, there was talk that local cement companies offered to contribute cement for the project. So, how much of the cost of this project has come from public coffers and how much of it has come from Harambee efforts?

**Eng. Toro:** Mr. Deputy Speaker, Sir, there was the initial agreement that the cement manufacturers would provide all the cement and they did that. The cost of the cement for that project - about 7.14 per cent - amounted to about Kshs31 million. They have provided all the cement required. So, on every certificate that was paid to the contractor, they would deduct the cost of the cement. So, at the end of the day, there would be a saving of Kshs31 million. That is not really a saving. It is the contribution from the cement manufacturers. I also wish to add that some improvements on Mbagathi Road are not complete. There is a footbridge that is being constructed. The side walls are also being constructed. The street lighting project will come later. They are all included in that contract. Although it appears to be very expensive, there are some accessories which would come on board. You will see them when the road is completed.

**Mr. Deputy Speaker:** Next Question by Mr. Joe Khamisi.

*Question No.011*

NON-PAYMENT OF  
WORKMEN'S COMPENSATION  
TO MRS. KAZUNGU

**Mr. Khamisi** asked the Minister for Labour and Human Resource Development:-

(a) whether he could explain why Mrs. Grace Dhahabu Kazungu, wife of Mr. Julius Kazungu (deceased), a former employee of the Ministry, has not been paid the balance of her workmen's compensation claim amounting to Kshs100,000; and,

(b) when she will be paid.

**The Assistant Minister for Labour and Human Resource Development** (Ms. Mwau): Mr. Deputy Speaker, Sir, I beg to reply.

**Mr. Deputy Speaker:** You must, first of all, apologise! We have been waiting for you. This is the second time---

**The Assistant Minister for Labour and Human Resource Development** (Ms. Mwau): Mr. Deputy Speaker, Sir, I apologise for coming late.

**Mr. Weya:** On a point of order, Mr. Deputy Speaker, Sir.

**Mr. Deputy Speaker:** Order! Do not be trivial! The Assistant Minister has apologised and the House has accepted her apology. She may now proceed!

**The Assistant Minister for Labour and Human Resource Development** (Ms. Mwau): Mr. Deputy Speaker, Sir, I beg to reply.

(a) I am aware that Mr. Julius Kazungu, a former employee of M/s Wells Fargo was involved in a fatal traffic accident on 30th May, 1997. In accordance with the Workmen's Compensation Act, Cap 236, Laws of Kenya, the dependant of Mr. Kazungu was to be paid Kshs240,000 as compensation. The employer, M/s Wells Fargo, deposited Kshs240,000 with the District Labour Officer, Mombasa, vide a bankers cheque No.00191 dated 6th March, 1998, for onward payment to the dependants of Mr. Julius Kazungu. I am further aware that the wife of Mr.

Kazungu, Mrs. Grace Kazungu, was paid Kshs140,000 instead of Kshs240,000. The balance of Kshs100,000 could not be paid on time because a former account's clerk in our Labour Office in Mombasa falsified Government documents to show that the employer, M/s Wells Fargo, had paid Kshs140,000 instead of Kshs240,000 as workmen's compensation to the dependants of the late Mr. Julius Kazungu. The matter was not detected until when the deceased's wife, Mrs. Grace Kazungu, raised it. Unfortunately, the culprit had already been retrenched.

(b) The Ministry has drawn another cheque No.01001015 dated 24th April, 2007, in favour of the dependant of the deceased; namely, Mrs. Kazungu. The Kshs100,000 cheque has been forwarded to the District Labour Officer, Mombasa, for collection by the dependant.

**Mr. Khamisi:** Mr. Deputy Speaker, Sir, first of all, I would like to thank the Assistant Minister for assuring me that the cheque has just been sent to Kilifi. However, that is a case of theft by servant. What will the Assistant Minister do to that individual who actually stole public money and failed to pay as required by the law?

**Ms. Mwau:** Mr. Deputy Speaker, Sir, the particulars of that accounts clerk are being sought by the Provincial Labour Officer so that they can be forwarded to the police. He will be picked by the police and interrogated. We are also going to attach his pension to pay the Kshs100,000 that he took from Mrs. Kazungu.

*(Several hon. Members stood  
up in their places)*

**Mr. Deputy Speaker:** I did not expect many supplementary questions after that satisfactory answer. What is it, Mr. Ligale?

**Mr. Ligale:** Mr. Deputy Speaker, Sir, if the hon. Member had not asked this Question, that poor lady would not have been paid that money. Does the Ministry not have a system of ensuring that all those monies are duly given to the affected persons, instead of waiting until an hon. Member asks a Question here?

**Ms. Mwau:** Mr. Deputy Speaker, Sir, we have set up a task force to look into the issues of labour officers who do not remit money to the affected persons.

**Mr. Mwancha:** Mr. Deputy Speaker, Sir, I would like to follow up from where the last speaker has ended. Indeed, it is appalling to know that you make payments when Questions are asked in this House. You have now set up a task force. We should not be excited about those task forces because many have been set up and their reports have not been implemented. When will that task force produce its report? What is the time frame?

**Ms. Mwau:** Mr. Deputy Speaker, Sir, as soon as possible. It has already embarked on its work.

**Mr. Deputy Speaker:** Last Question, Mr. Khamisi!

**Mr. Khamisi:** Mr. Deputy Speaker, Sir, no further questions.

**Mr. Deputy Speaker:** Next Question, Mr. Macharia Mukiri.

*Question No.133*

NON-POSTING OF MR. GIBSON  
KARURU BY TSC

**Mr. Mukiri** asked the Minister for Education:-

(a) whether he is aware that in August, 1991, a teacher, Mr. Gibson

Gathuthu Karuru, TSC No.134182, was ordered by the Teachers Service Commission (TSC) to report to the District Education Officer (DEO), Nakuru, in October that year for posting, but the DEO did not comply with that order;

(b) why the Commission did not act on that matter despite Mr. Gathuthu's several visits to their headquarters; and,

(c) what is the fate of the said teacher and when his dues will be paid.

**Mr. Deputy Speaker:** Mr. Mukiri, were you there when I called out this Question for the first time?

**Mr. Mukiri:** Sorry, Mr. Deputy Speaker, Sir! I wish to apologise to the House.

**Mr. Deputy Speaker:** It is a matter of courtesy to apologise when a Member or a Minister comes late to ask or answer a Question. It is a matter of courtesy to apologise to the House. Very well! Apology taken!

Proceed, Mr. Minister.

**The Minister for Planning and National Development** (Mr. Obwocha): Mr. Deputy Speaker, Sir, on behalf of the Minister for Education, I beg to reply.

(a) I am aware that Mr. Gibson Gathuthu, TSC No.134182, was suspended for two months with effect from 15th August, 1991, and was to report to the DEO, Nakuru for posting after serving the two months suspension. There are no records to show that the teacher reported to the District Education Officer, Nakuru, as directed.

(b) There is no evidence to show that the teacher visited the TSC headquarters to lodge any complaints relating to his posting.

(c) In view of the fact that the teacher failed to report to the DEO, Nakuru, for posting after the suspension period and has, therefore, been out of service for the last 15 years, the Commission dismissed him from the service. Under the Pensions Act, Cap. 189, Laws of Kenya, the teacher does not qualify for any other benefits.

**Mr. Mukiri:** Mr. Deputy Speaker, Sir, the way the Minister has answered this Question is very sad. We are talking of the plight of a teacher who, because of tribal clashes, was forced to flee from his place of work and was suspended by the Teachers Service Commission (TSC). However, after those two months, he went and appealed. They accepted that they would change his station of work. Mr. Gathuthu was told to report to the District Education Officer (DEO) for posting. The Minister is saying that he did not report to the DEO. For the last 16 years, Mr. Gathuthu has been moving from Nakuru to the TSC Headquarters so that this issue can be resolved. I do not know what records the Minister wants produced to show that the teacher actually reported to the DEO. Could he lay on the Table the letter of posting him to an alternative school? This will show whether the DEO actually posted Mr. Gathuthu to another school. That is the bone of contention! However, when the Minister---

**Mr. Deputy Speaker:** Order, Mr. Mukiri! We cannot go round in circles! You have already asked your question; give the Minister an opportunity to---

**Mr. Mukiri:** His answer---

**Mr. Deputy Speaker:** Order, Mr. Mukiri! Your question has been heard by the Minister! Mr. Minister, could you respond?

**Mr. Obwocha:** Mr. Deputy Speaker, Sir, there are two things. Mr. Mukiri is the one to table any evidence to show posting or otherwise. He was told to go and report so that he could get a letter of posting. He did not report! That is what I said in part "a" of my answer. If Mr. Gathuthu had this problem, for 16 years, he has not even shown any evidence or even tabled letters to follow the case so that we can help him to push the case.

*(Messrs. Mukiri and Angwenyi)*

*stood up in their places)*

**Mr. Deputy Speaker:** No, Mr. Mukiri! I will give you an opportunity later! Let someone else have a go at your Question.

Proceed, Mr. Angwenyi!

*(Mr. Mukiri remained standing  
in his place)*

Order, Mr. Mukiri!

**Mr. Angwenyi:** Mr. Deputy Speaker, Sir, could the Minister consider this case on compassionate grounds, assuming that this person does not have any records? He could not have had any records because there was no DEO. Could he consider this case on compassionate grounds and grant that person his plea?

**Mr. Obwocha:** Mr. Deputy Speaker, Sir, if the teacher produces some evidence of letters showing his appeal, we are willing to look into his case. However, 16 years is a long time ago. If he was 40 years old, he is now 56 years old; beyond retirement age. Basically, this is the kind of evidence we want so that we can help the teacher.

**Mr. Waithaka:** Mr. Deputy Speaker, Sir, I think the Minister has a duty to tell this House if, indeed, this teacher did not report to the DEO after he was reinstated and told to report to the DEO for redeployment. If he did not go there, he must have deserted then. Does the Ministry hold a letter they wrote to that teacher asking him to show cause why he should not be dismissed for desertion? How was this letter delivered to that particular teacher? That letter must in be the possession of the Ministry and not with the teacher because he never got it.

*(Applause)*

**Mr. Obwocha:** Mr. Deputy Speaker, Sir, indeed, in part "b" of my answer, I said that since he did not report, the TSC dismissed him.

**Mr. Mukiri:** On a point of order, Mr. Deputy Speaker, Sir.

**Mr. Deputy Speaker:** Order, hon. Members! When you do not get a satisfactory answer, you do not raise a point of order! You let another Member ask a question so that he may probably bring out what you want. You cannot be given two chances!

Proceed, Mr. Karaba!

**Mr. Karaba:** Mr. Deputy Speaker, Sir, this Question is not unique. It is common in very many parts of this country. The main cause is that the TSC has concentrated its power at the Bazaar Plaza. Is it possible to decentralise to the rest of the country some of the activities like disciplining of teachers? This will ensure that teachers can easily access facilities of this nature.

**Mr. Obwocha:** Yes, Mr. Deputy Speaker, Sir. The substantive Minister for Education said that the TSC is going to decentralise its activities to the various districts. I am sure that Mr. Karaba, as a former Principal and Chairman of the Departmental Committee on Education, Research and Technology knows about this.

**Mr. Mukiri:** Mr. Deputy Speaker, Sir, if you have noticed, the Minister has not - maybe, it is because he is not the Minister for Education - answered any of the questions that have been asked. I do not know why we should be asking Questions if the Ministers are not serious. I have asked if he could produce a letter of posting. He then said that it is the teacher who is supposed to do it. Is it the teacher or the Ministry who is supposed to write that letter? Mr. Waithaka has asked him to produce, at least, a letter to show that there was communication from the Ministry for him

to show cause why he should not be dismissed. I would like the Minister to table those two letters because they are very important. They cannot allege that the teacher did not report, yet the letter is not there. The Minister should also table the letter of dismissal because it is not there.

*(Mr. Obwocha moved to  
the Dispatch Box)*

**Mr. Deputy Speaker:** Order, Mr. Minister! I am really sympathetic with this man. Sixteen years is a long time, Mr. Mukiri. Nevertheless, the Minister has heard what Mr. Mukiri has said. What is the position on those documents of transfer and posting?

**Mr. Obwocha:** Mr. Deputy Speaker, Sir, let me just give a very brief chronology of what happened. That teacher was employed on 1st May, 1978, under TSC No.134182, like I said. He worked in various primary schools in West Pokot up to December, 1979. He was then transferred to Nakuru District in 1980, where he also taught in various schools. He was interdicted on 12th June, 1991, for desertion of duty. The case was heard and determined by the Commission on 15th August, 1991. He was suspended for two months for desertion. He was directed to report then to the DEO, Nakuru, two weeks before the expiry of the suspension which I mentioned in part "a" of my answer. He should have started teaching on 15th October, 1991, which he never did because he never reported. So, the Commission dismissed the teacher. He is asking me to table the letter of dismissal when he, in fact, is the one who is supposed to table the letter of dismissal and the letters he has been writing to follow up the case. This will make us sympathetic and see whether the man is of age to be reinstated or he is above the retirement age.

*(Mr. Gitau stood up in his place)*

**Mr. Deputy Speaker:** Order! You know this is not a court of law. I think the Chair has given enough time for that Question.

**Mr. Gitau:** Mr. Deputy Speaker, Sir, you can see that there are grey areas and gaps in this matter. Would I be in order to request - this is the plight of a Kenyan worker - that we defer this matter and let the "actual" Minister for Education deal with this matter?

**Mr. Deputy Speaker:** Mr. Gitau, I do not like this issue of the "actual". A Minister of the Government is defined clearly in the Standing Orders and it is clear in the Constitution, collective responsibility has answered a Question. I cannot say that I will defer this Question in order that a "real" Minister can come and answer it. This is a real Minister!

*(Mr. Gitau consulted loudly)*

Listen, Mr. Gitau! I do not think the matter is closed. When a Question is asked and answered here, it does not mean that it is closed. I believe there still exists a room for Mr. Mukiri to discuss the matter further with the Minister with a view to resolving this issue. However, the House cannot spend all the time acting as a court of law arguing about this or that. As far as this House is concerned, the matter rests there! You can follow it up later!

Next Question by Mr. Osundwa!

*(Mr. Mukiri stood up in his place)*

**Mr. Deputy Speaker:** What is it, Mr. Mukiri?

**Mr. Mukiri:** Mr. Deputy Speaker, Sir, the reason why we ask Questions here is to ensure

that issues are addressed. So, if the Minister says that it is the teacher who should produce the letter of dismissal and yet it should come from the Teachers Service Commission (TSC), it is for the Chair to give guidance so that we can resolve this matter. Could the Minister bring the file here so that we determine whether this teacher was dismissed or not? Otherwise, we shall just be asking Questions for no reason.

**Mr. Deputy Speaker:** Mr. Minister, if you dismiss a teacher, certainly, you must have a copy of the dismissal letter and particulars of the dismissal.

**Mr. Obwocha:** Mr. Deputy Speaker, Sir, that is all right. We can bring a copy of the letter of dismissal.

**Mr. Deputy Speaker:** Very well, but I still advise Mr. Mukiri, even if the letter is brought to continue following the matter of this teacher with the Ministry. We do not have to sit here for hours on end until we resolve every question that is asked. You are right in saying that we bring Questions here so that we may solve issues, but we do not have to go up to the end because, otherwise, we will be taking hours. We have only one hour for Question Time and we have 15 Questions in the Order Paper today.

**Mr. Ogur:** On a point of order, Mr. Deputy Speaker, Sir. People are looking for jobs. So many qualified teachers are out there because they cannot get jobs. Here is a qualified teacher who has got a job and has been teaching but he has disappeared for 16 years. Is he alive actually?

*(Laughter)*

**Mr. Deputy Speaker:** That is not a point of order! I do not know whether the teacher is alive. You should ask Mr. Mukiri whether he is alive.

*Question No.115*

**Mr. Osundwa** asked the Minister for Water and Irrigation:-

(a) whether he is aware that there is a serious shortage of water in Mumias Town; and,

(b) what urgent plans there are to upgrade the existing piping system which was installed more than 30 years ago when the population of Mumias was still low.

**The Minister for Water and Irrigation** (Mr. Katuku): Mr. Deputy Speaker, Sir, I want to apologise for coming late. However, I beg to reply---

**Mr. Deputy Speaker:** Mr. Katuku, did you apologise?

**The Minister for Water and Irrigation** (Mr. Katuku): Yes, I did, Mr. Deputy Speaker, Sir.

**Mr. Deputy Speaker:** I am sorry someone was talking to me. I was very keen to see that you apologise.

**The Minister for Water and Irrigation** (Mr. Katuku): Mr. Deputy Speaker, Sir, I beg to reply.

(a) Yes, I am aware that Mumias Urban Water Supply, which was constructed more than 30 years ago, cannot meet the current water demands for Mumias Town due to rapid population growth over the years without corresponding increase in water production.

(b) My Ministry, through the National Water Conservation and Pipeline Corporation (NWCPC), has drilled a borehole in Mumias Town. The borehole is expected to alleviate the water shortage once it is equipped and commissioned.

My Ministry, with the assistance of the Government of Germany, has commissioned a consultant to undertake feasibility studies for long-term expansion and rehabilitation measures for

Mumias water supply. The study is expected to be completed by the end of this financial year. Rehabilitation and augmentation works will be undertaken under the Water and Sanitation Programme for Nzoia cluster. The programme is planned to benefit 12 towns which fall within Lake Victoria North Water Services Board and will run to the year 2016.

**Mr. Osundwa:** Mr. Deputy Speaker, Sir, I would like to thank the Minister for that reply although I find it amazing. A borehole is only dug in an area where there are no alternative water sources. In the case of Mumias Town, it is situated between two permanent rivers, that is, River Nzoia and River Lusumu. Why would you dig a borehole when you can simply upgrade the piping from four-inch size to six-inch size so that you can supply adequate water from those permanent rivers?

**Mr. Katuku:** Mr. Deputy Speaker, Sir, I appreciate the comments made by the hon. Member. However, that is a short-term measure. The long-term measure, as I said earlier, is to expand the system to cope with the demand. The existing system was meant to serve 40,000 people and yet the population in Mumias Town is now over 100,000 people. To be able to cope with this large number of people, we need to expand the whole system and that requires money. That is why we are looking for donors to come in so that they can partner with the Ministry of Water and Irrigation in this expansion of water supply to 15 towns.

**Mr. Sambu:** Mr. Deputy Speaker, Sir, Mumias Town is in the lower plains and the rivers which flow towards the lake pass nearby. Could the Minister consider taking water by use of gravity to this town? This could reduce the cases of flooding downstream.

**Mr. Katuku:** Mr. Deputy Speaker, Sir, yes, I could consider that. It is possible. However, I have said that I have commissioned a consultant who will give me a report before the end of this financial year so that we can do whatever he recommends in the next financial year.

**Mr. Deputy Speaker:** Mr. Osundwa, ask your last question.

**Mr. Osundwa:** Mr. Deputy Speaker, Sir, I still want to thank the Minister for that commitment. However, I would like to know from him how much money he has put aside in the next financial year for this purpose.

Mr. Deputy Speaker, Sir, if Mr. Wanjala would have been here, he would have confirmed that the water that causes havoc in his constituency comes from Mumias. The NARC Government promised to construct dams upstream of River Nzoia near Mumias. Are there any plans to do that or the Government was just hoodwinking wananchi?

**Mr. Katuku:** Mr. Deputy Speaker, Sir, as a short-term measure, my Ministry will spend Kshs2 million to drill a borehole, which will supply more water to the town. However, for the long-term plan, the amount of money to be spent will be determined by the study which I have commissioned. Once the study is completed, I will be in a position to state how much money we shall require.

With regard to the issue of damming of River Nzoia, that is a priority in our Ministry. We want to do major dams upstream so that we can permanently control the problem of floods downstream.

**Mr. Deputy Speaker:** Next Question, Mr. Bahari!

*Question No.128*

CO-OPERATIVE SOCIETIES REGISTERED IN  
GARBA-TULLA SUB-DISTRICT

**Mr. Deputy Speaker:** Is Mr. Bahari present? Is the Minister for Co-operative Development and Marketing here to answer this Question? Mr. Mwenje, do you have the answer to



this Question?

**The Assistant Minister for Co-operative Development and Marketing** (Mr. Mwenje): Mr. Deputy Speaker, Sir, I am ready to answer the Question, but the Questioner is not present. Let us drop it then!

**Mr. Deputy Speaker:** The Question is, therefore, dropped!

*(Question dropped)*

*Question No.159*

UTILIZATION OF LATF/FUEL LEVY  
FUNDS BY NAKURU MUNICIPALITY

**Mr. Mirugi** asked the Minister for Local Government:-

- (a) how much revenue the Municipal Council of Nakuru has generated since 2003 to date;
- (b) how much money the council received from LATF and Fuel Levy Funds over the same period; and,
- (c) how the funds were utilized.

**The Assistant Minister for Local Government** (Mr. Shaaban): Mr. Deputy Speaker, Sir, I seek the indulgence of the House so that I can answer this Question tomorrow because I am yet to receive vital information regarding it.

**Mr. Deputy Speaker:** Mr. Mirugi, are you okay with that? Can we defer the Question until tomorrow in the afternoon?

**Mr. Mirugi:** Mr. Deputy Speaker, Sir, that will be fine with me.

**Mr. Deputy Speaker:** Very well. The Question is deferred until tomorrow in the afternoon.

*(Question deferred)*

*Question No.213*

MEASURES TO RAISE STANDARDS  
OF ELDORET DISTRICT HOSPITAL

**Mr. Deputy Speaker:** Dr. Manduku is attending a function together with the Minister for Health. He called to inform me that they will be celebrating Malaria Day in Kisii. He requested that this Question be deferred until another day.

**Mr. Sambu:** Mr. Deputy Speaker, Sir, some of us are more interested in this Question than Dr. Manduku because of the situation in our constituencies. Could the Question be answered now because, after all, some of us can still ask supplementary questions?

**Mr. Deputy Speaker:** No, Mr. Sambu! Unless somebody has been designated by the hon. Member to ask the Question on his behalf, we cannot proceed with it. Nobody has told me that he or she has been asked by the Questioner to ask the Question on his behalf. In fact, the hon. Member went to the extent of calling me to ask for deferment of the Question. I, therefore, oblige and defer the Question until Tuesday afternoon.

*(Question deferred)*

Hon. Members, that is the end of Question Time.  
Next Order!

## MOTIONS

### IMPLEMENTATION OF EDUCATION FOR ALL PROGRAMMES

**Prof. Mango:** Mr. Deputy Speaker, Sir, I beg to move the following Motion:-  
THAT, in view of the Government's goal and policy to provide Education for All (EFA) by 2015 in line with its commitment to international declarations, protocols and conventions; aware of the various measures and reforms being instituted to address the challenges related to access, equity, quality and relevance of the education system; concerned that the Gross Enrolment Rate (GER) for pre-primary education has been declining; aware that GER improved in 2003 following the introduction of Free Primary Education; bearing in mind that female students constitute a mere 32 per cent of the total enrolment in public universities and 54 per cent in private universities; this House urges the Government to fast-track and implement EFA programmes among poor sections of society to ensure that girl-child enrolment is improved to attain parity with that of the male child at all levels of education.

Mr. Deputy Speaker, Sir, the need to fast-track---

**Mr. Deputy Speaker:** Sorry to interrupt you Prof. Mango. I just ruled that a Question by Dr. Manduku be deferred to Tuesday next week. However, Tuesday is a public holiday. The Question is, therefore, deferred to Wednesday.

Prof. Mango, please, proceed!

**Prof. Mango:** Mr. Deputy Speaker, Sir, the need to fast track the implementation of education for all programmes aiming at the poor sections of the society to ensure girl-child enrolment and survival is very important. Education holds the key to economic empowerment of people and national development.

Mr. Deputy Speaker, Sir, it is an effective way of fighting poverty. It also promotes democracy and development. Vulnerable children escape disease and poverty by pursuing education. Education safeguards children from exploitation. This is especially the case with the girl-child who gets exploited through child labour, sexual abuse and prostitution. If the girl-child is kept in school, she escapes all that.

Mr. Deputy Speaker, Sir, education also helps protect children from marginalisation and discrimination. Therefore, education is a fundamental right to children and the international community has realised this. Therefore, there are many conventions and protocols which enshrine education as a right. The Universal Declaration of Human Rights includes education as a human right. The International Convention on Economic and Social Development also includes education as a human right. The Covenant of Rights of a Child (1989) includes the child's right to education. International Labour Organisation Minimum Age Convention (1973) includes education as a right. The African Charter on Rights and Welfare of the Child (1998) deals with the education of the girl-child. Therefore, all the human rights instruments recognise education as a human right.

Mr. Deputy Speaker, Sir, these instruments have called on States to factor education into their development agenda as part of the child's human rights. This should include, primary, secondary and vocational education, taking up special measures with regard to the girl-child who is

disadvantaged. Every country tries to pursue the challenges to achieve free primary education as a way of empowering children.

Mr. Deputy Speaker, Sir, the World Conference on Women in Beijing, China and the Earth Summit in Rio de Janeiro, looked at education as one way of empowering children and ensuring they are provided with their human rights. In Kenya, in the year 2003 when free primary education was introduced, 1.2 million children who had been home went to school. This shows that many children in Kenya had been left out of education. Most of those children were girls. Poor parents prefer the girl-child to work as house maids in order to earn money to educate her brothers.

Mr. Deputy Speaker, Sir, those children were out of school as a result of poverty. If we are to fight poverty, we have to ensure that everybody gets education. Free primary education has made it possible for many children to go to school. Therefore, we need to follow it up with free secondary education so that those from primary schools can move on.

Mr. Deputy Speaker, Sir, children from poor families cannot afford secondary education because school fees are too high for them to afford. When it comes to the girl-child, she cannot complete her secondary education, especially if she comes from a poor family. Currently, many families in Kenya are affected by poverty and HIV/AIDS. The girl-child is a victim of all these. She therefore, drops out to join child labour and prostitution. In Kenya, we recently heard of the girl-child being trafficked to the coast tourist hotels for prostitution. Therefore, the girl-child remains very disadvantaged. The girl-child, in this case, runs the risk of getting infected with HIV/AIDS and other sexually transmitted diseases.

Mr. Deputy Speaker, Sir, the above considerations are the reasons for moving this Motion. The Government needs to address girl-child education to ensure that there is greater enrolment of the girl-child in schools. The girl-child needs to gain greater access to education and in so doing, she will be fulfilling her human rights. At the moment, there is gender inequality in accessing education. In Kenya, although the women constitute 66 per cent of the population, most of the women remain illiterate. That makes them to be disadvantaged because they cannot take part in politics, social life and employment. Therefore, they remain the poorest in this country. From 1999 to 2000, the girl-child enrolment rate remained very low. It was almost one-third of the total enrolment in the country. When free primary education was introduced, the girl-child enrolment improved. But primary education alone is not going to help the girl-child. When someone stops schooling at the primary school level without adding any extra skills, at the end of the day, that person becomes illiterate.

Mr. Deputy Speaker, Sir, since 2003, the girl-child performance in secondary school is very low. While the boy-child attains nearly 80 per cent, the girl-child performance remains very low, at 30 per cent. If you look at performance taken from the top from every province, taking into account 100 top students, the girl-child performance in some areas remained at 1 per cent and in the best areas, it only attained 30 per cent. This shows that the girl-child is doing poorly in all the provinces. If we want this country to develop, we must address the girl-child education, because if you educate a man, you are educating an individual. But if you educate a woman, you are educating the community. If the woman is educated, the nutrition and education of the children will be addressed. Therefore, the development of the country will be addressed.

We need to address the education of the girl-child and bring her up to join nation-building. You cannot have a country where only 30 per cent of the population is participating in development. Therefore, we are wasting a lot of resources. We are putting a lot of money in the free primary education and yet the girl-child does not move on. This means that the resources put in free primary education are not bearing fruit and it looks like wasted effort.

Mr. Deputy Speaker, Sir, the economics of education demand that from primary school, we move on to secondary school then to university and then produce educated and productive people

who can contribute to the economy of this country. If those people do not move on to become productive, then all the resources put in are wasted. Therefore, we need to address that and bring on board all the girls so that they join secondary schools, vocational schools, university and so on, so that they are part and parcel of the Kenyan resourceful community. If a half of the community is marginalised, it means that we are operating at half capacity. Therefore, we are losing on the 50 per cent of the population that does not develop to be productive.

Mr. Deputy Speaker, Sir, the gender inequality in Kenya has remained stagnant, especially for the woman and the girl-child. I, therefore, urge the Government to seriously consider affirmative action which can bring the girl-child on board. In the rural areas, mixed schools are doing more harm than good. If you take the statistics of the mixed schools, you will find that a school can exist for ten years but there is no girl who manages to go to the university. That is wasting resources.

There are also cultural practices that have hindered the girl-child education like early marriages, stigma in some communities for the girl to go to school, female genital mutilation, fear of mathematics and science based subjects and child labour. When the girl-child goes home, she is bogged down with domestic chores and cannot study. She gets over-worked and cannot study and perform well. Currently, the effects of HIV/AIDS has become a major constraint to the girl-child. She takes care of the sick parents and, when they die, she remains behind to take care of the siblings. This has become a major handicap for the girl-child progress. Therefore, we need to do a little bit more to improve the girl-child's education and performance.

Mr. Deputy Speaker, Sir, to improve the girl-child performance and productivity in Kenya, the Ministry has to put certain things in place so that the girl-child can also thrive. Kenya is a signatory to all the conventions and international protocols and yet it does not domesticate any of those protocols which affect the girl-child. The girl-child has been left to fend for herself which she cannot do under very hostile environment. To correct the situation, the Ministry needs to mainstream girl-child education in the system and establish a girls' fund to assist vulnerable girls, especially HIV/AIDS orphans to pursue education. The girl-child also needs role models but there are very few women role models in the rural areas in Kenya. There is need to encourage all the girl schools to have role models of high standards whom they can look up to. There is a tendency in some areas to withdraw girls from schools for marriage. Imagine a seven year-old girl getting married to a *mzee*. I ask my colleagues, particularly men, "would you like your seven year-old daughter to get married to another *mzee*?" We should desist from such practices because they hinder the progress of our girls. Look at the seven year-old girl as your daughter and stop marrying her off. It is just not right.

Mr. Deputy Speaker, Sir, we need model boarding schools. Last week, in one of the Motions, some of my colleagues said that we do not need boarding schools. I urge the Government to put up model boarding schools for the girl-child so that she can concentrate on her education. In mixed schools, the girl is there and the boy is there. At that age their hormones are playing havoc, therefore, they cannot concentrate. Both boys and girls do not do well. But when they are separated, they both thrive. Therefore, I advocate for model boarding schools where girls can concentrate. The model schools should be well equipped and staffed so that the girls can concentrate and be resourceful.

*[Mr. Deputy Speaker left the Chair]*

*[The Temporary Deputy Speaker  
(Mr. Poghisio) took the Chair]*

Mr. Temporary Deputy Speaker, Sir, there should be a legal framework to outlaw the practice of Female Genital Mutilation (FGM). The people who advocate for FGM happen to be men! Men do not get the pain of undergoing the ritual. Therefore, the girl-child should be protected against FGM.

There should be scholarships and bursaries for the girl-child---

**The Temporary Deputy Speaker** (Mr. Poghiso): Order, Prof. Mango! Your time is up!

**Prof. Mango:** Mr. Temporary Deputy Speaker, Sir, I beg to move and call upon Mr. Karaba to second the Motion.

**Mr. Karaba:** Thank you very much, Mr. Temporary Deputy Speaker, Sir, for giving me this opportunity to second this Motion that addresses issues relating to the girl-child. This Motion has come at a time when the Government has put a lot of efforts to fund free primary education with the hope that, there will be equity in the access of education by both boys and girls in this Republic. But going by what we have seen in the country-side, it has not been possible to maintain that parity. That has been so because of problems that have been cited by my colleague, Prof. Mango. She has been a professor for a long time. I have also been a teacher for a while. Therefore, whatever we say here should be taken as coming from people with a lot of experience.

Mr. Temporary Deputy Speaker, Sir, the girl-child in this country has been neglected and, more so, in our system of education. We have done many experiments to make sure that the girl-child is brought on board so that she can get the experience and the intellect to become a total woman. But, from the initial stages, maybe, from the nursery school level, the Government and even the local county councils do not take the feelings of the girl-child seriously.

Mr. Temporary Deputy Speaker, Sir, children in nursery schools are neglected. Girls in nursery schools use the same toilet facilities with the boys. At the very initial stages, the small girls are laughed at when they misuse those toilets. I would, therefore, urge the Government to make sure that, even at that early age, toilet facilities for young boys and girls are separated. That way, girls will be handled with care. Young nursery school girls should be assisted to use those toilet facilities by their teachers, but with the guidance of the Ministry of Education. Let us not leave those young girls to the whims of county council teachers, who might not have been properly trained. Let us train teachers on new methods to assist girls to be self-reliant.

Mr. Temporary Deputy Speaker, Sir, primary schools are even worse. Toilet facilities for girls are very close to those of the boys. We have heard a lot of complaints coming from parents. At times, those girls even fear going to the toilets. The worst of it comes when they attain puberty stage. They need to be told exactly what happens. In most of the schools that we have visited as the Departmental Committee on Education, Research and Technology, we have found out that girls even prefer going to the bushes instead of using toilet facilities provided by the schools. That is not their fault. It is because they require a lot of privacy in their mode of life and even education. Not many people get to know about that because most of those institutions are run and managed by men. Let us put a lot of effort and provide more female instructors in pre-primary, primary and post-primary levels, particularly for girls.

Mr. Temporary Deputy Speaker, Sir, we have noted that in many places, girls are forced to perform domestic chores for longer hours. They are forced to go and fetch water when younger men are just enjoying themselves. In the absence of their mothers, the girls play the role of their mothers, even as early as the age of seven years. Boys who are even 15 years or 16 years would not help those girls to perform some of those chores because of the attitude that they have developed. They leave everything else in the home to be done by the girls. The girls, therefore, do not have time to revise and think about what they have learnt in schools. The end result is that girls will not find anything interesting in schools. Eventually, they exit very early from schools and go to get married because the going got very tough. We have heard of very many cases of forced marriages,

trafficking of girls and girls running away from their homes to get married to young men. All that has been cited.

We have cases where the lives of girls have been stigmatised by fellow male children in schools. Even when girls have problems in schools, boys laugh at them. When there are opportunities to go places, the girls are always considered last. There are also cases of child labour, particularly in Coast Province. So, a lot has been said and talked about the girl-child. As soon as the girls get to the age of 14 years to around 15 years, they imagine that they are already mature. The Government should be prevailed upon to come in and prevent cases of child labour. Unless the Government steps in, we will have untold problems. Those girls will never mature even to the level of getting into high school.

Mr. Temporary Deputy Speaker, Sir, if you check the enrolment rate of girls in schools in Kenya, their numbers are lower compared to those of the boys. In North Eastern Province, for example, the situation is pathetic. In the last three or four years, out of the 100 candidates who were ranked top 100 in North Eastern Province after having sat for the Kenya Certificate of Secondary Education (KCSE), only ten were girls! The rest were boys. Nyanza Province also followed suit. From the years 2003, 2004 and 2006, the number of girls who excelled never numbered 20 out of the 100 best students every year. That tells you that it is a dream for those girls to get to the university after Form IV! If that is the case, therefore, we will be having very few students qualifying to join universities, colleges and overseas universities. That, therefore, indicates that there is a problem. The problem should not be left to those people who might not have ways and means of overcoming it. Let the Government solve that problem once and for all. The moment we leave that problem pending, our girls will suffer. There is a saying: "If you educate a girl, you educate a nation." That is true. The moment you have an educated girl, she will eventually get married and continue supporting her children. The multiplier effect in educating girls is more effective than that of boys. Therefore, I urge the Mover of this Motion to publish a Bill that will compel the Government to come up with measures that will improve the lives of the girl-child. That will make this country get a brighter future in terms of development.

Mr. Temporary Deputy Speaker, Sir, we have been talking about the evolution of industries and the development of agriculture by the year, 2020. We cannot achieve that without considering the plight of the girl-child. Girls are the majority in our population. If we do not consider them, there will be a missing link there. More than half of the population of this country constitutes women. When we are talking about development, we are thinking about how boys will take over at a certain time. That means we do not know what will happen to the greater proportion of girls. That means we will, therefore, downgrade the population of girls to useless beings unless the Government acts. We should come up with an affirmative action for girls. That is what we are addressing now. Let there be schools modelled for girls. We have to encourage the education of girls more than we have done before. Let us

build schools specifically for the girls in every district, so that those girls who go to those schools are taught and prepared to pass examinations and do better than the boys. Let us not even have the girls' schools ranked against the boys' schools, but rather amongst themselves. That should be done both in secondary schools and at the universities. At the university level, we should have professional courses which are akin to the girl-child. What we have in the universities at the moment are the courses which were started in the 1950s. They have not been changed to suit the girl-child. We have courses like engineering and surveying which are very difficult for the girl-child.

Mr. Temporary Deputy Speaker, Sir, with those few remarks, I beg to second.

*(Question proposed)*

**Mr. Kimeto:** Thank you, Mr. Temporary Deputy Speaker, Sir, for giving me this opportunity.

It is good that this Motion has come at the right time. Kenya is a country which is very determined to educate her boys and girls. This Motion emphasizes the need to come up with ways of improving the girl-child education in this country. The Motion also emphasizes the need to assist students who come from poor sections of the society. But, generally, every part of this country is poor in one way or another. Even those areas which are known to be self-sustaining could be poor in terms of access to education.

We should pass this Motion which emphasizes the need to implement the Education for All (EFA) programmes among poor sections of the society, to ensure that the girl-child enrolment is improved. In fact, the Motion should have stated that it is a must for all Kenyan children to be provided with free education up to the university level, for them to attain knowledge and skills in different professions. There is a vision that Kenya will be industrialized by the year 2020. But this is not possible if we do not provide education to all our children. It is education that brings about industrialization. We cannot be industrialized if our children are not educated to higher levels. We should allocate more funds to the education sector. Therefore, children from poor families in both rural and urban areas should have access to free education. On the other hand, those parents who are financially-able should educate their children.

In my constituency, those students who top in the Kenya Certificate of Primary Education (KCPE) and Kenya Certificate of Secondary Education (KCSE) examinations come from poor families. Most of them achieve Mean Grade A in those examinations. That is knowledge given by God to them, despite coming from poor families. The Government should, therefore, ensure that bright students from poor families throughout the country are offered free education up to the university level. It is a pity to see bright students who pass examinations staying at home because of lack of school fees, while those who fail, but because they come from well-to-do families, proceed to universities abroad. They finally come back to lead this country. It is very unfortunate that we are not addressing this issue. We must see to it that all bright children in every part of the country access free education to the university level.

Mr. Temporary Deputy Speaker, Sir, we also have bright children whose parents are disabled. They are, therefore, not able to cultivate their land and fend for their families. If it is expensive for me, as a hon. Member of Parliament, to educate my own children, how can we expect a disabled parent to educate his or her children? All the children whose parents are disabled should have access to free education. *Hata watu wa magazeti, wekeni---*

**The Temporary Deputy Speaker** (Mr. Poghisio): Order, Mr. Kimeto! Please, use one language!

**Mr. Kimeto:** Mr. Temporary Deputy Speaker, Sir, all children whose parents are physically or mentally disabled should have access to free education immediately. Likewise, children whose parents are infected with HIV/AIDS should also have access to free education. I must emphasize that we should offer this free education immediately as a matter of policy. A law should be put in place to ensure that those children whose parents are physically or mentally disabled and those that suffer from the HIV/AIDS pandemic, access free education. This is a good show of running this country.

Mr. Temporary Deputy Speaker, Sir, if the children in the north eastern parts of this country, where there has always been a lot of drought, cattle rustling and wars are not going to school, why do we not bring them to schools in urban areas? There, the children can go to school

frequently. We should also have boarding primary and secondary schools before they join universities. We should do this urgently and stop campaigning for the various contenders of the Presidency of this country. We should not let them campaign without talking about education and peace-making in this peace-loving country. Right now, we have heard about clashes in Mt. Elgon. If clashes are taking place in Mt. Elgon, what about the children? Where are they now? Has this Government thought of the children of that area or are they loitering outside schools just because of the problem?

Mr. Temporary Deputy Speaker, Sir, we want even the President, who is trying to vie again for the Presidency in the next General Elections to go and stop the clashes in Mt. Elgon, to enable us know that he is our future President! Let him ensure that the clashes are completely over in Mt. Elgon to enable the children to go back to school immediately without further problems.

With those few remarks, I beg to support.

**The Assistant Minister for Planning and National Development** (Mr. Ethuro): Thank you, Mr. Temporary Deputy Speaker, Sir, for giving me the opportunity to support this Motion. The importance of education in this country can be reflected, just on the surface, by the number of Motions that are coming to this House. In today's Order Paper, you can see a series of them and last week, we discussed a number of them. This House is giving a lot of prominence to education. This is in recognition of the fact that, at the centre of the development of this nation, is its manpower. This Motion by Prof. Mango is considering the issue of the girl-child in particular. When we are in the Kenyan society, which has traditional biases against the girl-child, there is need for the kind of request that this Motion is bringing to this House, where the Government is being requested to fast track and implement Education for All (EFA) programmes among poor sections of this society and in particular, for the girl-child.

Mr. Temporary Deputy Speaker, Sir, what are the poor sections of this society? We are talking about the marginalised pastoral areas in this country and the urban slum populations. Indeed, we are also talking about the fishing folk in this country. These poor sections of our society suffer from the basic lack of infrastructure in all aspects, particularly in education. The issue here is that, when parents consider taking their children to school, the issue is not even whether it is a girl-child or a boy-child. Both genders do not have the opportunity to go to school. In a situation like that, the girl-child suffers double tragedy. When most of these people are sections of our society which are influenced by traditional attitude against the girl-child, then you have a girl-child that does not get the kind of opportunities she should get and even the few opportunities that are there, the male-child gets them.

Mr. Temporary Deputy Speaker, Sir, it is interesting that the percentage of girls in private universities is higher, at 50 per cent, while the percentage of girls in public universities is only a dismal 32 per cent. This is where we are really trying to appeal to the Minister for Education, and I am very confident that, according to the Sessional Paper that came to this House on Education, this issue is being addressed. We just want to demonstrate the sense of urgency and make recommendations on how this particular problem can be addressed because where the public resources are, they should be in our public universities. Private universities are on their own but regarding public universities, we have a responsibility to ensure that we cannot even be able to pursue the directive by His Excellency the President that 30 per cent of the jobs should be given to women when we cannot raise a significant percentage of females in our universities.

Mr. Temporary Deputy Speaker, Sir, what are the infrastructural and institutional constraints that inhibit the attainment of parity? One is that, there is no institution that really ensures that those early childhood education centres are run, managed and staffed in this country. Staffing is one of those critical issues that we have to deal with at the lowest level before we even start the formal primary education. They used to be run by the local authorities, but not any more. I



want to encourage that the local authorities, county councils and municipal councils should target these institutions as their core programmes under the Local Authority Transfer Fund (LATF). They should set up enough centres and ensure that there are enough children attending them. But more importantly, they should ensure that teachers are recruited and paid. The Ministry of Education has extended a lot of early childhood studies. I know that for a fact because in Maralal and Turkana, we have these centres. We can get the teachers but who will pay them? It is important that this issue is addressed if we want to ensure that the girl-child receives the attention she deserves.

Mr. Temporary Deputy Speaker, Sir, my other concern, particularly in pastoral areas is; to be able to retain these children in these schools, there is need to enhance the school feeding programme. There is need to ensure that the boarding primary schools are properly staffed and that there is adequate food for these children to enable them study. When you come from a poor section of a society, you cannot study on an empty stomach. When parents are moving around with their livestock in search of pasture and water, the young children should be able to get a place where they can learn so that they can concentrate on learning. This will ensure that the declining school enrolment rates can be tackled.

Mr. Temporary Deputy Speaker, Sir, it is essentially important that, in urban slum areas in places like Kibera and other slums in this country, the street children are rehabilitated properly. We should dedicate some particular centres in urban areas for the rehabilitation of street children when they are still very young before this problem becomes--- We will no longer be talking about street children in the future; we will be talking about "street men" or "street families" that are starting to emerge. We really need to address this particular problem because if we do not address it early enough, then we will continue decrying about the declining enrolment rates of these children, thus ensuring that the girl-child does not attain the same level of the boy-child that we are talking about.

Mr. Temporary Deputy Speaker, Sir, I want to address the issue of the general infrastructure of education for both boy and girl-child, particularly in pastoral areas. If you take, for example, a district like Turkana, where we have huge numbers of children usually feeding into a primary school--- You will get a primary school with a catchment area of about five early childhood centres that are supposed to feed pupils into that schools. You can get almost 500 children in nursery school, but can hardly get even 20 children going to Standard One.

Mr. Temporary Deputy Speaker, Sir, I would like to urge my colleague from the Ministry of Education to look into special areas like Turkana and Pokot Districts and all the districts in ASAL areas. This is a very chronic problem that needs to be tackled. I wish to support this Motion because I know it is trying to address those poor sections of our society. The elites of this society have always maintained that they do not really need Government assistance. They can afford to take their children to private schools. Most children are taken to school almost at an early age of two or three years while children in ASAL areas start going to school almost at the age of ten years. They are not really in a position to learn as students. The Ministry of Education needs to give special attention to this problem.

We appreciate that contribution of the free primary education and the contribution of the Ministry of Education to the bursary scheme to ensure that children get to go to secondary school. We hope that in the future this Ministry will also provide free secondary school education. Kenyatta University specialises in early childhood education. They grant degrees to primary school teachers. The training is already taking place. We need basic infrastructure on the ground to ensure that these centres are built and staffed properly.

This Motion talks about ensuring that there is sufficient food for children from poor sections of society so that they can continue going to school.

With those few remarks, I beg to support.

**Mr. Lesrima:** Mr. Temporary Deputy Speaker, Sir, I want to begin by congratulating Prof.

Mango for bringing this very important Motion to this House. I want to point out that it is important to recognise that although the statistics summarised in the Motion indicate the big difference between the number of girls and boys in school, it is important to recognise district disparities in these statistics. It is not enough just to show that there are more boys than girls in school. It is also important to recognise the fact that there are more girls than boys in some districts of this country. In Central Province, in the near future---

*(Loud consultations)*

Mr. Temporary Deputy Speaker, Sir, I wish I could be given the opportunity to speak because I gave my ears to my colleague from Turkana. I wish he could give me the same opportunity to make a few points.

**The Temporary Deputy Speaker** (Mr. Poghiso): Order, hon. Members! Could you, please, listen to Mr. Lesrima?

**Mr. Lesrima:** Mr. Temporary Deputy Speaker, Sir, while we accept that there are more boys than girls in primary schools, secondary schools and university, it is also important to recognise the fact that in some districts the problem in the future may be the boy child.

These regional disparities are even more dramatic in pastoral areas particularly because of cultural issues, the economy and the livestock economy. Children in these areas must look after cattle. They are socialised early in life to participate in the only economic activity in those areas. Schools do not have the necessary facilities particularly boarding schools. They do not have food and what is there is of poor quality.

Mr. Temporary Deputy Speaker, Sir, if we are to solve this problem, then we must address the issues that affect the attendance of girls and boys in schools particularly in those sparsely populated areas. These issues are, having adequate boarding schools close to centres where people live and providing teachers with housing. In some of these areas teachers and children walk up to between ten to 20 kilometres every day to go to school. Sometimes these schools do not have enough teachers. Most girls' schools have male teachers. This is one issue that should be addressed.

We may also need to discuss the issue of the shift system of education. Why do children have to go to school between 8.00 a.m. and 5.00 p.m. in certain areas? It would be nice to have a time table that accommodates the economic activities of the people who live in pastoralist areas.

I know that in Kiambu which is in Central Province, school-going children go to pick coffee and tea and in Meru they pick *Miraa*. At one point it was suggested that the timetable for going to school should change to be in harmony with the economic activities prevailing in those areas. That is just one of the solutions to increasing the number of children going to school.

Mr. Temporary Deputy Speaker, Sir, another issue affecting girls which is not often spoken about is the unique biological problems that they experience which are often ignored. Nature requires that girls be absent from school sometimes for one week because of those changes they go through yet this is not taken into account when preparing time tables, in terms of increasing the opportunities for them to catch up. They end up losing a lot due to those biological problems. Materials and facilities are not provided to combat those issues.

There is also the question of mixed schools. It is understood that girls in separate schools perform better than those in mixed schools. This is because girls in mixed schools tend to compete with the boys for laboratory space. Girls tend to concentrate on their studies more if they are in separate schools.

Mr. Temporary Deputy Speaker, Sir, I will move very quickly to solutions to these problems. Although we have passed the Children's Act and encouraged parents to send their children to school, and in particular in pastoralist areas because that is where I come from, we must

give adequate incentives to stop early marriages and motivate those children to proceed to the next level after completing primary education. Unless there are adequate incentives in terms of scholarships and free secondary education for the girls from those disadvantaged areas, including slums, we will not go very far.

Mr. Temporary Deputy Speaker, Sir, there has been an attempt to implement the Children's Act with regard to early marriages. I know, in my constituency, there is a rescue centre for girls who are rescued from forced marriages. I think the establishment and support of many of those centres can boost the girl-child education.

Mr. Temporary Deputy Speaker, Sir, role modelling is also very critical in our society. I think we need to appoint women as chairpersons to various boarding schools. A number of girls' boarding schools sometimes are chaired by polygamous men. I think this does not set a very good example for role modelling. We should also allow girls who get babies while in school to continue with education not necessarily in similar schools but in other schools. They should get that opportunity. In terms of role modelling, I think the Government also needs to appoint women to senior positions. I do not see any difficulty in the current Government ensuring that 30 per cent of the Permanent Secretaries are women. It is possible to do that.

Mr. Temporary Deputy Speaker, Sir, finally, in a number of schools in those remote places of Kenya, it is mostly men who teach in secondary schools. I think it is important that the Government increases the recruitment of female teachers in those schools.

With those few remarks, I beg to support.

*(Dr. Mwiria stood up in his place)*

**The Temporary Deputy Speaker** (Mr. Poghiso): Dr. Mwiria, are you going to respond? Do you want to do the official Government responding now?

**The Assistant Minister for Education** (Dr. Mwiria): Yes, Mr. Temporary Deputy Speaker, Sir.

**The Temporary Deputy Speaker** (Mr. Poghiso): Hon. Members, just a moment. Let me consult on the remainder of the time.

*(Consultations)*

Just a moment, Dr. Mwiria! Let me give the Floor to the hon. Member for Kanduyi, Mr. Wamunyinyi.

**Mr. Wamunyinyi**: Thank you very much, Mr. Temporary Deputy Speaker, Sir, for giving me the opportunity to also contribute on this very important Motion on the girl-child.

**The Assistant Minister for Planning and National Development** (Mr. Ethuro): On a point of order, Mr. Temporary Deputy Speaker, Sir. I was asking for your indulgence. Given that this Motion talks about the girl-child and I do not see many women hon. Members in this House, is it in order for the Speaker to continue supporting the Kenya Women's Political Caucus when they cannot even support their own Motion?

*(Applause)*

**Ms. Ndung'u**: On a point of order, Mr. Temporary, Deputy Speaker, Sir.

**The Temporary Deputy Speaker** (Mr. Poghiso): Order, Mr. Ethuro! I will not allow an argument on the Floor of the House on this basis.

Proceed, Mr. Wamunyinyi!

**Mr. Wamunyinyi:** Thank you very much, Mr. Temporary Deputy Speaker, Sir. The hon. Member for Turkana Central enjoys interrupting me.

Mr. Temporary Deputy Speaker, Sir, I think it is important for all of us to note the fact that women are fewer in this Parliament and we cannot, therefore, blame them when we do not have all of them here because they also have other commitments.

*(Applause)*

Mr. Temporary Deputy Speaker, Sir, coming back to the point, the issue of the girl-child is such an important one and we must all, as leaders, put our heads together to address it. I am sure that we should be able to achieve the policy of Education For All (EFA) if only the issue of gender equality is addressed not in terms of the spirit of affirmative action as is generally provided but specifically on education. Indeed, if we can push for this to be done, our girls will attain good education and get into our community as responsible people who are on equal terms with their male counterparts.

Mr. Temporary Deputy Speaker, Sir, we have had problems which the girls have been subjected to and some of these problems include what we often talked about; forced marriages. Sometimes in the early 1930s when my grandmother was getting married, women were taken away by force. Like in the case of my grandmother, Maria tells me that my grandfather and his colleagues just visited their home and carried her away. She was carried away and became my grandfather's wife. Then it was a normal thing. In fact, my grandmother, Maria, tells us how it was an experience that they took her away and she tried to cry but there was nobody who could attempt to save her. She finally became a wife through that process and it was then an ordinary thing for forced marriages. It is very unfortunate that as we speak now, some communities in Kenya are still in the 1930s that their girls are forced into marriage.

*(Mr. Omingo stood up in his place)*

**The Temporary Deputy Speaker** (Mr. Poghio): Mr. Omingo, why are you on your feet?

**Mr. Wamunyinyi:** Thank you, Mr. Temporary Deputy Speaker, Sir. He is always like that!

Some of the communities of Kenya are still in the 1930s that their girls are forced into marriage for a few cows, a few thousands of shillings, a suit for the father and a *kabuti*. This is very unfortunate and we must provide an enabling law to stop it so that our girls can also enjoy and move on to live like other Kenyans.

Mr. Temporary Deputy Speaker, Sir, another problem which I think we must deal with, as leaders, is the issue of culture. In some communities girls were not regarded with seriousness. They were expected to grow up and get married. They were also expected to work for their families such as cooking, fetching water and firewood. It is unfortunate that this is also still going on in some areas where they are not taking the girls to schools. They simply grow up, do some work at home and are eventually married off. This must be addressed. I am sure that the areas where maybe we have more cows is where this is happening because I think they value the number of cows that are paid in terms of marriage. Even *wazees* with many daughters value them as a source of wealth because of what they expect to be paid in form of dowry. This must be done away with. People should be encouraged to ensure that girls go to school and they are not married off.

Mr. Temporary Deputy Speaker, Sir, if you look at some of the provisions in the Education Act, you will find that we have not effectively dealt with the issue of children with special needs. These are students with disabilities and victims of retardation who require special and personalised

attention. While we appreciate the effort the Government is putting in place to streamline education in general, the issue of special education has not been taken as it ought to have been. Some schools do not have equipment or facilities for children with disabilities. This is also a serious issue which needs to be addressed. Disability can affect anybody any time. The fact that some children may be disabled does not mean that they are not normal human beings. It is important that they also get facilities to enable them to go through school without problems.

The other issue which is also alarming is the trafficking of girls. Some girls have been exported to some countries for commercial purposes. Specific laws must be put in place to strongly punish and prevent anybody from harbouring such intentions. If this goes on, we will continue to experience the problems that we talk about every now and then.

With those few remarks, I beg to support the Motion.

**Ms. Abdalla:** Thank you, Mr. Temporary Deputy Speaker, Sir, for giving me this opportunity to contribute to this Motion. First of all, I would like to congratulate my colleague, Prof. Mango, for bringing such a timely Motion.

Hon. Ethuro was questioning why there are no women contributing to this debate. I just want to inform him that this Motion belongs to the House and not to the women hon. Members who are in this House.

Mr. Temporary Deputy Speaker, Sir, this Motion is extremely timely in that, the problem of equity in education in this country is a very serious one. I am genetically from an arid zone of this country and it is a big surprise for people from my region, especially women, to reach my level because of many factors. We have raised the cultural issues that affect the girl-child's education progression such as, female genital mutilation and cultural biases like early marriages and the rest. However, as we fight these old cultures that affect the girl-child's education, the Government can do more to ensure that the education provided in ASAL areas is more gender-sensitive and culturally-sensitive.

Mr. Temporary Deputy Speaker, Sir, whereas the rest of the country is experiencing an increased number of enrolment in primary schools, in the arid areas, the number of girls still lags behind mainly because of the educational infrastructure provided in those regions. For example, we have been arguing here about the free primary education. We should allocate more money to ASAL areas because the quality of education in these areas is greatly hindered by the seasonal nature of the community where movement is more acute during drier spells when children are supposed to be in school. As such, if we do not invest more money in girls' boarding primary schools, the issue of universal free basic education will not make any impact at that level.

A lot of girls from ASAL areas who top in their districts in national examinations go to national schools, but are unable to cope with the change in environment and sometimes, are not able to perform very well. It is my proposal that in addition to allowing girls to go to national schools, we should provide facilities in boarding primary schools, so that it is easier for girls from ASAL areas to have a smoother transition to national schools. Girls from the ASAL areas are supposed to interact with people from other communities who are already used to some facilities that they see for the first time in national schools. This gives them a better chance to adapt to, than their colleagues. Primary schools in ASAL areas need to be equipped, not only to focus on improving the quality of education, but also to improve the girls' exposure to basic facilities that I do not really need to mention.

Mr. Temporary Deputy Speaker, Sir, my colleagues have also talked about the need to give bursaries to girls from those areas. We have had many reports about the school-based bursaries or constituency based bursaries experiencing some forms of corruption, in the sense that, people who want to access this money are asked by the committee members to pay some fees before they can access the funds. It is my hope that the Minister for Education, who is sitting here, is not being

distracted and is hearing what I am suggesting about the bursary.

When I was in school, all you needed to do was to perform well and then prove that your parents could not afford to pay school fees for you and you automatically accessed the bursary. Now that the bursaries have gone to the constituency level that is outside the school environment, it means that it is only those students whose parents are aggressively pursuing their need to finish education that apply for the bursaries. It is my recommendation that a special bursary fund, earmarked for the girl-child in ASAL areas be set up, so that all the children who need that bursary can have their school fees paid for automatically, without having to apply for bursary outside the school environment. In the first place, it is the parent who is not fighting hard for this child to continue with school. So, asking the parent to pay bus fare to go to the CDF office to apply for bursary is in itself a hurdle that we would have minimised, if a special bursary fund for children in marginalised areas was based in schools as opposed to taking it outside.

Mr. Temporary Deputy Speaker, Sir, the other problem we have in ASAL areas is lack of role models. The school system does not provide opportunities for the girls to meet people from professions that they could then aspire to join. I visited a school in the ASAL areas and I asked the girls which careers they wanted. They were only interested in two careers because those are the only role models that they are interacting with. They said they wanted to be either nurses or teachers. I have no problem with those professions. In fact, they are noble professions, but their scope of career options is limited. The school system is not providing such opportunities formerly as extra curriculum activities so that they can interact with people from different careers. They should also get opportunity for attachment so that they can see how women in those different fields access them.

On the issue of role models, we must also put affirmative action in some of the proposals we are putting forth. For example, on the issue of us increasing the number of women being elected to Parliament. We need to say that political parties should look for a method of securing safe seats for more women candidates, especially in those areas, so that the girl-child can aspire for more career options.

Mr. Temporary Deputy Speaker, Sir, I would like to illustrate this possibility through the following example. For instance, we are saying that we want to increase the number of nominated Members of Parliament to 36. If we do not have a system that will ensure that there would be, for instance, an Elmolo woman in this House, becoming a Member of Parliament will never be something that an Elmolo female child in that community's primary schools will aspire to. So, the onus is upon us to look at all amendments to the Constitution that we are bringing to provide for affirmative action, and take into account the rights of minorities within minorities, or the historically marginalised groups, so that we can have a country that holistically embraces the different members of our society.

Finally, the issue of technology-based training in arid areas affects both the male and female child. So, mine would be to say that as we look into ways of developing our economy in the areas where it would, really, benefit the normal mwananchi, for example the one back in Garissa or deep in Turkana---

**The Temporary Deputy Speaker** (Mr. Poghisio): Order! Your time is up!

**Ms. Abdalla:** With those remarks, I beg to support.

**Ms. Ndung'u:** Thank you, Mr. Temporary Deputy Speaker, Sir, for giving me the opportunity to contribute to this debate. From the outset, let me congratulate the Mover of this Motion for her very timely Motion. Actually, it is well overdue. I am glad to see that we are discussing it in this House, and that we shall be adopting it in the next few minutes.

Mr. Temporary Deputy Speaker, Sir, the other day, I was at a workshop, where I was very shocked to find out that the difference between the number of boys who complete primary

education and proceed to secondary education, and that of girls who complete primary education and proceed to secondary school is almost 50,000. This scenario begs the question: What is happening to our girls so that they are not able to move on? It is not a question of not understanding what they learn or that they are not clever.

Mr. Temporary Deputy Speaker, so, as we support this Motion, and as the Government is challenged to implement what we are asking it to implement, we need to address the issues that affect our girl child. For instance, the issue of unwanted pregnancies is something we must address both in Parliament and, socially, outside this House, in terms of our culture. In this House, we need to start thinking very much about how we want to confront the issue of unwanted pregnancies. Is it something that we should legislate on? Should we ensure that the Government puts in place, procedures for adoption? Should we also legislate to ensure that the men and boys who make girls pregnant also accept the responsibility to look after the babies, so that the girls can continue with education?

**The Temporary Deputy Speaker** (Mr. Poghisiu): Order, Ms. Ndung'u. I just want to inform you that I will be calling upon the official Government Responder at 11.30 a.m.

Proceed!

**Ms. Ndung'u:** Thank you, Mr. Temporary Deputy Speaker, Sir. We also need to address the issue of people who prey on our young girls. When I was much younger, we used to talk about sugar-daddies and the way they prey on young girls, yet nowadays we just let sugar-daddies pick our girls from schools, impregnate them and then dump them, not knowing that such girls drop out of school, and that they become challenged in terms of future educational prospects. This House enacted the Sexual Offences Act, which provides that if one has sex with a child under the age of 18, they should go to jail. I am yet to see the police or anyone else arresting any one of these sugar-daddies for doing this thing. We cannot be passing laws here that are not implemented.

Mr. Temporary Deputy Speaker, Sir, another thing that affects girls' attendance at school is the issue of the monthly periods that they get and their inability to afford sanitary towels. This House, through the Budget, zero-rated sanitary towels, but still in rural and peri-urban areas, sanitary towels are not available to girls. So, when they have their periods, they stay at home. Even when examinations take place, they face this challenge. That is why they do not proceed to the next level of education.

Secondly, our message as leaders also has to be to parents about how we are raising our young boys. I think girls are over-burdened. They become house maids. They become like mothers and look after children, while their brothers are out reading books, or enjoying their lives as children. Therefore, we need to focus on how we are bringing up our boys, and apportion responsibilities between our boys and girls.

Mr. Temporary Deputy Speaker, Sir, an attempt to criminalise Female Genital Mutilation (FGM) was rejected by this House, yet we can see from the Press that this is one of the critical challenges facing the girl child in relation to her education. So, I want to appeal to hon. Members of this House to allow another Motion to be brought here to criminalise FGM. This time round, let us look at it seriously and ensure that we take responsibility, as national leaders, and criminalise this practice.

I would like to say that education for girls has benefits. One of the benefits that you can even see in this House is quality representation. It is true that we are only 18 women out of 224 Members of Parliament. Right now, we, female hon. Members have over 22 per cent representation in this Chamber. Out of the 204 men, less than 20 per cent of them are in here to debate this Motion. So, it is clear that we need some more women in this House. Let me encourage hon. Members of this House to not only support the issue of affirmative action that is coming up through the Minimum Reforms, but to also support the proposed amendment that is coming up to

ensure that political parties do increase the number of women in their leadership in order for women to benefit from the Political Parties Fund, which we will be debating in the course of the week.

With those few remarks, I beg to support.

**The Temporary Deputy Speaker** (Mr. Poghisio): I now call upon the official Government Responder to make his remarks.

**The Assistant Minister for Education** (Dr. Mwiria): Thank you, Mr. Temporary Deputy Speaker, Sir, for giving me the opportunity to support this Motion and to, first, congratulate the Mover for bringing it here. As many hon. Members have said, it is timely, given the urgency with which we need to address issues of women's participation in education in this country.

Mr. Temporary Deputy Speaker, Sir, let me also agree with those who have said that in certain parts of this country, the problem is not just the girls. There are areas in this country where boys have problems, and also need to be given attention. Therefore, when we address the problem, we should not only look at it in terms of gender equity but also in terms of how to address specific problems that affect our boys, which are making it not so easy for them, in certain parts of this country, to progress from one level of education to another.

Mr. Temporary Deputy Speaker, Sir, hon. Members have explained the circumstances that have led to this scenario. There is no need to repeat them, but they include poverty, cultural attitudes, gender insensitivity, sanitary environment, insecurity and conflicts, walking distances that sometimes are much more of a problem for girls, traditional practices that have been spoken about like the FGM, early marriages, child labour, sexual abuse and polygamy and so on. There are also problems of unfriendly and non-gender sensitive teaching environment, where teachers sometimes have a bias against boys, or where girls are kind of trained to expect to be nurses and teachers. There is also a curriculum where examples of successful people are usually shown to be the men, *et cetera*. So, all these are factors that contribute to the problem. Even those outside the education system in the wider environment have a big bearing on what takes place in schools.

Mr. Temporary Deputy Speaker, Sir, as a Ministry, we have looked into ways of dealing with this matter. Some hon. Members have alluded to Sessional Paper No.1 of 2005, as well as many other documents that have been generated by the Ministry to address the problem. Firstly, there was the enactment of the Children Act in 2002, which made education compulsory for all boys and girls below the age of 18. The area of particular focus was girls and boys living in difficult circumstances.

This was followed by the introduction of free primary education that, again, would ensure that we do not have any barriers to women's participation in education, especially with regard to enrolling for the very basic level of education, without which they would not be able to proceed to subsequent levels of education. There has also been a deliberate effort to pay more attention---

*[The Temporary Deputy Speaker  
(Mr. Poghisio) left the Chair]*

*[The Temporary Deputy Speaker  
(Ms. Ndung'u) took the Chair]*

*(Applause)*

Madam "Chair", we are still more concerned with addressing areas that are more disadvantaged than others, such as North Eastern Province, parts of Coast Province, parts of Rift Valley Province and others. We do much more than what we do in areas where the situation is



normal. In that regard, boarding schools have been introduced in North Eastern Province and other semi-arid areas for girls. There is an effort to ensure that much is done for girls and boys who are attending Standards I to IV. They are put in schools that are much closer to their homes. We are partnering with a number of organisations, including United Nations Children Fund (UNICEF), Organisation of Petroleum Exporting Countries (OPEC), Forum for African Women Educationist (FAWE) and African Development Bank (ADB) to support specific programmes that target girls. That includes the provision of sanitary facilities among communities and other support. As a Ministry, we have been providing grants every year to 247 low cost boarding primary schools for general maintenance. Most of those schools are located in arid and semi-arid areas of Kenya.

Madam "Chair, as you know, we have insisted that 5 per cent of the money that is available for bursaries should go to girls' education. But I agree with those who have said that, that is not enough given the social difficulties that confront our girls. I think we should look into how we can increase that percentage. But I also call upon other partners, including Members of Parliament, to set aside resources to ensure that there is disproportionate share going towards the education of women. That is because women encounter many more difficulties. It is much more difficult for parents to support them. We were told by one Member that women should present their cases to bursary committees.

Madam "Chair", there is affirmative action with regard to admission, especially to universities. We realised that if you make the entry points into the universities the same for boys and girls, given the difficulties that our girls go through, it will be much more difficult for many of them to compete with boys. Therefore, women can enter universities with lower marks. But we would like also to extend that intervention to specific districts. It is not enough to lower entry grades for female students to do general bachelor of art and science degrees. We need to ensure that many more of them are in the professional fields such as medicine, engineering and others. It is, therefore, important that we consider the possibilities of lowering specific grades for entry into faculties that are much more competitive, and that have girls.

At this point, I would like to say that, fortunately and surprisingly, in areas such as medicine, women are doing very well. But there are much fewer of them in engineering, architecture and other physical sciences.

Madam "Chair", I would like to also say that we have a specific scholarship programme targeting women who are going to high schools from the arid and semi arid areas. There is US\$50,000 available every year to give scholarships to 60 girls who attain 250 marks and above. That programme is supported by UNICEF. That enables girls to enter competitive schools. As a Ministry, we are ensuring that those girls actually enter national schools. That is because, if you score 300 marks and above from those communities, you will compete very well even in a national school. But beyond the quota of getting them in there, there is also that scholarship programme. As a Ministry, we are considering topping it up so that we can support many more girls.

Madam "Chair", I would like to say that numerous training programmes have been going on. They have been supported by donor organisations and our Ministry. They are mounted to re-design the curriculum and make it less stereotyped and more gender sensitive. That training is also aimed at training teachers and education managers to be much more sensitive in the way they teach and administer programmes in terms of what kind of advice they give to our young girls in primary and secondary schools with regard to careers that they should aim at. So, that support is continuing. A lot of money is being spent in those areas. We realised that, unless we change the attitudes of those who are teaching and administering our schools, there is very little we can expect from our young girls. It will be too ambitious to expect that our young girls will be able to fight those barriers and make it on their own. There is a lot of support for sensitization campaigns to talk about those issues. We want to get together all those who are involved in women's education to

appreciate the difficulties involved and think of ways and means of increasing enrolment, participation and progression of women in our schools.

Madam "Chair", I would also like to say that, as a Ministry, we have developed a policy on gender education. We have developed an early childhood education policy which will target more girls. I hope that, at some point, we will be able to support day-care centres for young girls who may want to take advantage of educational opportunities.

We also have a re-entry programme. Girls who get pregnant can go back to schools after they have given birth. It has been a difficult policy because some of the people who fight that policy the most are the women principals themselves. But we are talking more and more with them. We are encouraging them to appreciate the difficulties that those girls go through. Sometimes, we only punish girls who get pregnant and not the sugar-daddies and others who get them pregnant.

Madam "Chair", I would now like to take just five more minutes and speak very quickly. I understand there are other Motions. There are some factors which are external to the educational environment, and which we need to address to deal with issues about women education much more effectively. One has already been alluded to by Members of Parliament. We need to get our women to participate much more in all spheres of the Kenyan society. That may be in business, Civil Service and industries. Unless girls who go to school can see that women are successful outside the traditional areas that are talked about, we are not going to achieve much by way of role models that encourage others to follow their examples.

Madam "Chair", secondly, we have to address the legal issues. We have to address the legal provisions that are oppressive to women. They could be with regard to property rights, issues of abortion and unwanted pregnancies and matters of polygamy. It is going to be very difficult for us to have a level playing field for our girls, if the law does not recognise equality. You can talk about those issues over and over again, but--- You can go to those communities like Mr. Wamunyinyi has said---

**The Assistant Minister for Lands** (Mr. Kamama): On a point of order, Madam Temporary Deputy Speaker. I do not know how we should address the Chair. The Assistant Minister here is addressing you as Madam Chair. Could I be in order to ask you to give us guidance on how we should address you? Do we address you as Madam Chair or Madam Temporary Deputy Speaker?

**The Temporary Deputy Speaker** (Ms. Ndung'u): I think this is a full House and, therefore, I should be addressed as Madam Speaker. If it is in the Committee Stage, you will address me as Madam Chair.

But, please, proceed.

**The Assistant Minister for Education** (Dr. Mwiria): Madam Temporary Deputy Speaker, that is what I meant except that I used Madam Chair. I meant Madam Temporary Deputy Speaker.

I was saying that unless we deal with the aspects of the law that are oppressive like we have spoken about polygamy, unwarranted pregnancies and property rights.

**Mr. Angwenyi**: On a point of order, Madam Temporary Deputy Speaker. Is the hon. Member in order to say that polygamy impedes the girl-child when, in fact, we know that most of the girls who have been educated come from polygamous homes?

*(Applause)*

**The Temporary Deputy Speaker** (Ms. Ndung'u): Order, Mr. Angwenyi! If you want to contribute to the debate, please wait for your turn.

Proceed, Dr. Mwiria!

**The Assistant Minister for Education** (Dr. Mwiria): Madam Temporary Deputy Speaker, I had a personal interest in that point. What did he actually say? I did not get it!

**Mr. Angwenyi:** Madam Temporary Deputy Speaker, is the hon. Member in order to say that the advancement of education for girls is impeded by polygamy? In fact, I know that girls who have been educated, especially in Kisii, land are those who come from polygamous homes.

*(Applause)*

**The Temporary Deputy Speaker** (Ms. Ndung'u): Order, Mr. Angwenyi! That is not a point of order. It is a point of argument. You will wait for your turn!

Please, proceed, Dr. Mwiria!

**The Assistant Minister for Education** (Dr. Mwiria): Madam Temporary Deputy Speaker, that is a point of argument. However, it is okay that, he said that because he happens to be wrong. So, I am quite happy to take him on that point. He also comes from a community where they support Female Genital Mutilation (FGM) or do not talk openly against it. In those kinds of communities---

**Mr. Angwenyi:** We talk for it!

**The Assistant Minister for Education** (Dr. Mwiria): Madam Temporary Deputy Speaker, if you look at areas where girls have the biggest problems, they are in areas where some of these traditions we are talking about are practised. You cannot talk about equity in a polygamous institution because you are saying that one man is equal to three women. So, if the issue is about equity and you want to encourage it in those societies, it is very difficult for children of polygamous marriages of men and women who have grown up in those marriages to appreciate the fact that our women can be regarded as equal. Until we appreciate that, we cannot support their education, especially to do as well as the men. I, therefore, like to say that outside of education, we have to address those traditions, especially because it is in those communities where those traditions are most dominant that our girls have the biggest problem in terms of their participating in education.

**Mr. Angwenyi:** That is not true!

**The Assistant Minister for Education** (Dr. Mwiria): Madam Temporary Deputy Speaker, I would also like to say that---

**Mr. Ochilo-Ayacko:** On a point of order, Madam Temporary Deputy Speaker. You heard the very eloquent Assistant Minister talk about polygamy. Is he in order to attack a practice that is revered by Muslims?

**The Temporary Deputy Speaker** (Ms. Ndung'u): Order, Mr. Ochilo-Ayacko! I think we need to listen to the Assistant Minister. We have practitioners of polygamy in this House. I think they need to listen to him.

Let us proceed!

**The Assistant Minister for Education** (Dr. Mwiria): Madam Temporary Deputy Speaker, some of these practitioners are not Muslims.

**Mr. Angwenyi:** On a point of order, Madam Temporary Deputy Speaker. Is the hon. Member in order to use the Floor of the House to attack our valued cultures because of having been indoctrinated by the Western cultures?

**The Temporary Deputy Speaker** (Ms. Ndung'u): Order, Mr. Angwenyi! I think that we should allow each one of us to say what we have to say. The Assistant Minister has his opinion. Let us listen to him. You will have your time to contribute.

Proceed, Dr. Mwiria!

*(Mr. Angwenyi stood up in his place)*

You cannot have a point of order on a point of order!

**Dr. Ali:** On a point of order, Madam Temporary Deputy Speaker. Is it in order for the hon. Members of this House to discuss a religion when we are not discussing the religion of some individuals? We should not discuss religions of people in this House!

**The Temporary Deputy Speaker** (Ms. Ndung'u): Order, Dr. Ali! Polygamy is not necessarily a religious practice! I think you came in late and you should follow the discussions. I will not entertain any more points of order.

Proceed, Dr. Mwiria!

**The Assistant Minister for Education** (Dr. Mwiria): Madam Temporary Deputy Speaker, I am sure Dr. Ali is aware of this. I think what we have said is quite clear: That polygamy has nothing to do with religion. That is why even Parliament recognises polygamy and allows hon. Members to have insurance paid for up to two wives. So, it is not an issue of---

*(Applause)*

I was talking about external environment in which we have to operate. I would like to say that issues of security and conflict also need to be addressed. It is much more difficult for our girls to learn effectively under those kinds of circumstances. Again, at the political level, whatever we need to do to ensure that environment is enabling, it will be much more supportive of women's education.

Madam Temporary Deputy Speaker, we also have to address the issue of the attitudes of men. You have seen how we tend to be so protective of our own rights as men, even when it is men who can appreciate the difficulty. I am saying this because we get to situations where our men appreciate educated women--- If you go to universities, many of the male students in the universities will feel more threatened by educated female students. Many of our men in our society will sometimes feel threatened by an educated woman to the point that even very highly educated men tend to look for wives among the less educated. This is an issue that we have to address because we cannot get far or promote education for our women if we, who have that education, get threatened by those of the opposite sex who have more education like ourselves or even those who have done better.

I would like to conclude by saying that we have to give this issue very serious political visibility. Just like we have highlighted the issue of HIV/AIDS and other problems, we have to bring this issue of women's participation in education to national prominence. By doing this, even the men have to be prepared to have the courage to talk about the things that they would not dare talk about. If you are an hon. Member in a community that supports FGM, you have to come out strongly and say: "That is wrong!" even if you stand the chance of losing votes. If you come from cultures that support kinds of systems and traditions that are oppressive, you have to have the courage as an hon. Member to talk about it. It is better to sacrifice you and save generations of our young women in the future.

With those few remarks, I beg to support.

**Prof. Mango:** Madam Temporary Deputy Speaker, I would like to donate my two minutes to Mr. Ochilo-Ayacko and three minutes to Mr. Omingo!

**Mr. Ochilo-Ayacko:** Madam Temporary Deputy Speaker, I think we have to admit that we have been very unfair to women in this country and we must repay for that unfairness.

I want to propose that we should automatically agree to free secondary and university

education to all girl-children in this country. We should also set a sunset clause to that proviso so that they are able to catch up with us. In a situation of scarcity where there are scarce resources, you will find that the resources will be applied to pay school fees for the boy-child and the girl-child will be treated as a chattel commodity in order to get a little property in return. So, it is important for this House to take leadership in this matter by agreeing to give free secondary and university education to all girl-children in this country. Madam Temporary Deputy Speaker, we should even go further and agree to certain tax incentives so that this matter is addressed once and for all. I believe all children are a gift from God, for those of us who believe in the benevolence and providence of God. Since we have been very unfair to the girl-child - the unfairness is evident from the fact that the enrolment of the girl-child is in decline - we must, as a country, be prepared to atone for this kind of bad behaviour on our part. We should, therefore, offer leadership to redress this.

With those few remarks, I beg to support.

**Mr. Omingo:** Thank you, Madam Temporary Deputy Speaker. I am glad to address the House when I have a former girl-child educated to be a Speaker of the Kenya National Assembly.

Mr. Temporary Deputy Speaker, Sir, I want to state here on record that it is important that we quote Mr. James Aggrey who said that when you educate a girl, you educate the whole family and the world, but when you educate a man, you educate an individual. It is critical that this is done and embraced.

*[The Temporary Deputy Speaker  
(Ms. Ndung'u) left the Chair]*

*[The Temporary Deputy Speaker  
(Mr. Poghio) resumed the Chair]*

I want to sound some warning to those in girl-child activism and in support of the girl-child that it is not legislation that is going to help us. Even currently, let us get the male Ministers to speak positively about the girl-child. It is the issue of attitude change that we must now address. When you talk to the male Ministers, tell them to address the issue of women because they are in position to do so. It is that change of mentality that is important. It is high time we realised that the girl we are talking about is a mother knowing very well that men are actually close to their mothers more often than not. We should remind those men that the disadvantaged girls are actually their daughters.

It is important to appreciate the fact that when we empower women, we actually empower families and communities. We know that economic development revolves around women. They are the mothers, they are the ones who cook, do gardening, carry babies on their backs and it is, therefore, important to give them capacity. It is also important to realise that families are breaking because most men are getting a little bit irresponsible. If disadvantaged women are left with the children, poverty recycles around the family. The result is that we will go down as a nation.

Mr. Temporary Deputy Speaker, Sir, we must empower our girls by providing them with education. It is also critical that we do not just say that we are empowering them. We would like to see action.

With those few remarks, I beg to support the Motion.

**Prof. Mungo:** Mr. Temporary Deputy Speaker, Sir, I would like to donate one minute to Mr. Angwenyi.

**Mr. Angwenyi:** Mr. Temporary Deputy Speaker, Sir, I would like to support this Motion and urge hon. Members---

**The Temporary Deputy Speaker** (Mr. Poghisio): Order, Mr. Angwenyi! Prof. Mango, how much time are you donating?

**Prof. Mango:** Only one minute to Mr. Angwenyi, Mr. Temporary Deputy Speaker, Sir.

**Mr. Angwenyi:** Mr. Temporary Deputy Speaker, Sir, I was saying that we need to encourage and support the girl-child. However, let us not confuse the important issues with cultural values of our people. Let us encourage our people, whatever their cultural values, to support the girl-child. For example, if you look at polygamous homes, I know that there are many polygamous homes which have taken their children to the highest level of education. I also know that monogamous homes, like in the Western countries, where there exists serial marriages. These are marriages which are broken year in, year out and the girl-child in these families can never be happy. She will never even go to school because she will be having more than two fathers like a prophet. So, what I am saying is that we should support the girl-child and give her opportunities to advance.

Mr. Temporary Deputy Speaker, Sir, with those few remarks, I beg to support.

**Prof. Mango:** Mr. Temporary Deputy Speaker, Sir, I take this opportunity to thank all my colleagues who have contributed to this Motion. I would like to wind up by quoting the former United Nations (UN) Secretary-General Mr. Koffi Annan who said: "Educating girls is a social development policy that works. It is a long-term investment that yields unexceptionally high results."

I, therefore, call upon the Kenyan Government and this Parliament to realise that education of girls is not a waste in any form. On the contrary, it is a very high yielding economic activity. I would like to take this opportunity to urge the Ministry of Education to set up a girl-child fund to assist vulnerable girl-children and HIV/AIDS orphans to pursue education. The Minister talked about the fund. If it exists, then, it is not well-known to most people. It should, therefore, benefit children in all constituencies so that everybody gets to know about it.

I would also like to call upon the Minister to have low-cost boarding schools, especially in areas that are hard-hit by the HIV/AIDS pandemic where orphaned children can hardly learn for lack of food and other kinds of support. We also need, in the same areas, boarding schools to enable the girl-child to go through education.

Mr. Temporary Deputy Speaker, Sir, we also need counselling in all our primary and secondary schools because the girl-child starts getting derailed very early. To arrest that, she needs all the counselling necessary to support her and to be guided to go through education.

An hon. Member talked about children belonging to disabled parents who cannot pay school fees. In this country, we have tended to neglect disabled children. We have never paid attention to them and you will find very bright disabled children dropping out of school because they attend special schools whose fees is very high and poor parents cannot afford to pay for the education of those children.

University education is very competitive, but only one-third of the girls join our public universities. They do not get into competitive departments like Engineering, Architecture and Medicine. The girl-child needs to be given scholarships to join such departments. Affirmative action should enable them to join these competitive departments.

Mr. Temporary Deputy Speaker, Sir, Ms. Ndung'u talked about sex pests. We need to have, in place, stiffer penalties for older men in the name of "sugar-daddies" who move around or marry children who are underage. These people hinder the progress of the girl-child and should, therefore, be dealt with severely to stop them from interfering with the girl-child so that she can prosper. I would also like to appeal to men to change their attitude towards women and the girl-child.

Mr. Temporary Deputy Speaker, Sir, with those few remarks, I sincerely thank you for giving me this opportunity and I beg to move.

**The Temporary Deputy Speaker** (Mr. Poghiso): Hon. Members, before I put the Question, I would like to encourage hon. Members not to demand for donation of time when a Mover has ten minutes to reply. I realise the stress that the Mover experiences when he has to finish replying and already he has donated a minute or two to his colleagues. There is really no pressure to do that. You do not have, as a Mover of a Motion, to donate the time, if you know that you will not have adequate time to reply.

*(Question put and agreed to)*

WAIVER OF TITLE DEED FEES  
FOR PUBLIC INSTITUTIONS

**Mr. Ochilo-Ayacko:** Thank you Mr. Temporary Deputy Speaker, Sir, for giving me an opportunity to move this Motion. You know very well that public development is under threat everywhere. Land upon which public facilities, institutions---

**The Temporary Deputy Speaker** (Mr. Poghiso): Mr. Ochilo-Ayacko, what are you doing? Are you moving the Motion?

**Mr. Ochilo-Ayacko:** I am sorry, Mr. Temporary Deputy Speaker, Sir.

Mr. Temporary Deputy Speaker, Sir, I beg to move:-

THAT, in view of the Government's policy that all Government institutions acquire title documents for the land upon which they are erected; and considering that these titles attract fees from the Department of Lands and other Government departments; this House urges the Government to waive all fees/charges payable to these departments for titles held by public primary and secondary schools, public dispensaries, health centres, hospitals, village polytechnics and other public facilities in rural Kenya.

Mr. Temporary Deputy Speaker, Sir, you know very well that development is under threat from people bent on acquiring land for personal or restricted use. This country has many facilities that have been put up using public resources. They are intended to benefit the public. These facilities are scattered all over the country. However, the unfortunate situation is that the facilities do not have title deeds. They are not registered in the Department of Land as facilities available for public use. In order to register them, there are certain professionals who go by the description of surveyors. They charge hefty fees and after the survey and excision has been effected, certain fees are charged by way of stamp duty or registration. There are many other fees that make it very difficult for institutions to acquire title deeds.

Mr. Temporary Deputy Speaker, Sir, I want to inform this House that a couple of years ago, I happened to be a potential beneficiary of a donation from the Japanese government. In its benevolence, the Japanese government wanted to donate plenty of money to put up two public schools in my constituency. However, the donation was hinged upon the acquisition of title deeds. I lost that donation because all attempts to get title deeds for the land upon which the public schools; Rongo Primary School and Anindo Primary school, are built, hit a snag. We could not get the title deeds because certain monies were required. The local authorities of the areas also placed bureaucracy on those running the schools. Since this benevolent donor could not get the title deeds in good time, the donation went to some other place that I do not know. The fees which may amount to Kshs40,000 or Kshs50,000 in one instance, may hinder or inhibit grants that would otherwise, help develop many of our institutions.

Mr. Temporary Deputy Speaker, Sir, we know that land is the basis of many conflicts. If, for example, you take the Mt. Elgon situation, land is the basis of conflicts. A place like Bomet

where violent evictions of peasants was effected by certain forces, the basis of such evictions was land. The fight between hawkers and city *askaris* and occasionally ant-riot police, its all based on space. That tells us that land, its use and occupation is a potential area of conflict. Where there is conflict, there is no access to the enjoyment and use of public facility and there is under-development or there is a slide-back in terms of development.

The facilities that we are talking about, be they public hospitals, polytechnics and others, belong to the Government as a trustee of the people. Why would the Government have a policy of asking the users or beneficiaries of those facilities to use some other arrangements to acquire the title deed? That amounts to some of the paradoxes where you are robbing Paul to pay Peter. You are taking one debt somewhere to clear another debt. That does not make sense in modern times.

Mr. Temporary Deputy Speaker, Sir, we are aware and the books of Public Investments Committee (PIC) and Public Accounts Committee (PAC) have numerous reports and recommendations where public institutions have lost land because the land that was set aside for them, which certain communities were evicted from in order to give room for such development, has to date, not been registered in favour of that public institution. I have in mind institutions like the Kenya Seed Company. The Kenya Seed Company is a pale shadow of what it used to be before and immediately after Independence. What used to be Jomo Kenyatta University of Agriculture and Technology (JKUAT) is today a pale shadow of what it used to be in terms of territorial expanse. What it is today is probably a quarter of what was allocated to them. If you go to such places, you will find shanties, private developers or even warlords purporting to exercise authority and control over such parcels of land. When we allow people to use parcels of land and yet we know that we have authority to issue title deeds and fence those parcels of land, so that they could be developed for the benefit of the current generation and posterity, we are doing the wrong thing.

Mr. Temporary Deputy Speaker, Sir, these fees that appear to be little in the eyes of some people is a lot of money in the eyes of others. For instance, my constituency is blessed with 148 primary schools, but none of them has a title deed to its name. We have families with children the number of a football team. Very soon you will find families putting up houses in primary and secondary schools. Very soon there will be conflicts between the communities and schools over water, roads and the children's playgrounds. These conflicts can be avoided by a proclamation, a promulgation or gazettelement by the relevant department of Government that the fees be waived and that if there is any survey to be done, the Government pays the surveyors and issues out title deeds.

Mr. Temporary Deputy Speaker, Sir, if you visit our major facilities such as Kisumu Airport and the Jomo Kenyatta International Airport (JKIA), you will find that those who conceived them had set aside over 10,000 acres of land. Today, if you visit those airports and look at the land that is available, it is as little as 6,000 acres. What happened to the balance of that land? The Department of Land and other influential personalities knew that there were no title deeds. Those personalities acted with impunity, accessed that land and got it registered in their names. They would then develop or use it to speculate.

Mr. Temporary Deputy Speaker, Sir, this Motion intends to give the Government its rightful role. That is the role of securing the property that the Kenyan people entrust upon it for present and future generations, without visiting the cost of such titles on the same public that votes the Government in to look after the same little property.

Mr. Temporary Deputy Speaker, Sir, right now, I can cite the case of Awendo Sub-District Hospital in my constituency. I have asked Questions in this House regarding that hospital. I have even had occasion to visit the Assistant Minister for Lands, Mr. Kamama. I can see he is looking at me. I have even spoken to him. He has given me an oral commitment that he will protect that public facility from annexation for private use by certain developers. Today, there is a private



developer who has put up a school there. That private developer has connived with certain people at my former district headquarters and they are planning to take away nearly two acres of land belonging to Awendo Sub-District Hospital. The people who run that sub-district hospital are, unfortunately, poorly paid just like other civil servants in Kenya. They have attempted to talk to that private developer. They have even visited the police station at Awendo, but they have been told that they require a court order. What Government would ask for a court order to protect its own land? You can see how ridiculous that kind of advice is, especially when it is from an Office Commanding Station (OCS) running a local police station. That would be the remark or advice of a public officer who has "eaten something big." I do not know whether that is the truth, but you can see how they dilly-dally on such matters.

Mr. Temporary Deputy Speaker, Sir, still on my constituency, we have a proposal for putting up a public secondary school called Sari Mixed Public Secondary School. At the time we were coming up with that proposal, the land that was set aside for that institution was 11 acres. Right now, when we are about to implement the proposal, the land that is left is barely five acres. Our visits to public institutions to get the documents in respect of that proposed secondary school has become a game of hide of seek. As you know, an hon. Member's primary function is to legislate. You cannot expend all your time at the Department of Lands trying to secure a title deed that ordinarily belongs to the Government. So, that is a request that, in my view, a Government that is interested in the preservation of public facilities and the well-being of the people that it leads, should automatically accede to. I do not think the Government should rob itself by using the right hand to enrich the left hand. To ask public facilities like primary schools to raise fees to acquire land that belongs to the Government is like trying to squeeze blood from a housefly, flea or a mosquito; blood that cannot even be useful.

Mr. Temporary Deputy Speaker, Sir, there are numerous recommendations by the Public Investments Committee (PIC). If you look at the 9th and 10th reports, there is a recommendation by PIC that, in order to preserve Government institutions and protect their land from being grabbed, they should be given title deeds. But the Government has not acted on that recommendation. If you go to the Kenyatta National Hospital (KNH), you will find that certain plots exist within its perimeters. Likewise, if you go to facilities like what used to be Highridge Teachers Training College, you will find that certain facilities that were set aside as lecturers houses are no longer in the names of such people. This is something that is common all over the country. What this Motion seeks to do is to remind the Government - because governments have to be reminded - to do what is purely within its domain, interest and function.

Mr. Temporary Deputy Speaker, Sir, I know that the Ministry concerned will not shy away from supporting this Motion. But my concern will be on the implementation of this resolution. A lot of very good propositions have been made in this House, but once that has been done and they are passed by the bi-partisan support of this House, they are left to grow cobwebs on the shelves or wherever they are put. So, I want to urge the relevant Ministry to make sure that the conflict over public resources is minimised and that the people who will come after us; the so-called posterity, will have somewhere to pick from.

In fact, even public roads are in danger in this country. If title deeds could be issued for public roads, I would recommend the same. This is because you will find that in certain places and in most instances, people are so vicious that they desire to acquire even areas that are designed for public roads. So, the Ministry of Lands, which is a key Ministry that should be concerned with land as a factor of production and an instrument of development, should be very much on the look-out. This is something that cuts across all Government departments.

With those very many remarks, I beg to move and kindly ask hon. Angwenyi to second this very compelling Motion.

**Mr. Angwenyi:** Thank you, Mr. Temporary Deputy Speaker, Sir. I rise to second this Motion and congratulate the hon. Ochilo-Ayacko for bringing it. In fact, I wish he had not been appointed a Minister, so that he could have brought this Motion four years ago. This is because we needed it yesterday and not today.

Mr. Temporary Deputy Speaker, Sir, over the last 20 years, we have seen the way land has been grabbed from public institutions. Take schools for example. Kenya High School is a renown high school that has produced the cream of our girl-child in this country in terms of education. But most of its land has been grabbed and given to the so-called private developers; people who are given public land and they become overnight billionaires without working hard. I would urge the hon. Ochilo-Ayacko that once we have passed this Motion, maybe he should seek to bring a Bill, to make it imperative on the Government, within a certain time frame, to issue title deeds for all public land to the institutions concerned.

Mr. Temporary Deputy Speaker, Sir, recently, we saw on televisions a caption where a road reserve had been grabbed in Karen. The Nairobi City Council moved in and demolished property belonging to one land grabber of that road reserve and left property belonging to another land grabber of the same road reserve. That brings bad-will on our people against the Government.

Mr. Temporary Deputy Speaker, Sir, we have seen hospitals whose land has been grabbed. So, when we want to expand them, we are unable to do so. We have the example of Kenyatta National Hospital where a part of its land was grabbed and private developers have developed high-rise apartments. It is very difficult to recover that land. So, if the hospital was to expand in the future, it would be unable to do so. We have seen the Kenya Railways land grabbed! People have constructed high-rise offices on the railways reserve land, and they do not give that institution any value for the land which they have grabbed.

Mr. Temporary Deputy Speaker, Sir, take the example of the airstrip in Suneka which we wanted to upgrade to an aerodrome so that people from the southern parts of Nyanza could use it as a commercial aerodrome. But the airstrip's land has been grabbed and issued out to people who have access to the powers-that-be and, at the expense of public use, they are using it for private settlement. We have seen our water ways and water streams drying up because the water catchment areas, instead of being preserved for that purpose, have been dished out to grabbers; people, who, as I said earlier, want to become millionaires overnight. Sometimes, private developers are issued with this land and the Government is usually forced to buy back that land after paying a hefty amount of money to a private person for public land!

Mr. Temporary Deputy Speaker, Sir, this system must stop! The only way it can stop is by making it mandatory for every Government institution to get title deeds for its land and, maybe, even sanctify that title so that it cannot be sold to a private developer and it is kept for projects and future development of our people.

Mr. Temporary Deputy Speaker, Sir, recently, this Government revived the Kenya Meat Commission (KMC), but I understand that right now, they have no holding grounds where the livestock bought from upcountry, and as far away as Garissa, for example, can be held before they are slaughtered because the land which belonged to that institution; some 3,500 acres, has been issued to the so-called "private developers". If we had title deeds to that land issued to the KMC, and a law was made to the effect that the KMC cannot dispose of that land, that land could have been in hand when the KMC was revived. They would have had the land for the holding grounds so that they can purchase many more animals from people who cannot find a market for their cows, like the Pokots, Somalis and some of the Maasais who come from far away. They could come there and fatten their cows before they sell them to the KMC so that they can get good value for their cattle.

Mr. Temporary Deputy Speaker, Sir, we have seen research land being grabbed. For

example, 20 years ago, the Agricultural Development Corporation (ADC) had in excess of 1 million acres in this country; up in the coast, Eastern Province, mainly in the Rift Valley Province and in parts of Nyanza Province. But that land has disappeared because the ADC did not have title deeds and there was no law prohibiting dishing out of that land to private individuals; people who have been given land which is bigger than what communities have. We have even seen established buildings being grabbed. Ten years ago, I was doing research on land rationalization in this country, and I went round this country collecting information. I went to two places where I found public buildings being grabbed. One was in Kilifi District where the DC's house had been dished out to the DC's wife. So, the Government started paying rent to that DC's wife. He used to stay with his wife in the same house. A house which was built specifically for the DC's residence was grabbed just like that because there was no title deed indicating that the House belonged to the Government.

Mr. Temporary Deputy Speaker, Sir, I saw another case in Eldoret where the offices for the Ministry of Lands were grabbed by an individual. The Ministry of Lands did not have a title deed to that land although it is the same Ministry which gives out title deeds. These offices were dished out to a private individual. That individual got big offices because they belonged to the Ministry of Lands before that. Since they did not have a title deed, they were given to an influential so-called private developer. The Government rented those same offices and it was paying rent to that private developer who never developed anything except to grab those offices.

This Parliament---

**The Temporary Deputy Speaker** (Mr. Poghisio): Are you saying this as a matter of fact? Are those statistics documented?

**Mr. Angwenyi:** Yes, Mr. Temporary Deputy Speaker, Sir. I produced a research paper which I gave to the Ministry of Lands and you can access it. It was done by a company called Southern Western Research Consultancy which I owned at that time. I do not own it any more. You can get a copy of that report in the Ministry of Lands. Institutional land should be given title deeds free of charge because these institutions belong to the Government. There is no moral principle for the Government to tax itself.

Imagine a primary school in Kacheliba where the people are poor and are migrating from one point to another. When they migrate to another point especially when they are going to get some cows from the Turkana, they come back to find that the school has been grabbed. If these land titles are given to those schools, that community can migrate and get some cows from the Turkana or Samburu. When they come back the school will be intact and they can utilise it.

Mr. Temporary Deputy Speaker, Sir, this Parliament should be held accountable for issuing title deeds for sessional land. They should be held responsible when we go for elections. They must ensure that public property is protected. The only way you can protect that land is to give that school a title deed. If that is done, there will be no conflict between the community and some of the sponsors. In some cases you will find that there is some conflict between a community and a church sponsor. This Parliament should within this year, enact a law saying that titles should be issued to every institution free of charge.

With those few remarks, I beg to support.

## ADJOURNMENT

**The Temporary Deputy Speaker** (Mr. Poghisio): Hon. Members, it is time to interrupt the business of the House. This House, therefore, stands adjourned until this afternoon at 2.30 p.m.

The House rose at 12.30 p.m.