

NATIONAL ASSEMBLY

OFFICIAL REPORT

Thursday, 21st August, 2014

The House met at 2.30 p.m.

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

PRAYERS

PAPER LAID

Hon. Gethenji: Hon. Speaker, I beg to lay the following Paper on the Table of the House today Thursday, 21st August, 2014:-

The Report of the Departmental Committee on Defence and Foreign Relations---

(Technical hitch)

STATEMENTS

Hon. Speaker: Hon. Members, before we move to that response from hon. Kamama, I wish to recognise the pupils from M.M. Shah Primary School from Mvita Constituency in the Speaker's Gallery.

(Applause)

Hon. Asman Kamama, you are giving a response.

NON-DEPLOYMENT OF DEPUTY COUNTY COMMISSIONERS IN HABASWEINI/WAJIR SOUTH SUB-COUNTIES

Hon. Abongotum: Thank you, hon. Speaker. My Deputy, hon. Alloys Lentoimaga will handle this Statement. Thank you.

Hon. Speaker: Is he here? You have delegated to somebody who has chosen to do other things.

Hon. Abongotum: Hon. Speaker, I will proceed.

Hon. Speaker: Yes.

Hon. Abongotum: Hon. Speaker, this is a Statement from the Cabinet Secretary in charge of Interior on a matter that was raised by the Member of Parliament for Wajir South Constituency, hon. Abdullahi Diriye who wanted to be given a full Statement regarding non-deployment of deputy county commissioners in Habasweini and Wajir South sub-counties.

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Hon. Speaker, the hon. Member sought to be informed on the reasons why the Government has not deployed those officers. It is true that both Habasweini and Wajir South sub-counties currently have no substantive deputy county commissioners and are run by Assistant County Commissioners formerly referred to as the District Officers (DOs) in acting capacities.

Hon. Speaker, this has been occasioned by a dire shortage of National Government administrative officers in all cadres in the field of administration and currently, as I speak, there are 77 to 50 assistant county commissioners in the whole country against an authorised establishment of 1,450 officers, while the deputy county commissioners are 219 against an authorised establishment of 289 sub-counties.

Hon. Speaker, the shortage of administrative officers is as a result of officers leaving the service through natural attrition without replacement while others have lately left the Civil Service to look for other jobs mostly in the counties and in the devolved units.

Hon. Speaker, however, the Ministry, in consultation with the Public Service Commission (PSC), is in the process of identifying suitable assistant county commissioners to be appointed as deputy county commissioners and fill all the available vacancies.

Hon. Speaker, the deployment of deputy county commissioners to Habasweini and Wajir South sub-counties will, thereafter, be considered alongside other vacant sub-counties.

Thank you, hon. Speaker.

Hon. Speaker: The Member for Wajir South Constituency, Abdullahi Diriye.

Hon. Mohamed Diriye: Thank you, hon. Speaker. Hon. Chairman, can we have--

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Hon. Speaker: That is not the way it is done here. You cannot ask him a question directly.

Hon. Mohamed Diriye: Hon. Speaker, can we have timelines because it is now more than two years and the two sub-counties do not have substantive deputy county commissioners. So, could we, maybe, have a timeline because those are frontier districts which have security problems and lacking substantive deputy county commissioners is really hampering provision of basic services and co-ordination of the National Government? Could we have an exact timeline on when we can expect the deployment of the deputy county commissioners?

Hon. Speaker: Hon. Ibrahim Abass.

Hon. Abass: Sorry, hon. Speaker. I did not realize that I had made a request.

Hon. Speaker: Or you are joking with the gadgets! You are playing around with them.

Hon. Abass: Hon. Speaker, now that I got the chance, I think I can still ask a further clarification. I want to say that this is a common problem throughout Northern Kenya. In fact, those are the places where we should actually be having deputy county commissioners because of the current security situation in those counties. So, apparently, all those stations, actually in Northern Kenya, are manned by District Officers (DOs) and even the Officer Commanding Police Division (OCPD) and the In-charge of the

Administration Police (APs), feel somehow, in terms of ranking, that they are their juniors and they are the ones who ought to be chairing the security committees.

Thank you, hon. Speaker.

Hon. Speaker: Hon. Bare Shill.

Hon. Shill: Thank you, hon. Speaker. Recently, we heard an executive order from the President where County Commissioners were given powers and we know very well that security is not a devolved matter; it is for the National Government. We also know that area is bordering with Somalia and two years ago, some officers who were issuing Identification Cards (IDs) were abducted by *Al Shabaab*. Knowing that kind of history, why did it take the Government so long to take that matter seriously and post officers? I will ask the Chairman to tell the Government that they should do that immediately because of security risks.

Thank you, hon. Speaker.

Hon. Speaker: Hon. Kamama.

Hon. Abongotum: Thank you, hon. Speaker. The Member for Wajir South, hon. Diriye, sought for some timelines on when those officers are going to be posted. I wish to inform him that the Ministry is fast-tracking the recruitment – and, of course, in consultation with this Committee and with the Public Service Commission and other players - to ensure that there are funds to recruit those officers and post them to Wajir South, Habasweni, Ijara, and even Bura, where I used to be a DO in the 90s and Fafi. So, that is being fast-tracked and as a Committee, we have taken it very seriously.

On the issue of the increase of powers of the County Commissioners, this was done by the President to enhance authority and give them powers to actually prosecute matters dealing with security. I want to assure all hon. Members and the entire House that this issue is being taken seriously and once those officers are employed - because I have told you of the shortages or variance - we will post them countrywide, all the way from Lokichoggio to Lunga Lunga.

Thank you, hon. Speaker.

COMMUNICATION FROM THE CHAIR

APPRECIATION OF SCHOOL PARTIES IN THE GALLERIES

Hon. Speaker: Well, before we move to the next response, allow me to recognize the presence of pupils from the following institutions:-

- a) AIC Sochoi Academy in Nandi Hills Constituency.
- b) Mfariji Primary School in Meru County.
- c) Chemilil Factory Primary School, Kisumu County – Muhoroni Constituency.
- d) Precious Hope School – Kisii County.
- e) Shakina Primary School – Bungoma County.
- f) Errand School from Kericho County.
- g) Menwe Primary School – South Imenti Constituency – Meru County.
- h) Uphill Junior Kilobowen School – Nandi County, Emgwen Constituency.

Hon. Speaker: Hon. Aluoch.

Hon. Aluoch: Thank you, hon. Speaker. Visiting the National Assembly by anybody or any institution is a very important and gratifying affair. I am sure the young men and women who are here are very happy about it. Now, that Parliament is having the Public outreach, could it be in order for you to propose to the Chair that the Public Relations (PR) Department of the National Assembly be instructed that, when institutions are being introduced, the Members representing those who have come stand up to be seen by Members in the House?

Hon. Speaker: Well, it is a good proposal, but it is fluid with some danger. That is because we do not know how much time there is for giving instructions, by the time they get seated in various places. But, it is a good proposal worthy exploring.

(Resumption of Statements)

STATUS OF *NYUMBA KUMI* INITIATIVE

Hon. Asman Kamama, you are still the one responding to the next?

Hon. Abongotum: Thank you, hon. Speaker. On 3rd July, 2014, the Member of Parliament for Mvita Constituency, hon. Abdullswamad Sheriff Nassir, requested for a Statement on *Nyumba Kumi* Security initiative. The hon. Member, while appreciating the noble goal of the initiative, noticed that the Government was yet to formulate an elaborate policy to sustain the initiative and remunerate village elders whom he noted that supported the programme since its inception. The hon. members specifically sought information on the following:-

(i) When is the Government intending to entrench the program in law through an Act of Parliament or regulations; and,

(ii) The measures put in place by the Government to financially cater for elders involved in the programme, now and in the future.

Hon. Speaker, this is the response by the Cabinet Secretary:-

That *Nyumba Kumi* initiative is a strategy that seeks to redefine community policing in terms of households in a residential court, an estate, a block of houses, a manyatta, a street, a market centre, a gated community, a village or a *bulla*. The objective of this initiative is to give effect to Chapter 244(c) of the Constitution and Sections 96-100 of the National Police Service Act of 2011. The Government has already developed a draft policy on community policing that is currently undergoing validation process. The Government, however, does not have any immediate intention to come up with any specific legislation on community policing as both the Constitution and the National Police Service Act of 2011, have specific provisions that support community policing and by extension *Nyumba Kumi* initiative.

Community policing is based on the principal of community-police partnership that enhances sharing of crime intelligence. This partnership is voluntary. Whereas the Government analogs the role of village elders towards the success of this initiative, it does not consider any payment to local leaders including village elders who are supporting the *Nyumba Kumi* initiative. Community policing involves members of the society and not elders alone. However, the Ministry is open to consultations with

Parliament on modalities for compensating village elders and other persons supporting the initiative.

Thank you, hon. Speaker.

Hon. Speaker: Hon. Abdullswamad, you do not have your card?

Hon. Nassir: Thank you very much, hon. Speaker.

Hon. Speaker, once again, unfortunately, the Executive has failed us. The chapter of the Constitution referred to actually talks about the objectives and the functions of the National Police Service (NPS). I wish to note that one of the functions of the NPS is complying with constitutional standards of human rights and fundamental freedoms; training of staff to the highest possible standards of competence and integrity, and respecting human rights and fundamental freedoms and dignity.

Sections 96 to 100 of the National Police Service Act, 2011 do not talk about the *Nyumba Kumi* initiative at all. This particular Act talks about community policing, which had previously been in every constituency. The reason as to why they came up with the *Nyumba Kumi* initiative was to revamp security. The answer they have come up with regarding giving something small to the *balozis* and the elders responsible for implementation of the *Nyumba Kumi* initiative is that the Government has not budgeted for it.

Hon. Speaker, with your indulgence, I will prepare a draft Bill for consideration by this House since the Executive have failed to come up with something which will ensure inclusiveness.

Hon. Speaker: Hon. Nassir, the last part of the Statement, on the first page; suggests that there is a Draft National Policy on community policing currently undergoing validation. Once the Executive is through with the exercise, the draft policy will have to come to this House. It is important that before certain Bills with significant impact on the country are passed, the House expresses itself on the policy aspect behind them. Both you and the Committee Chairman did not look at the first paragraph of the Statement. It creates something which is not correct. It says:-

“The objective of this initiative is to give effect to Chapter 244(e) of the Constitution”.

The Constitution of Kenya, 2010 has only 18 chapters. So, Chapter 244(4) is something unknown to anybody in their right minds in this country. So, I wonder which chapter this Statement is meant to refer to. I think they wanted to talk about an Article of the Constitution, and not a chapter. It is wrong that it should be allowed to stand as it is, given that it is part of the record of this House. Maybe, the Chairperson can respond to this bit.

Hon. Abongotum: Hon. Speaker, I am sorry for talking about Chapter 244. I think the intention of the author of the document was to talk about Article 244. So, we are sorry for that error.

Hon. Speaker, what hon. Nassir has raised is valid, but I want to remind him that the *Nyumba Kumi* initiative is a paradigm shift from the way we have been managing our security matters. Of course, we had the community policing in place, but it has not been as effective as the Government wanted it to be. Regarding the *Nyumba Kumi* initiative, we have benchmarked with the people of Tanzania and Ethiopia, where it has produced

wonders. That is why the Government has come up with a draft national policy on the same.

I just want to remind hon. Nassir that we can actually use a policy to implement a government programme such as the one we are discussing. He is also free to generate legislation because doing so is our work, as legislators; as long as it meets the threshold for approval by this House. Let me mention that the initiative is actually recognised by the National Police Service Act, 2011 and the article of the Constitution that I have referred to. We also want to call upon hon. Members to support this initiative because we want a secure country.

Hon. Speaker, on matters of human rights, I want to inform the hon. Member that the Committee will share its stand with the Cabinet Secretary to ensure that no human rights are violated at all.

Thank you.

Hon. Speaker: Yes, hon. Wamalwa!

Hon. Wakhungu: Thank you, hon. Speaker. I want to seek some clarification from the Chairman of the Committee regarding the *Nyumba Kumi* initiative. We are also aware that criminals have also formed their own “*nyumba kumi*” initiatives through which they get to know criminals in each particular society. So, criminals in society “A” gang up and attack criminals in society “D” because they are not yet known. So, in that connection, I want the Chair to give us a cost benefit analysis. Much as the *Nyumba Kumi* initiative has worked very well in other jurisdictions like Tanzania, is there any case study he can give us in this country, so that we can do a cost benefit analysis to establish whether there are benefits or criminals are forming their own “*nyumba kumi*” initiatives, causing the situation to become even more dangerous?

Secondly, when is the draft national policy likely to be brought to Parliament? Were all the stakeholders involved in its development? I have personally been heavily involved in security matters. We have not been called, as Members of Parliament, to get involved in the development of the draft policy. When are we going to get involved, as the key stakeholders? When is it supposed to be brought to this House, so that we can debate it? Lastly, talking of the *Nyumba Kumi* initiative, it cannot go without the village elders, who play a very critical role. So, does the Government have any plans of providing some stipend remunerations to village elders?

Thank you.

Hon. Speaker: Yes, hon. Abdullswamad!

Hon. Nassir: Hon. Speaker, to reemphasise this issue, the last time a policy framework was prepared – which was done by an NGO – was in 2008. This country has since shifted from that policy framework due to the way we have been affected by various kinds of crimes and levels of insecurity. The Executive has talked of a draft national policy on security, and in the process tried to slightly mislead the House by saying that they have already considered it in an Act of Parliament when we all know that the Act of Parliament they have referred to talks about something totally different. This is a concept which is going to be borrowed and improved, but we should appreciate that it has nothing new to offer. We already have existing community policing levels, covering up to the constituency-level.

Hon. Abongotum: Thank you, hon. Speaker. First of all, I appreciate the scholarly manner in which hon. Wakhungu presents his cases or statements. But I want to deny the claim that we have *Nyumba Kumi* that has been formed by criminals. I want to confirm that we have gangs of criminals and they could be 18 or 20. We have those gangs, but there is no *Nyumba Kumi* for criminals.

On the cost-benefit analysis; because he has referred to a case study; hon. Wakhungu normally talks about methodology. He wants to have findings and deductions. Therefore, we want to tell him that this committee and the secretariat on *Nyumba Kumi* will meet sometimes next week and we will also consult widely. If we find that it is imperative and it is prudent that we have hon. Members briefed on this programme, I think we will organize a *Kamukunji* so that we call the Kaguthi Committee to come and brief hon. Members on what *Nyumba Kumi* entails and what they intend to do.

Therefore, that will be done progressively, but the timeline is after thorough consultations have been done on this matter.

With regard to village elders – in his place they have what they call *Rigurus or Omukhasa*. If you talk about the wage bill, Sarah Serem will not entertain the idea. Now that the counties are not cascading the employment of all administrators up to the level of village administrators because of the bloated wage bill, the Government is not intending to pay them anything. It is voluntary service because security is for all of us and it is for the benefit of all.

Hon. Speaker, hon. Nassir wanted to know - and he said that the last time - when we had a policy on this matter was 2008 and that he is for legislation. We want to try this policy and if it does not work, then he is free to generate a legislation which I will be ready to support and second when he does so.

Thank you.

Hon. Speaker: Well, hon. Abongotum you are still the man on the hot seat. The next response to the Statement is either by you or your Vice-Chair.

Hon. Abongotum: The response to the Statement will be given by my able Deputy, hon. Alois Lentoimaga.

Hon. Speaker: Yes, hon. Lentoimaga.

KILLING OF IBRAHIM ISAAC GUTU

Hon. Lentoimaga: Thank you, hon. Speaker. I am reading a statement for the request made by hon. (Ms.) Halima Ware Duri.

On 16th June, 2014, the hon. Member for Tana River County sought for statement regarding the killing of a minor; Ibrahim Isaac Gutu in Madogo, Tana River County. The hon. Member alleged that the minor was forcefully whisked away to unknown destination by three Kenya police officers who are attached to Madogo Police Station; using a vehicle registration number KAR 317U. His body was found on 2nd June 2014, dumped in the bush.

Therefore, the hon. Member sought be informed on the following:-

1. The owner of the above mentioned car and the identity of the perpetrators of the said killing.

2. The number of culprits arrested and arraigned in court in connection with the heinous killing.
3. Measures the Government has put in place to ensure that extra-judicial killings by police officers do not occur.

In his statement, the Cabinet Secretary (CS) wishes to state as follows:-

On 1st June, 2014, at about 4.00 p.m. the body of Ibrahim Isaac Gutu was found at Shaba Village near the police range with a gunshot wound on the head. The hands of the deceased were also tied up together with rubber bands.

Police launched investigations immediately and during the investigations, it was alleged that the deceased had earlier on been arrested by police officers from Madogo Police Station and driven away in a Toyota motor vehicle registration number KAR 317U. The deceased's motorcycle, registration number KMCV 630 was found intact near the scene.

The motor vehicle in question KAR 31U is owned by number 77132 police constable Benson Mulinge who was attached to Madogo Police Station.

However, it is not possible to reveal the names of the suspected perpetrators of this heinous act as the Case File Inquest No.2/2014 was forwarded to the Director of Public Prosecutions on 6th July, 2014 for perusal and advice. Appropriate action will be taken against whoever is found culpable.

According to the CS, the Government does not condone extra-judicial killings and further, the police officers are well versed with the law and are duty-bound to conduct themselves within the confines of the law.

However, any officer who conducts himself, herself or otherwise, is normally dealt with in accordance with the law.

Hon. (Ms.) Duri: Thank you, hon. Speaker. I am not happy with the shallow information which has been read by the Vice-Chairman.

Hon. Speaker, the hon. Member wants to say that there are no suspects in this case, according to the report that he is reading. Constable Benson Mulinge is the owner of the vehicle, KAR 317U. Actually, he is the one who picked the late young Ibrahim Isaac from the market in the evening. The boy went missing for two days and on the third day, the body of the boy was found in a bush. The area they are referring as a village is not a village. It is where the KDF *askaris* from Garissa go for shooting practices. Therefore, it is not a village the way they are putting it.

Hon. Speaker, the suspect in this issue, Constable Benson Mulinge, has been transferred to Kelelengwani Police Post to hide the criminal or suspect activities he had been doing in the area. I am not happy with this information and if everybody is killed and such a small report is given out, I think we are heading nowhere. We want justice to be done in the killing of the late Ibrahim Isaac.

According to me and the way I have understood the report of the Vice-Chairman, independent investigation was not carried out by the Committee. Therefore, the response is not satisfactory. I am not satisfied.

Hon. Speaker: Let us hear from hon. Dido, desiring to seek further clarification.

Hon. Dido: Thank you very much, hon. Speaker. This is a very serious case. When hon. (Ms.) Duri lodged this statement in the House, she had a clear purpose as to what action the Government should take. The clarification I am seeking from the Vice-Chairman is if the complaints have been filed with the Independent Police Oversight Authority (IPOA).

Secondly, I am wondering whether Madogo Police Station is the right station to investigate that particular case. That is because from the Statement that has been read to this House, actually that police station is culpable of the crime that had been committed.

Hon Aden: Thank you, hon. Speaker. I wish to also seek further clarification on this matter. This is, indeed, a very serious matter. It is an open extra judicial killing of a civilian. It surprises and it is hurting a lot that in this day and age in Kenya, that kind of a killing can happen. The area that is being described now - Madogo - and the range where this child was found dead, is a place which I have very much knowledge about. That is where we played when we were kids. There is no village in the range place. Hon. Lentoimaga, who was once a District Commissioner there, knows very well that the area being described and where the child was found shot dead, is on the outskirts of Madogo Town.

Unfortunately, the police who are taken to Northern Kenya are the rude ones. They are the crooks who are taken there as punishment. Unfortunately, majority of those who will be serving there will be those who are thrown away to North Eastern on disciplinary purposes.

I wish to seek a clarification. If it is clear that the owner of that KAR was a police officer, the one who took the child away and the Statement confirms so. The child was found to have been shot on the head with hands tied back. This is open police extra judicial killing. That officer must be arrested and charged for murder. The entire Madogo Police Station should be investigated to establish how such a thing could happen.

Hon. Speaker: Hon. Lentoimaga.

Hon. Lentoimaga: Hon. Speaker, I concur with the Members that this is a very serious crime. Somebody has to be charged in a court of law for murder. It is also confirmed that the deceased was found in a police shooting range, which is normally very far from where the people live. So, the issue of Shaba Village may not arise. It is mentioned also in the Statement. However, the Statement also states that an inquest file has been opened. We should follow up and establish whether the inquest file has borne any fruits. The Director of Public Prosecution should then give directions on who should be charged. The Committee may follow up and ensure that this issue is concluded and those who are culpable are arrested.

On the issue of IPOA, we have not been told in the Statement whether it has been involved in this case. But when it involves policemen, then IPOA should be involved to make independent investigations. The vehicle which took away the deceased is confirmed to belong to a police constable. So, the police are suspects and an independent investigation must be carried out by people who are not from that station.

Hon. (Ms.) Duri: Thank you, hon. Speaker. I have heard the report of the Committee, but I am not pleased with the fact that the Committee is trying to hide Mulinge and suppressing the rights of the deceased.

Hon. Speaker: Hon. Ware, did you say that this Committee is hiding a policeman? It is not right if you are saying that the Committee is hiding the policeman because we may have to set up another one to investigate this one, if it is the one hiding the policeman!

Hon. (Ms.) Duri: Thank you, hon. Speaker for the correction. It is accepted. The expectation of the community is to confirm the police officer and what transferred during the crisis. Secondly, if the said vehicle picked the late Ibrahim Isaac, then, what is the next action from the Committee? We want to have justice.

Hon. Speaker: It is important to also observe that in the response, there is a clear indication that an inquest file has been opened given as No.2 of 2014 and forwarded to the DPP for his advice. It is necessary for the DPP to advice on matters of who is going to be charged. For the file to have been opened, it means there are people who have recorded statements. I am just giving this information gratuitously because that is what happens. For the file to have been opened, it means there are people who have recorded statements and those statements are going to be evaluated by the DPP and he might very well recommend that certain persons be arrested and charged before court with whatever offence that he may think is disclosed by the evidence available to him. But I think it would be important, hon. Halima Ware, to keep in touch with the Committee, to make a follow up and to find out what the DPP recommends. It is important, so that the matter does not die like that.

The Leader of the Majority Party!

Hon. A.B Duale: Hon. Speaker, the Member for Rarieda is busy here talking and he has now taken off.

BUSINESS FOR THE WEEK COMMENCING
26TH TO 28TH AUGUST, 2014

Pursuant to Standing Order No. 44(2)(a), on behalf of the House Business Committee, I rise to give the following Statement regarding the business appearing before the House the week beginning Tuesday, 26th August, 2014. The House Business Committee met on Tuesday this week and gave the priority of the business for this week and next week.

In this regard, on Tuesday, the House is expected to consider the Third Reading of Constitution of Kenya (Amendment) Bill, 2013. This Bill is proposed by Hon. Lati Lelelit, Member of Parliament, Samburu West, and proposes to amend the Constitution to ensure marginalized constituencies access the equalization funds to supplement the CDF. In accordance with Article 256(d) of the Constitution, a threshold of 233 Members is required to pass this Bill and, thereafter, be referred to the Senate. Through you, hon. Speaker, I request Members to avail themselves in numbers on Tuesday so as to complete this journey further.

The House, on the same day, will also go into the Committee of the Whole House to consider the Victim Protection Bill, 2013, if it is not concluded today and the Finance Bill, 2014. Hon. Members, you will recall that during the Speaker's *Kamukunji*, we agreed to conclude the Finance Bill because it has a statutory deadline of 24th September,

2014. Should we succeed to complete this Bill, it will be possible to extend the coming recess by a week or two if the House agrees.

Also of priority on Tuesday is the Motion on the Report of the Committee on Regional Integration on the consideration of the several East African Legislative Assembly Reports, if not concluded today. In accordance to Standing Order No.251(4), we ought to have concluded the debate on this Report in 21 days from the day it was tabled. We have given priority for debate for several Committee Reports that are before this House. This includes the Report for Public Accounts Committee regarding the hire of an aircraft for the Deputy President; the Report of the Departmental Committee on Administration and National Security regarding the investigation into the tender for the proposed National Surveillance Communication Command and Control System for the National Police Service. Other reports lined up include the report on the progress made in fulfillment of the international obligations of the Republic and the annual report to Parliament on the State of the National Security, both of which were submitted by the President.

Hon. Speaker, on Wednesday next week, the House is expected to consider the First Reading on the following Bills:-

The Traffic (Amendment) Bill, 2014, proposed by hon. Lekuton and the County Governments (Amendment) Bill, 2014, proposed by hon. Keynan.

This House will also go into the Committee of the Whole House to consider the Order of Precedence Bill, 2013 proposed by hon. Keynan. May I urge the relevant Committee to expedite the tabling of reports concerning Bills in the House to enable Members to acquaint themselves with the contents of the reports and the recommendations of the Committees? Without anticipating debate, it is important for hon. Members to note that the House is scheduled to proceed for the long Recess from 29th August, 2014.

The House Business Committee (HBC) will again meet on Tuesday, 26th August, 2014 at the rise of the House to consider business for the rest of next week. I now wish to lay this Statement on the Table of the House.

(Hon. A.B. Duale laid the document on the Table)

Hon. Ng'ongo: Hon. Speaker, I appreciate the Order of Business as laid by the Leader of the Majority Party. But I am just concerned that one of the Bills that I sponsored in this House and which had gone through Second Reading is now taking unnecessarily too long to be given priority. I spoke with my friend, the Leader of the Majority Party and we said it was just to take a while, maybe one or two weeks. Now it is going to months. Could I get an indication as to why this Bill cannot come to the Committee of the Whole House for consideration? That is the Bill on Retirement Benefits of the Deputy President and other designated State officers.

Hon. A.B. Duale: Hon. Speaker, hon. Ng'ongo and I had a very serious informal discussion concerning that Bill. We have agreed that we should not bring those things to the Floor. The situation was that this Bill is very controversial and when we wanted to bring it for Third Reading, the temperatures were very high. The climate was not very conducive and I discussed with him that this is an important Bill that affects senior citizens. I will still have some more discussions with him and the Deputy Leader of the

Minority Party. We will bring the discussions on Tuesday next week. This is a Bill that, from the bottom of my heart, I want us to develop a bipartisan approach so that we take care of our senior citizens without too much ado and acrimony in the House. So we will talk and on Tuesday we will discuss it.

Hon. (Eng.) Gumbo: Hon. Speaker, a while back I raised the matter of the plight of former Members of this House. I am glad that at Tuesday's *kamukunji*, this matter came up. My request would be that if the necessary amendments to accommodate the welfare of former Members could be brought to the House as soon as possible, I will appreciate it. But more pertinently, a while back through a Motion, this House did an amendment to the Standing Orders which amendments we thought were very good. As you realize, many of us have expressed our reservations with the sort of answers we get from Chairpersons of Committees. We have also stated very many times that it is, indeed, not the work of the Chairpersons of Committees to hold fort for the Executive. We passed an amendment to the Standing Orders requiring Cabinet Secretaries (CSs) to be coming here to handle Statements. It is now taking quite a while. I would be glad if we could get a clarification as to what happened because we had understood that after the Recess, the responsible CSs would come here to personally take charge of issues that hon. Members raise regarding their dockets, particularly the issues that keep on dogging hon. Members. Those are issues of security and others. I would be grateful if I could get a clarification from the Leader of the Majority Party as to what happened to that Motion which we passed; which was to make CSs come to this House on certain dates to answer questions from hon. Members directly.

Thank you.

Hon. Speaker: Very well. I wish to thank Hon. (Eng.) Gumbo for raising that matter. It is, indeed, true as we have just seen in the last responses that have been read out. But with a view to improving or making the proposals much more efficient, the House Procedure and Rules Committee undertook some study mission to France which, as you know, is one the countries where CSs appear in the House to answer questions specifically. This was in view of some doubts that were expressed in relation to the actual interpretation of Article 153(4)(b) as compared to the provisions of Article 153(3). It talks of the Cabinet Secretary shall appear before Committees of Parliament. Just read the Standing Orders. you do not walk between--- It may be desirable that as a House we may have to resolve to form one special Committee so that they will now, as opposed to just coming to give reports because Article 153(4)(b) talks of giving reports and yet, Article 153(3) says that they shall appear before Committees of the Houses of Parliament to answer questions. There was some feeling that what we need is CSs to appear and answer questions asked by hon. Members as opposed to just coming and give reports. We thought with that infusion, we could get better results of what we think has been the problem with the system that we adopted. It is expected that before we go on Recess, that report will be brought here with the proposed amendment to create that Committee and possibly - and I am not anticipating anything - with a proposal to have that Sitting when they will be appearing in the Main Committee here to answer questions on Tuesday mornings. That is one of the proposals that have been put forward in order to try and address that problem which we are witnessing.

Hon. (Eng.) Gumbo: Hon. Speaker, I really must thank you because as you may recall, many of us have expressed reservation about Chairpersons of Committees answering questions because that is not their constitutional duty. I just wanted to thank you for that step of further improvements on what this House has done because, truly speaking, I think it is the work of CSs and the Executive to address what Members raise.

Hon. Speaker: Hon. Midiwo, did you want to say something?

Hon. Midiwo: Hon. Speaker, let me honestly thank you for constantly trying to address that anomaly. Let me also thank hon. Gumbo for his interest. I am of the view that we are doing very little as a House when the Committee Chairpersons are compelled to answer questions. I think we are confusing the country.

However, I want to say that the bigger solution is to bring or appoint Ministers from this House.

(Applause)

The so-called Cabinet Secretaries (CSs) think that they are bigger than Members of this House. As time goes by in this first Parliament of implementation, you will realize that we have created a rogue set of human beings to lead from outside the law.

Hon. Speaker, you have seen how they talk. I recently saw a CS basically thumb his chest to this House against the law. I am of the view now that the country is talking a bloated wage bill--- We need to explain to Members and the country that when we used to have Cabinet Ministers from this House, there were very many advantages. In respect to the wage bill, the Minister was only paid additional responsibility allowance apart from their pay as a Member of Parliament. Now you have somebody who is being paid more money than a Member of Parliament and he or she refuses to answer adequately to Members of Parliament since he or she has this mentality that they are larger than life. If you scrapped all those positions, the Jubilee Members of Parliament will perform those functions on the salary that they are already earning.

The other advantage is that we can meet them in tea places and ask them the same questions which we are now taking taxing taxpayers' money to ask, but we are not getting answers.

Hon. Speaker, I want to plead with all of us that as we look for a temporary solution, the ultimate goal is to make Members of the Cabinet be elected by the people.

Thank you.

Hon. Speaker: Very well. I think that may require revisiting of the entire Chapter Nine of the Constitution on the structure and composition of the National Executive as well as Chapter Eight of the Constitution.

PROCEDURAL MOTION

REDUCTION OF CONTRIBUTION TIME FOR MEMBERS

Hon. Iringo: Thank you, hon. Speaker. I beg to move the following Procedural Motion:-

THAT pursuant to provisions of Standing Order 97, this House resolves that debate on the Motion appearing under Order No.10 on reports of the East African Legislative Assembly be limited to a maximum of one hour and 30 minutes with a maximum of five minutes for each Member and 10 minutes for the Leader of the Majority and Minority parties and 15 minutes for the Mover in moving and 15 minutes in reply.

Hon. Speaker, due to the timelines which we have as regards this particular Motion and the limitations there are, as a Committee, we felt that we need to be allowed this period for Members of this House to accept our indulgence on this so that we can complete this debate before we go on recess and do not run out of time.

On this regard, I request my colleague, hon. Rasso to second the Procedural Motion.

Hon. Dido: Thank you very much, hon. Speaker. The issue of the East African Community (EAC) is very important. It is at the core of the original discussion today. We are using taxpayers' money to be involved in the EAC. We, in this House, must be very well versed with the Community and the issues that are prevailing. That is because there are important Bills which will be brought before this House. As a Committee, we wish as many Members as possible to contribute to them. That is because, at some point, some of them will have effect on the legislation and Constitution.

Hon. Speaker, I beg to support the Procedural Motion.

(Question proposed)

(Question put and agreed to)

Hon. Speaker: Hon. Members, following that Resolution, it follows that after you complete the business appearing as Order No.9, debate on Order No.10 will be limited in the manner that you have resolved.

MESSAGES

Hon. Members, I have two messages from the President. The first Message is on the nomination of persons to be appointed as ambassadors and high commissioners.

Hon. Members, in accordance with Standing Order No.42, I wish to convey that I have received a Message from the President regarding nominations of the following persons as ambassadors and high commissioners. This is titled "New Appointees". They are:-

- | | | |
|----------------------------------|---|-------------------------|
| 1. Ambassador Prof. Sam Ongeru | - | UN Habitat |
| 2. Ambassador Chirau Ali Makwere | - | Dar-es-Salaam, Tanzania |
| 3. Hon. Robinson Githae | - | Washington DC, USA |
| 4. Hon. Kiema Kilonzo | - | Ankara, Turkey |
| 5. Mr. Richard Opembe | - | Dublin, Ireland |
| 6. Mr. Mohammud Mohammed | - | Riyadh, Saudi Arabia |
| 7. Mrs. Lucy Chelimo | - | Ottawa, Canada |
| 8. Dr. George Masafu | - | Kinshasha, DRC |

9. Prof. Julius Bitok	-	Khartoum, Sudan
10. Mr. Joseph Magut	-	Berlin, Germany
11. Mr. Isaac Njenga	-	Windhoek, Namibia
12. Mr. Sheikh Dor	-	Muscat, Omani
13. Miss Sophie Kadzo Kombo,	-	Lusaka Zambia
14. Major-General (Rtd.) Jeoff Otieno	-	Cairo Egypt
15. Dr. Stephen Ndungu Karau	-	Geneva, Switzerland
16. Miss Rukia Subow	-	Tehran, Iran
Other Ambassadors in Missions		
17. Ambassador Mohamed Gelo	-	Seoul, Korea
18. Ambassador Jean Kamau	-	Bangkok, Thailand
19. Ambassador Joseph Maikara	-	Luanda, Angola

Ambassadors in Headquarters

20. Ambassador Lazarus Ombayi Amayo	-	London, United Kingdom
21. Ambassador John Lanyesunya	-	Algiers, Algeria
22. Ambassador Solomon Karanja Maina	-	Tokyo, Japan
23. Ambassador Ali Abass	-	Kuwait City, Kuwait

Newly Appointed Diplomats

24. Mr. Richard Lemoshira	-	Harare, Zimbabwe
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Hon. Members, you will note that this is the first time that the approval of the National Assembly is being sought for appointment of diplomats to serve in our missions abroad. The question that comes into mind is whether all the 24 nominees will now require the approval of the National Assembly given that some of them may have been serving diplomats. Indeed, I am informed that three of the nominees are currently serving in missions abroad while four who have served as ambassadors before are currently public officers serving in the headquarters, Nairobi. It is also possible that some of the persons who have served as diplomats may have been appointed under the provisions of the previous Constitution but, even if that was the case, Article 132(2)(e) of the Constitution of Kenya 2010 provides as follows and I quote:-

“The President shall nominate and, with the approval of the National Assembly, appoint, and may dismiss –

(e) High commissioners, ambassadors and diplomatic and consular representatives”

Hon. Members, Section 2 of the Public Appointments Parliamentary Approval Act 2011 defines the word “appointment” to include any reappointment to the same body whether or not in the same capacity.

Article 259(a)(d) of the `Constitution provides that:-

“This Constitution shall be interpreted in a manner that –

(a) promotes its purposes, values and principles and,

(d) contributes to good governance.”

Further, the Article requires that the Constitution be construed according to the doctrine of interpretation that the law is always speaking.

In my view, therefore, the spirit of the Constitution as read together with the Public Appointments (Parliamentary Approval) Act 2011 requires that all persons being nominated for appointment to the offices of high commissioners, ambassadors, diplomats and consular representatives be vetted by the National Assembly.

In this regard, hon. Members, the nominations of all the nominees now stand referred to the Departmental Committee on Defence and Foreign Relations for consideration in accordance with the provisions of the Public Appointments (Parliamentary Approval) 2011 and report to the House for consideration.

I thank you, hon. Members.

NOMINATION OF DIRECTOR-GENERAL OF NIS

Hon. Speaker: My second Message relates to nomination of the Director-General (DG) of the National Intelligence Service (NIS). Hon. Members, in accordance with our Standing Order No.42, I wish to convey that I have received a Message from the President regarding the nomination of the D-G of NIS. The Message, which was submitted by way of a letter dated 20th August 2014, conveyed that in accordance with Section 7(1) and (2) of the National Intelligence Service Act 2012, His Excellency the President has nominated one, Major-General Phillip Wachira Kameru to be the D-G of NIS.

(Laughter)

Hon. Members, there will be order. Even those who wish to laugh themselves until evening, there will be order.

Hon. Members, Section 7 of the National Intelligence Service Act 2012 states that and I quote:-

“There shall be a Director-General of the Service who shall, with the approval of the National Assembly, be appointed by the President.”

Further, Sub-Section 3 requires that the National Assembly will consider the suitability of the nominee and either approve or reject the appointment within 14 days. On the other hand, Sub-Section 6 and 7 state as follows and I quote:-

“If after the expiry of a period of 60 days from the date of the nomination of a person for the appointment as a Director-General under Sub-Section 2, the National Assembly has neither approved nor rejected the nomination of the person, the nominee shall be deemed to have been approved by the National Assembly.”

In this regard, hon. Members, this nomination including the curriculum vitae of the nominee now stands referred to the Departmental Committee on Defence and Foreign Relations for consideration in accordance with the provisions of the National Intelligence Service Act 2012 and the Public Appointments (Parliamentary Approval) Act 2011.

I thank you, hon. Members.

(Applause)

The Chairperson of the Departmental Committee on Justice and Legal Affairs, is there a point?

Hon. Chepkong'a: Thank you hon. Speaker. I rise pursuant to Standing Order No.83 as read together with Standing Order No.40 (2). I am referring to the Order referred to as Committee of the Whole House in the Order Paper – The Victim Protection Bill, National Assembly Bill No.41 of 2013 by hon. Millie Odhiambo.

Hon. Speaker, we have had discussion with the hon. Member who is sponsoring this Bill. As you know, we have very many amendments. Yesterday, we discussed those amendments and she thought that she needs to have an input to her amendments. So, we agreed that we request you to exercise your powers contained in Standing Order No.42 to defer this matter to next week on Tuesday to allow the Committee to have interactions with hon. Millie Odhiambo so that we can conclude the matters that are outstanding with particular reference to the amendments that we have proposed as a Committee. I beg you to remove this particular matter that is listed as No.9 in the Order Paper.

Hon. Speaker: Do you say that you have consulted the hon. Member Millie Odhiambo? Can you confirm?

An hon. Member: She has just walked out.

Hon. Speaker: Yes because everybody is supposed to know that Parliament sits from 2.30 p.m. The hon. Millie Odhiambo is doing her second term and she is very well conversant with this. So, can you confirm what the hon. Chepkong'a has said?

Hon. (Ms.) Odhiambo-Mabona: Thank you, hon. Speaker. Of course, I know hon. Duale has missed me, so he is saying that *nimeng'ara leo*. But I am always *ng'araring* everyday. I apologize that I came late; I was actually sitting outside watching the screen. When I saw my good friend talking, I presumed it was something to do with the Bill and that is why I ran in. We agreed with him that to help save time of the House, we sit together with the Committee of Justice and Legal Affairs and thrush out the amendments, so that whatever is agreed, we carry without too much trouble. So, we agreed that it be brought on Wednesday, depending on the schedule of the House Business Committee.

Hon. Speaker: Wednesday or Tuesday?

Hon. (Ms.) Odhiambo-Mabona: Even Tuesday is okay. Thank you, hon. Speaker.

Hon. Speaker: But, did you agree on Wednesday?

Hon. (Ms.) Odhiambo-Mabona: Wednesday morning is still okay with me.

Hon. Speaker: Wednesday morning. Yes, Leader of Majority Party.

Hon. A.B. Duale: Hon. Speaker, we then have to be prepared because that Bill is huge and the amendments can take long hours. So, let us start it on Wednesday morning and see if it can continue to the afternoon or Thursday afternoon. This is because if we start it on Wednesday morning, maybe we have to reduce on the Statements and many other issues, so that we get time for that Bill from Wednesday morning and see whether we can finish by 1 o'clock.

Hon. Speaker: I think a direction can be given; if we begin on Wednesday morning, but if it is not concluded, then it should proceed still in Committee on Wednesday afternoon. This is because I have seen the amendments are very many and it

is fair that we try to make sure that we are through with that Bill. So, on Wednesday morning, hon. Millie Odhiambo, it will be. It therefore means that the business appearing as Order No.9 is removed from the Order Paper. Next Order!

*(Committee of the Whole House –
The Victim Protection Bill (National Assembly
Bill No.41 of 2013) removed from the Order Paper)*

BILL

Second Reading

THE PROTECTION AGAINST DOMESTIC VIOLENCE BILL

(Hon. Chepkong'a on 19.8.2014)

(Resumption of Debate interrupted on 20.8.2014)

Hon. Speaker: I do appreciate that there is a lot of interest in this particular Bill, from both sides of the divide and there appears to be a great meeting of the minds, noticeably. But, let me alert the House that as of yesterday, 27 members had spoken to the Bill. I did encourage that those members who have not looked at the Report by the Committee be encouraged to do so, so that in making your contributions, you do not fall into the trap of criticizing things which the Committee has already proposed to delete. So, I would like to encourage those who will be contributing to do so from that perspective, but that does not mean that you do not have knowledge of the Bill as originally published. It is important and that is the way it is supposed to be. You look at it alongside the Report of the Committee and, indeed, alongside other practices that you may lay your hands on. Therefore, there was no Member who was speaking so, I will go to the list as it is. The first shot goes to hon. Daniel Maanzo.

Hon. Maanzo: Thank you, hon. Speaker for giving me an opportunity to make my comments on this Bill. The idea of the Protection Against Domestic Violence Bill is very necessary in the country, however as a legal practitioner, I have difficulties while looking at the Bill and the crimes proposed therein, even after looking at what the Committee has done. You can see the Committee has gone through the Bill almost in totality by deleting or making proposals.

When you look at definitions especially when it comes to protection of a spouse and any children or other dependant persons within that family fraternity, my difficulties are when it comes to defining the crimes therein. Section 3 talks of the meaning of “violence” and then goes on to talk of abuses. Some of the abuses indicated there, hon. Speaker, are already described by other laws; the Penal Code and the Sexual Offences Act. So, in my submission, there is a lot of repetition including offences such as incest and other offences which are already in the law. Unless we make serious amendments on this Bill, it may burden the courts.

As a person who has practised law before, I am aware of what happens with the cause list in courts. If you are to include these offences, and the Act requires that they be ran in camera, the cause list will be crowded. My proposal to the Committee would be that we have a special court dealing with these particular offences and a special court dealing with family matters. The truth of the matter is that there have been a lot of abuses in families. In fact, this Bill has left out children with disability. We have all read daily newspapers and seen how they are tied up in houses so that they do not leave when the rest of the family members are away. Some are hidden and the community hardly knows of these children who are disabled.

We need to go further as a House and include all offences. We have seen cases whereby, while people are in the process of dating, there are abuses. Sentences for such offences as proposed in this Bill are already in conflict with existing law. Therefore, my proposal will be that although the proceedings indicated here are to be heard in camera, there is need to set up a special court. I had already discussed that with the Vice-Chair of the Committee on Justice and Legal Affairs and I believe the Chairman will see the sense of that.

In other jurisdictions, where this law has been borrowed from, they have actually got special courts or tribunals where a person who is qualified to be a chief magistrate presides. He may sit with a specialist on family matters or counsellors because most of the issues handled here are family matters and they are very emotional. Therefore, we could have a tribunal or a court to dispense these matters. Otherwise, for the protection of children and victims in the family, this is a good law. There has also been occasions where---

(Loud consultations)

Hon. Speaker: Hon. Members, the consultations are too loud. I can actually hear the consultation between hon. Gladys Wanga and hon. Peter Kaluma from where I am sitting, you can imagine! Why can hon. Peter Kaluma not move to where hon. Wanga is and consult with her. Proceed.

(Laughter)

Hon. Maanzo: Thank you, hon. Speaker. In finalizing my contribution, this is a very good law for the country. There have been cases like this already in our courts and there have been organizations providing protection to people going through such issues. I think it is high time we legislated on this so that they can be formalized. If funding of those organisations cease, it means some families will go without protection, in the event a member of the family is threatened. Therefore, it is good if it is included though it has been mentioned here, so that it can have a budgetary provision.

Hon. Speaker, I support the Bill.

Hon. Speaker: Yes, hon. Abdikadir!

Hon. Aden: Thank you the, hon. Speaker. This Bill is aimed at protecting the family from the domestic violence but even as we legislate on this important issue, I must caution this House against making laws which over restrict social relationships and make

it very difficult for the family unit to survive. I want to say on the onset that the family unit in the western world is almost disappearing because of strict laws. The so called “husband” or “wife” is bound by legal obligations and must exist within very tight legal obligations to the extent that they opt to stay away from being family persons. Therefore, things like come-we-stay or girl/boy relationships become a frequent, thereby killing morality and reducing the family unit to a meaningless entity.

I just want to point a few things very briefly as I contribute to this Bill. In Clause 3, the Bill states what “violence” means. There are lots of things under this list which are so ambiguous that they can be subject to abuse. We must frame some of these provisions well for clarity. There is something called “widow cleansing” and “intimidation”. How would you define “intimidation”? There is also “harassment” and “stalking”. I can be walking around somewhere and somebody may decide to call the police and say “this man has been sitting around me for three hours”, and can be thrown in jail. Let us just look at other things for the purpose of this Bill, under Clause 4. It says that a person shall be deemed to be in a domestic relationship with another person if the person has previously been married to that other person.

When people get married but they subsequently divorce, which would be unfortunate, each of them moves on and makes their own family elsewhere. Unfortunately, this Bill suggests that the parties involved shall be bound to domestic relationships with partners they may have divorced tens of years ago. So, this is one of the challenges that this Bill must address. Again, the Bill says that if you live in the same household with such a person, you should consider yourself being in a domestic relationship with them.

Hon. Speaker, perhaps of greater concern is Part II, which talks about protection orders. I just want to draw the attention of hon. Members to Clause 6(3), which says that a police officer may, without procuring a warrant of arrest, arrest and prefer charges against any person who the police officer reasonably suspects to have assaulted or threatens to assault a family member. This is such a vague law. Indeed a police officer can just show up on the doors of my house one day, claim that I look like I want to harass my wife, arrest and lock me up in jail. That is what this proposed law means. We need to do a lot of correction to this Bill.

What is obvious to all of us is that we must legislate and protect the family unit from domestic violence. In simple terms, nobody should be allowed to beat their fellow spouses, be it the husband beating up his wife or the wife beating up her husband. I am meant to understand that in some societies, wives beat their husbands. It is unthinkable in my society for a woman to beat her husband. However, since I have seen it reported in the media, I want to believe that it happens.

So, this proposed law should illegalise the act of a spouse beating up the other spouse. If such a thing is proven to have happened, the perpetrator must be put behind bars and charged in court. The same should apply to family members such as children and other people living within the household. They must be protected within the framework of this proposed law.

Hon. Speaker, there is so much ambiguity in this Bill. Otherwise, it is a very well intended law, which we must amend seriously if we are to pass it. I cannot support it in its current form because it is unacceptable. Therefore, I will be recommending

amendments to the Bill because its intent is good. We must protect the family unit from violence from within the household.

Thank you, hon. Speaker.

Speaker: Yes, hon. Gikaria!

Hon. Gikaria: Thank you, hon. Speaker, for giving me the opportunity to contribute to this debate. I do not know whether to support the Bill or not, based on what I have seen happen within my constituency. I think this is a good Bill. We, as Africans, are always regarded as a dark continent, full of diseases, wars, fighting and things like that. The enactment of this Bill into law will change the perceptions of the international community about Kenya. This shows how advanced we are, as a country, and how we have changed in the recent past, to be able to address some of the key issues that have been affecting our families.

Of course, it was said here yesterday that we are not enacting a bedroom law. I want to agree that it will assist. Looking at the victims of domestic violence, one realises that this Bill does not only talk about a husband and a wife. It also talks about children and siblings who live within the same household, and many other relationships that we need to consider as we talk about domestic violence.

Hon. Speaker, much has been said about the interpretation of Clause 2. It is true that it is vague and the Committee will be looking at it with a view to bringing amendments during the Committee stage. We can change some of these things. One of the provisions that need to be changed is that on harassment and the explanation given to it. Clause 2(b) of the Bill says that loitering around some place and watching the goings on should be treated as harassment. That is a vague provision, which can be misused, just like my colleague has said.

If you live within the same neighbourhood with a person you had been in a relationship with, of course you cannot shut your eyes to avoid seeing that person. So, this bit needs to be corrected with a view to improving some of these provisions, including the provision of Clause 3. The meaning of “domestic violence” and “sexual violence within a marriage” should be looked at. Of course, our culture has really changed. Some of these practices are acceptable. As it was said yesterday, in some culture, if you pay a dowry of three goats, you have all the sexual rights with your wife. So, we need to take our diverse cultural practices into consideration.

Hon. Speaker, Clause 3 needs to be looked deeply because it has duplications. Clause 4(b) talks about somebody who “has previously been married to the other person”, while Clause 4(d) talks about a person who “has been in marriage with the other person in respect of whom a marriage has been dissolved or declared null”. In my understanding, that is one and the same thing. So, we need to delete one of them.

Clause 4(2) (a) mentions persons who should not be regarded to be having a domestic relationships even though such persons may be living in the same house. It talks about employer-employee relationships. Under paragraph (iii), the Bill also talks about employee-employer relationships. Again, I understand this to be one and the same thing. We need to distinguish between the two provisions, so that we do not become repetitive in the same law.

Hon. Speaker, I also want to refer to Section 23 which talks about a respondent who is arrested under sub-section 2 of Section 23. The respondent shall be held in

custody and brought before a court as soon as possible; and in any event not less than 24 hours after the arrest. Of course, I know that has been addressed somewhere else in other laws, but of course it not taking into consideration weekends. If it says 24 hours, of course, it does not take into consideration weekends and public holidays. If you look at this section as it is, it indicates that within 24 hours the suspect is supposed to be arraigned in court and yet it could be on a weekend.

Hon. Speaker, I also have other issues that I really want to raise with regard to the duties under Section 6. This is a good law which states that if a victim goes to report then the police within the station can provide shelter or medical assistance. Under the same section 6(3), of course, it was raised yesterday and we need also to address it critically; the police will not just come to arrest people haphazardly without a warrant. When you say that you can arrest without a warrant of arrest, I think that is something to be looked into so that policemen do not go beyond their powers to arrest people.

Hon. Speaker, the Inspector-General (IG) should train police officers on family matters. I think that is something very important. Sometimes you find that the person you are going to report to is himself a victim or an aggressor. Therefore, it is important to have trained police officers who can address these issues as and when sexual offences are reported. This law is important and very good, where the Inspector-General will train officers who will handle such kinds of issues. Of course, we have seen within the police stations there is a children's department. This is positive for us to have a place where people can report.

Hon. Speaker, under Section 9, if a victim is a child, woman or somebody who cannot report the matter, any person within the neighbourhood who comes across any kind of domestic violence can report to the police station. That is a good move and a welcome idea. It is not the vulnerable and those who are voiceless who can report, somebody within the community can go and report that matter to the police.

With regard to Section 14, this is something that we need and we will be asking the Committee to look at it; the application without notice for a protection order. The Act stipulates that the court can sit outside the working hours or outside the court hours and also outside the normal working days. These are issues we used to see during President Moi's era, where people were being taken to court at midnight or on Sunday and get charged. Of course, there are those very specific instances where it can happen, but issues to do with reporting imminent harm, threat or physical threats; somebody can be kept within the police station until the courts sits and determines the matter. Otherwise, if we give leeway to courts to sit outside the working hours or days; for example, Saturdays or Sundays, that is very dangerous.

Of course, the issue of counselling is a welcome idea. If you look at Section 23 on enforcement, it says that within five years that a protection order has been given, if you violate it policemen can arrest you. Section 24 talks about the court determining the period of protection. Assuming that it was given as two years, and after three years you interfere with the protection order--- We need to be very specific. It should be left open without---

Hon. Speaker: Hon. Members, these lights have some meaning; when you see it yellow, you know that you have about a minute and when it gets red, you might as well resume your seat.

Hon. Members, before I give the next speaker a chance, I wish to recognize the presence in the Speaker's Gallery, students from St. Benedicts, Budalangi High School.

Let us hear from hon. (Ms.) Joyce Lay.

Hon. (Ms.) Lay: Thank you hon. Speaker, for giving me this opportunity to contribute to this Bill. First of all, I would like to congratulate the Chair of the Departmental Committee on Justice and Legal Affairs for bringing this timely Bill. It is also a big win for the victims of domestic violence. I applaud the fact that actions previously not regarded as offences are now included in the list; actions such as interference from in-laws and stalking, among others, will now constitute domestic violence.

Hon. Speaker, as it is in Section 6, the idea of training police officers to handle such cases is very important. This is because sometimes back we used to have desks where victims used to report to the police. The way they were being handled made them feel they were being harassed. Therefore, it is very important to make sure that these police officers are trained to handle such matters, this being a very sensitive matter.

Hon. Speaker, I am speaking from my own experience having grown up in such a family, where I saw my mother going through what she went through. I have been a victim and when we talk about emotional harassment or abuse, it is something I have gone through as a young girl of around seven years. You can imagine how children get affected when their family goes through that; when you see your mother being beaten or being dragged in the streets. Therefore, we need to train police officers to make sure that they handle it in a manner that the women or whoever goes there--- It is not just women who are affected, we are talking about women and men. Whoever goes to report needs to feel that there is somebody there to help him or her.

Hon. Speaker, Section 7 states that an applicant who is not satisfied with the services of a police officer, to whom she or he has reported a case of domestic violence, shall have the right to register a complaint. This is good because sometimes you go there and find that the person you are going to report on has his or her way because of bribing a police officer. We have seen this happening. They bribe the police officer so that the case cannot be pursued. This gives the complainant another chance to go and register complaints, just in case that police officer does not take the measures that are supposed to be taken.

On Section 8, the Cabinet Secretary (CS) shall, in consultation with the county executives, develop necessary policies to facilitate the establishment of appropriate mechanism to provide temporary emergency shelters. This is a very good idea because in most of the counties, we do not have a place where we can accommodate people who go through domestic violence, even children who go through sexual harassment.

Most of the counties do not have an area to accommodate victims of domestic violence and even children who go through sexual violence. It is not just those who are able, but even those with disabilities. In my county, a nine year old girl who is epileptic, dumb and deaf, was sexually abused. I could not find a place to accommodate her and I had to go all the way to Mombasa to make sure that she is safe. Most of the time she suffers from epilepsy and when she falls down, men take advantage of her. So, I had to make sure that she is safe. Right now, she is in school in Mombasa and I thank God that she is safe. That is just one case that was successful. We need to make sure that each

county has capacity to rescue and keep victims of such violence safe. When we talk about creating awareness, my concern is that we pass Bills and laws that touch on people's lives. The amount of awareness that we give back to the people is not enough for them to know that there is such a law that provides for them and in case of anything, they should report.

The level of understanding of most Kenyans is very low. There is a huge gap between what we do here and the people on the ground. Most of them do not even understand the laws that we pass at the National Assembly or even at the county assembly, yet these laws are supposed to be for them. That is why I have brought a notice of Motion to make sure that such Bills are translated into Kiswahili. Most of the people do not understand. When we use the English language, the common *mwananchi* in the village who goes through such problems does not understand. Most of us, leaders, take advantage of leading people who have no idea, knowledge or information of what is supposed to protect them.

The Ministry of Devolution and Planning needs to go further. Most of the time when we call for meetings to create awareness or trainings, we do them at town halls. At the town halls, very few people will attend those meetings and even those who will attend, very few will take the message back to the village. Most of them come because there are allowances to be paid and after the allowance, they just go back home and forget about it. We have to come up with a proper mechanism of making sure that information reaches the people on the ground. Our Constitution says that sovereignty belongs to the people and all the power has been given to the people, but how can these people exercise power with no information?

We know that information is power and knowledge. So, we need to come up with proper mechanisms to see that our people are involved in everything that we are doing and they are part and parcel of everything that is happening at the county level. When we voted in devolution, we thought that this was going to be near our people. But right now, if you go back to *mashinani*, people have no idea what is happening even at the county level. Even with all the money that has been sent to the county, they do not know and nobody is choosing to take time to give them information. In my county, I am coming up with a programme of having a village Bunge, so that as I am here legislating on this Bill for example, the same Bill will find itself at the village level and my villagers will sit down and go through it. I want their voices to be heard at the national and county level. They will sit and go through this Bill. If they see that there is anything that they do not agree with, I will collect their views and make sure that when I come here, I will speak on behalf of my people.

So, the Ministry of Devolution and Planning needs to see what we can do to make sure that our people are empowered not just with money, but with information and knowledge. These are the only two things that you can give to a human being and they can do things on their own. Even if we give them Kshs10 million without information and knowledge, what will they do with that money? We really need to see what we can do to change our society. I believe that once we empower our society with information and knowledge, it will change. This will even change our voting pattern. People will understand that voting is their right. They will know what to expect from a leader.

I support this Bill. I am sure other leaders have reservation, but I want to tell them not to throw it out. You can bring amendments at the Committee stage, but please, do not throw the Bill out.

Hon. F.K. Wanyonyi: Thank you, hon. Speaker for this opportunity. I want to take this opportunity to speak as a parent. I quite agree that the Bill gives us opportunity to get some of the issues right. I know there are areas where there is need for us to make some amendments when it comes to the Third Reading. Basically, this is a good Bill. First, it is very real, basic and deals with day to day issues that we should not start pointing fingers at each other.

In the meaning of “domestic violence”, we have quite a number of issues which we will put in the amendments. There is, for example, the issue of child marriages. We have had very many cases where children are forced to marry by greedy parents because they want wealth. I have had cases where as a Member of Parliament, I had to intervene because a parent wanted to get money to educate the other children. So, he was forcing the child to get married. This Bill is providing for that. It provides shelter for such victims. These are careless and greedy parents who want to destroy the lives of their children.

Secondly, there is mention of damage of properties. This is also basic. I have witnessed a case where a lady destroyed a vehicle of a would-be fiancé out of jealous. She heard that the man was going to marry somebody else and set his vehicle and house on fire. These are some of the basic things that we see around. Looking at Clause 9, it is very basic. We have witnessed and seen in newspapers where children are kept indoors because they are deformed. The parents are embarrassed and do not want to accept the child. The child is kept in the house throughout. I know of a case where neighbours had to break into the house and call the police because the parents of the child were embarrassed to have a deformed child. This Bill provides for such cases. Such offences are provided for in Clause 9.

Clause 12 talks about counselling. We have heard of cases where people disagree out of jealous or rumours. This Bill provides for counselling where the two can come together. The court can order for counselling by either the church or the elders in the area as far as it is satisfied that, that kind of counselling will bring the couple together. Some of them are people who have children. People have had children and because of either jealous from neighbors or rumours from those who do not like the family, you see a family disintegrating into separation. So, this Bill provides for that and that is why I say that it is timely as much as many hon. Members do not like it. But as a parent, I am for it and I support it wholeheartedly.

Secondly, hon. Speaker, we have had cases because children have been raised in very hostile environments. The father and mother fight day and night. What happens? Children disappear. Some of the children we are seeing out there are from such families. You will find who comes from a violent area is the gang you are seeing out there. They have been brought up by parents who have been fighting over and over again. Therefore, this Bill provides for that. I am alive to the fact that we are going to have some amendments, but basically this is what we go through day and night. We see this from the neighbourhood. I do not see why people should oppose this. I have had cases, for example, where children have run away from home. In fact, about two or three weeks ago

a parent burnt a child's hands because she suspected the child had stolen a mobile phone. That is something we see every day. This Bill is providing for that. You can imagine a child's hands are burnt and we saw it recently. He was suspected by the mother to have stolen a mobile phone. That is the violence we see every day. I also see men beating up wives and the wives cannot go away because they have nowhere to go. They are already married for 20 years or 15 years and they have children. She is now tied to the home and says she cannot go because she has nowhere to go. So, you find that this is the Bill that is going to help us sort out some of those problems.

Lastly but not least, I want to say that we had cases where stepmothers, stepfathers and stepbrothers abuse stepdaughters and defile them. It is very common and this Bill is providing for that. So, without wasting so much time, I support this Bill because it is basic. It is real; it is what is happening today and we should pass it so that we can rein in some sanity in the family.

I support.

Hon. (Ms.) Wahome: Hon. Speaker, thank you for the opportunity to speak in support of this Bill. I want to pick from where hon. Wanyonyi left and refer hon. Members to even the title of this Bill because it is "The Protection Against Domestic Violence." People have been talking about domestic violence without paying attention to the word "protection". We are legislating so that we can protect people who are in a domestic relationship and it is fairly surprising that some hon. Members express major reservations instead of speaking to improve the Bill so that the concerns can be addressed. I hear concerns about police officers having power to enter into a home and carry a wife. You know hon. Angwenyi was very worried that his young wife would be removed or a young wife can be removed. But we are not talking about a young wife in an ordinary relationship. We are talking about a young wife, who is subjected to violence; who needs attention; who needs to be protected from this person. Cases have come forward of men's genitals being severed by women who are caught up in love emotions or distortions. There are cases of women whose genitals have been injured using bottles. These are people who are saying that they are in a domestic relationship. These are the kind of cases we are talking about; Children who are living with batterers; with the family members who are killing them; family members who are not taking them to school. Sometimes, there is no time for a family member to be rescued through a warrant of arrest. Most of these cases occur at night and I know hon. Kaluma knows this: That many of the times, these cases occur at night. So, if you say that a police officer will not be called and may not come without a warrant of arrest, a child will have died; a woman will have died; somebody's genitals will have gone and they are important tools.

Hon. Ochieng: On a point of order, hon. Speaker. I hate to interrupt my hon. senior professional but I do not know whether hon. Kaluma has been using bottles or what he has done because she says that hon. Kaluma knows. I do not know what hon. Kaluma knows. We should get to know what he knows as a House.

Hon. Speaker: Did you say that hon. Kaluma knows about the bottles?

Hon. (Ms.) Wahome: Hon. Speaker, the hon. Member---

Hon. Speaker: He has a right to be heard, maybe he knows about those bottles.

Hon. Kaluma: Hon. Speaker, hon. (Ms.) Wahome is my senior in the legal profession. All that she is recognizing is that I have come out as the best defender of the family as an institution. Thank you; there is nothing more.

(Laughter)

Hon. (Ms.) Wahome: Hon. Speaker, especially with his latest move in bringing an amendment in respect of the Children Act, I agree. I did not mean that he does some of those things. What I am saying is that he recognizes, like most hon. Members here recognize, that most of these crimes occur in situations where there is trust; the wife trusts the husband and the child trusts the father. It is that father who is in that relationship who will then defile a child. The defiling occurs at night. Maybe the mother comes to know and she calls a police officer. It is still in the middle of the night. There is a possibility that defiling can occur at midnight and at 5.00 a.m. especially because there is a tendency that at that time the body is rising and twisted minds are likely to repeat the same offence. So, it is important that we allow police officers, in some circumstances, to enter our homes for purposes of arrest.

I am also happy with the provisions allowing other members--- How many times have people been defiled, killed, murdered and people in the neighbourhood say that it is domestic affairs! That is why I am happy with the provisions that are widening and giving other people authority to report, take action and even to enter into those homes. There is concern about Section 3 which has wide description of domestic violence like forced marriage and forced wife inheritance. I am sure that we are not talking about wife inheritance here which could, if there is consent, be acceptable. However, there could be forced wife inheritance

Hon. Speaker, incest is a criminal offence. It is also a domestic violence or a crime. Even though it may have been taken care of by the Penal Code, it is not possible to leave some of these crimes outside this law. Therefore, I do not think that there is any harm in repeating it here because there will be a big gap without that.

There is also the issue of marital rape. Hon. Speaker, allow me to refer again to hon. Jimmy Angwenyi who said that when one wants that thing and then somebody is refusing to allow that thing to be partaken--- Surely, we are not referring to consenting adults, people who are in love and people who want each other. A sexual act which is forced and is not consented to cannot be desirable or enjoyable. Therefore, the law needs to look into that. At my age, even experience tells me that even men can be forced although that is debatable. However, we have seen small boys being defiled by house helps or housekeepers. This is because you just need to rub the “instrument of production” or the male organ. I think we must look deeper and agree very seriously as legislators that this is a very timely Bill.

Hon. Speaker, the concerns raised in Section 4 have been addressed by the deletion. Because there is a lot of work that this Committee has done, most of the concerns that hon. Members have raised have been taken care of by the proposed amendments by the Departmental Committee on Justice and Legal Affairs.

I would like to support this Bill. I plead as a litigating lawyer in court that we need this law.

An hon. Member: But you are a Member of Parliament!

Hon. (Ms.) Wahome: Hon. Speaker, I mean before I came to this House. I am now a full time legislator.

Thank you, hon. Speaker.

Hon. Speaker: Hon. Members, give me an indication. This is because it now looks like the doubting Thomases have been persuaded. You may wish to call for the Mover to reply.

Yes, hon. Wamalwa.

Hon. Wakhungu: Thank you, hon. Speaker. I support this Bill and I want to thank hon. Millie Odhiambo for coming up with this Bill in a proactive manner.

Hon. (Ms.) Odhiambo-Mabona: No, I am not the one!

Hon. Wakhungu: Hon. Speaker, then it is reading wrongly here. I am sorry. It is the Departmental Committee on Justice and Legal Affairs.

Family values are very critical for the survival of any country or society. I had friends who were unable to complete school because of domestic violence. I have also seen people deformed because of domestic violence. I have also seen people leave work because of domestic violence.

Hon. Speaker, we have seen a lot of infertility cases both in women and men because of domestic violence. Even if you have paid dowry to your wife or whatever the case, you have no right to encourage domestic violence.

I was just looking at Article 53 of the Constitution which talks about the right of the children to know their parents. That is both the father and the mother. Both have parental role to protect their children. We have seen very many families in this country and some do not even know their mothers. We have seen some children say that they do not know their father. When you ask why this is the case, you are told that it is because of domestic violence. I have met many ladies who do not even want to know who their fathers are because of their mothers. It will also be nice even if violence has been there for the mother to disclose the father of her children. This is because it is only the mother who knows who the father of that child is. I wish we could have provided for this provision, that there must be full disclosure in cases where there is separation and cases where children do not even know who their father is.

Hon. Speaker, the Bible says that what God has put together let no man separate. As I support this Bill, there are some dangerous clauses which will encourage families to break or which will make people not to get married.

(Applause)

So, it is important that those ambiguous clauses must be amended.

In the African society, we do not know about the issue of rape in a marriage but for my colleagues, whether you are a man or a woman it is always good to seduce each other so that you can have that pleasure in whatever you are doing.

(Applause)

You cannot just wake and demand that you want to have this. This has also resulted in many problems in marriage.

There is the issue of protection centres. It is a wonderful idea to have these centres. However, it can also open another Pandora's Box. Many domestic violence cases arise when there are conflicts or economic hardships. If we encourage these protection centres without proper vetting, we are likely to have many victims, especially when we have economic hardships like in January when we are paying school fees. That is the time when we experience domestic violence.

As we encourage these protective centres, it is important that there is proper vetting because we have some parents who do not want to play the critical role. When time for them to play their responsibility comes, they want to run away or they look for an excuse to take off. So, it is indeed, important as we encourage this that proper vetting is done.

Hon. Speaker, from my small research, there is a positive correlation between the behavior of children and the behavior of their parents. In many cases, when you meet a lady who is very violent or you have a boyfriend who is very violent, chances are that the family that, that particular person has been brought up in is violent. So, it is important that we must embrace family values.

I have looked at this Bill and I have not seen a clause where you can have civic education or embrace family teachings maybe in the school syllabus. Hon. Chepkong'a is listening---

Hon. M'uthari: On a point of order, hon. Speaker. Given the mood of the House and the nature of the debate that we have, could you apply Order No.95 so that we close this debate and move on? There is nothing new coming from the Members. They are repeating themselves.

Hon. Members: No! No!

Hon. M'uthari: Hon. Members can contribute in the next Motion.

Thank you, hon. Speaker.

Hon. Members: No! No!

Hon. Speaker: Hon. Members, none of you is permitted by the Standing Orders to express the mood. So, I can tell you what the mood is.

Proceed, hon. Wamalwa.

Hon. Wakhungu: Thank you, hon. Speaker. I have concern when I look at this Bill in terms of the meaning of "domestic relationship". For instance, you say that people who are living in the same household --- My question, hon. Chepkong'a is, what about the housegirl? Is she coming in as a household? I believe that this must be amended because it does not necessarily mean that when you live in the same household, there is domestic relationship.

Again, when you say "previously married to other persons", is that domestic? Maybe you separated or you divorced. So, we need clarity on that because we will be opening another Pandora's Box. When you go further and say "has a close personal relationship with the other person", how do you measure closeness? Such ambiguities must be deleted so that we can move on and enact a law that will be there for posterity.

Hon. Chepkong'a: On a point of information, hon. Speaker. Of course, I do not wish to interrupt my very good friend, Dr. Chris Wamalwa. However, I do not want him

to possibly repeat what the Committee has already made proposals on in terms of amending. With regard to what he has just said, the serious objections that he has with regard to the “household,” “house help,” “an estranged spouse,” and “a former spouse”, if you look at the proposed amendments which are attached to the report of the Committee you will notice that, that has already been proposed for deletion. This is unless it is something else that has not been proposed.

Thank you, hon. Speaker.

Hon. Speaker: Hon. Members, that is why I am beseeching you to read the Report of the Committee because you may be talking about that which has already been addressed.

Hon. Wakhungu: Okay. I appreciate that, hon. Speaker.

Hon. Speaker: I appreciate that there are 23 of you who still want to contribute and I am still waiting for anything new that I am not hearing. Proceed.

Hon. Wakhungu: Thank you, hon. Speaker. On the issue of counselling, in the African society counselling has been there. A word of caution is that it would be nice to suggest a counsellor who is registered with the Counselling Society. I am aware that this society exists. We have so many quacks who are not counsellors and they have been going around looking for quick money where we have domestic violence. So, it would be nice at a later stage, if the Chair is listening, so that we have a proposed amendment in terms of what qualifies a counsellor because this is now a career which is there. People have gone to schools to study the subject and so we do not want people to come and claim that they are family or domestic violence counsellors for the sake of maybe squandering people’s money. Again, in many circumstances for us who have a Christian background, the church has been doing very well when it comes to the issues of counselling.

Hon. Speaker, it is important when marriage matters are resolved before they reach the court level. I am aware sometime back the Chief Justice had mentioned that the *Njuri Nchekes* or other elders can resolve some minor cases and the elders have been doing pretty well. So, it would be nice in this Bill to encourage these issues to be sorted out at the customary level.

Hon. Speaker, the Marriage Act which we passed in this House recognises three different types of marriages. We have the Christian marriage, the Islamic marriage and traditional marriage or customary marriage. For consistency, where we have customary marriages we can leave them to the village elders who can resolve some of these issues. I know time is not on our side. It is a good Bill. We support it but when it comes to the Committee of the whole House, we are going to bring some amendments so that we do not encourage people to remain single. Any young lady or young man looking at this Bill will not get married. So, we must amend it so that we can encourage people to get married so that we have good family values and we have a good Kenya.

Thank you, hon. Speaker.

Hon. Speaker: Hon. Iringo.

Hon. Iringo: Thank you, hon. Speaker. I have been sitting here since Tuesday waiting to say something and because some of my colleagues feel that we are repeating ourselves, I will say what has not been said.

Hon. Speaker, I want this House to appreciate one fact; this Bill is not for the male and female legislators. It is for us all and it is for the 42 million Kenyans.

(Applause)

Hon. Speaker: That has been said more than ten times.

Hon. Iringo: Yes and I am repeating it. I wanted to appreciate that because yesterday when we were debating, there are those who were making it look like a tug of war between the male Members of Parliament and the female Members of Parliament.

Hon. Speaker, this Bill is there to protect the voiceless. This Bill is there to protect those who suffer in silence and this law is there to reprimand those who break the law. I believe if we are serious citizens and good Christians in this House and country we will support this Bill. I was about to say that I do not want to support it but after looking at the amendments by the Committee, I appreciate that the Committee sat down and realised that there were some issues which needed to be amended. I believe when it comes to the Committee stage, we shall amend them and it will be appreciated that those people who suffer domestic violence mostly are not women alone. Presently and especially in the current world men are suffering in silence and in some communities we have read it and we know it. Therefore, we men here feel we need to be protected.

Again, it has to be appreciated that we should not tailor this Bill so that we make artificial families. People live because the law is there. Let us first of all appreciate the sanctity of life. Let us appreciate the sanctity of marriage and let people enjoy marriage and also family life not because there is a law which they fear but they love to live together and bring up their children.

Hon. Speaker, if spouses can live together and they appreciate that they are married for good or worse, we shall bring up good children who fear God and who are useful members of this society. We do not want to bring up children who will be afraid to look at people because of the way they were brought up. If a girl is brought up in a family where the father is roaring every evening, she might be afraid to get married because she does not know what will happen in the house when she meets the man who will marry her. Equally, if a mother can go out of her way to burn her child's hands because he is suspected to have stolen a coin, sugar or something else, how do you expect this kid to be when he or she grows up?

Hon. Speaker, in Section 6 we are giving the police too much leeway. I am sorry I am not accusing the police but they are known to be doing things the wrong way all the time. So, we might give them so much power and they end up harassing innocent people. This section should be put among the sections that need to be amended. If your spouse, former spouse or anybody else feels that they are aggrieved and they collude with policemen, you might find yourself in hot soup for nothing. So, that one should be looked into.

Hon. Speaker, finally because I would like to finish, there is a section that says that if you are found guilty or you have been accused of having meted any form of violence on your spouse, you are taken to a court of law. I find it ambiguous because how do you get fined and then pay your wife or husband compensation and then you end up in the same house again? You are already at war. Let people reconcile. Let people be

counselled. That is the way to build the family. If we create a sense of reconciliation, it will be very important and helpful to the community and also the family.

Hon. Speaker, I strongly support this and the amendments to come. Thank you.

Hon. Speaker: Hon. Wanga.

Hon. (Ms.) Nyasuna: Thank you, hon. Speaker, for giving me the chance to speak to this Bill.

Hon. Speaker, before I go on, one thing on which you probably need to give direction is at what point we press the buttons. Is it when we come into the House at the beginning or is it at the beginning of each and every Order? It is a bit confusing. If you wait until the beginning of an Order, it becomes a bit difficult to reach the queue.

Hon. Speaker, many families live happily ever after. In fact, when they get married, they never see trouble ahead. This Bill is not for those families. There are many more families who have a lot of difficulties. It is said that when you look at traffic and see two people who are busy reading newspapers and looking opposite directions, it is most likely that they are man and wife. If you see people laughing, that might not be the situation.

I just came back from the village after attending a very sad burial of my cousin and his wife. For those who might have been in the Press for the last three or four weeks, you might have seen the story of a Criminal Investigation Department (CID) officer who shot his wife and himself. That was my first cousin. We all sat and reflected on what could have resulted in that situation. They have lived together for 22 years. They have old children. We all sat and wondered what could have gone through the mind of this gentleman to reach a point of shooting his wife of 22 years and turning the gun to himself.

This is the position that our society now finds itself in. That is the reason as to why we probably now more than ever before require a Bill like this one, so that people can know that in times of difficulty, there is a place where they run to and get salvage. That is not just for women, but even for men. When you reflect on a situation like that of my cousin, you wonder whether he went through so much emotional torture that he ended up in that kind of situation. When you think about his wife, you wonder whether there had been issues that led to the kind of situation.

Hon. Speaker, the definition of “domestic violence” that has been given in this Bill is valid. There is an issue raised by the Leader of Majority Party yesterday, which I would like to speak to. He said that he does not know anywhere in the world where there is forced wife inheritance. I come from a community where there is wife inheritance. In many instances, the women agree with their *shemeji* or someone close to take care of them, but there are also very serious circumstances which make it very difficult for a woman to agree to be inherited. In the olden days, this was done by one’s very close relatives.

These days, there are professional “terrorists”. They are called “*terrorists*” because they come to *terr*. They are people who come from where you do not know. They are commercially there. They are paid to do the job – the ritual of inheritance – and then they go their way, having left circumstances behind that are not very good. Let me give an example. If there are three wives in a household and the third wife wants to be inherited but the first wife does not want to be inherited, the first wife will be forced to be

inherited in order for the third wife to be inherited; by tradition. These are the circumstances that we are talking about. Nobody should be forced into wife inheritance.

Hon. Speaker, talking about damage to property, for example, as domestic violence, I know of circumstances where after a wife disagrees with the husband, she destroys everything in that house to punish the husband. That is malicious damage to property. That is what this Bill is legislating against. Talking of widow cleansing, I have heard some people ask what it is. There are certain outrageous acts that are done to ensure that the widow is clean to move on with life without dying. I want to protect those pure women, who are our mothers, sisters and daughters.

Yesterday, hon. Jimmy Angwenyi spoke very passionately against some of these aspects. I know that hon. Angwenyi has a wife he has loved for many years. He has lived for 70 years. This Bill is not for him. We cannot legislate for ourselves. We have daughters whom he loves. This Bill is not for these kinds of circumstances. We are not necessarily legislating for ourselves. We are legislating for those who are in difficult circumstances.

Hon. Speaker, I am bit concerned that the Committee has proposed to delete certain matters in Clause 4, particularly a provision regarding a person to whom you were previously married. We know that there is the mantra of “accept and move on”, but that mantra is a fallacy. Many people do not accept, and they do not move on. So, they keep on nagging. After you have already parted ways, they keep on interfering with your life. So, this matter must be addressed in law. When we get to the Committee of the whole House, we will be persuading the Committee that some of the amendments that they have proposed will mutilate this Bill to an extent that in certain circumstance, it may no longer make sense.

For example, when we delete Clause 8, which seeks to create shelters for victims of domestic violence, we have to think about alternatives. We cannot accommodate those people in our homes when they are in that situation, because your home will become another place of danger. We know that people run to their sisters’ houses, and their sisters have been accused and even brought into the whole act of domestic violence. We need to have a neutral place, where victims of domestic violence can run to and hide.

Hon. Speaker, Clause 5 very well defines family members, so that nobody can claim to be a member of a family when they are not. It also provides for the protection of adopted children and step children. We know what step children go through in many times, both from their adopted mothers and adopted fathers.

Deletion of Clause 7 will also be a major loss. I hope that when we get to the Committee of the whole House, we will be able to address a number of these issues. It is very difficult to speak without repetition at this point because many people have already spoken. Everybody speaks on the same issues from different angles and twists. That is what we are going.

With those remarks, I beg to support.

Hon. Speaker: Hon. Peter Kaluma, what angle and twists will apply?

Hon. Kaluma: Hon. Speaker, as a family man, it would go without saying that before we even talk about amendments, I would be supporting this Bill. I actually stand to support it.

Hon. Speaker, most of the thoughts that we had on the Bill have already been put together by the Committee on Justice and Legal Affairs, in which I sit. I would really not be repeating them but I wanted to make some proposals in terms of how to make this Bill better. There is need to provide for the burden of proof and standard of proof in domestic violence cases. Of course, the current Bill, in its draft format, does not speak to this aspect. Particularly in the county where the Vice-Chairperson of my Committee comes from, women have been battering men. We always see them on television, but you never see any conviction. This is something that hon. Alice Wahome will tell you. The reason is very simple. You know, if we are to require men to go and confirm that they have been beaten, *Nyasaye achiel*, they will not do.

(Laughter)

An hon. Member: What is "*Nyasaye achiel*"?

Hon. Kaluma: Hon. Speaker, if you require me to go to a court and confirm that I have been beaten, I can confirm here that I will not do so. I would rather suffer in silence. Approaching weekend in the manner we are doing, if you looked at clubs around KENCOM House in Nairobi and elsewhere, you will see very big Mercedes Benz and four-wheel-drive vehicles. Those are men sleeping in vehicles because they are being beaten at home. I have shared on this Bill with several colleagues in Parliament. People are being beaten here but we will never secure conviction because the law of evidence requires corroboration. There must be a party other than yourself to confirm to the court that you were beaten. This being a domestic relationship, if you require corroboration – women know when they beat us – there will be no conviction. Men know when they fight with their women; that there will be no conviction.

Therefore, people will be suffering when searching for a third party. Unless we lower the standards and remove corroboration--- Of course, we may move forward to a level where we can shift the burden of proof in some of these cases. When a man like me says: "I have been beaten," why would you not believe him? When as an African man I reach the stage of saying, "I was beaten last night---" Sometimes we should shift the burden of proof and move forward.

Those who are passionate about this Bill need to provide a requirement for private hearing, or what we call in law, "in camera proceedings," in this Bill. We have proposed to delete Clause 35 of the Bill in our effort to speak about people who should be in court when such matters are being dealt with.

It should be simple and hon. (Ms.) Wahome would agree that we just provide that in all the cases concerning domestic relationships, and more so if they have a criminal dimension. Let me cry in private but not outside in public, with the general public having access to me.

Hon. Speaker, let me talk about something that is also important. In a Bill like this one--- This is something hon. Nyasuna, my county Member of Parliament, must listen to. Anybody looking at this Bill may think that there is a lot of duplicity because people are saying that there is a Penal Code and a Sexual Offences Act. Remember, we are saying that this Bill is processed strictly for those who find themselves in the domestic arena or in a domestic relationship. Therefore, repetitions may be necessary. We do not want

everybody under the sun to have a benefit of this Bill. We want only a particular section of society in line with the need to protect the family to have a benefit. For example, if you talk about incest outside there, we are not interested in it so long as it is not within the family. But there is need for a further definition here, particularly of some offences.

Hon. Speaker, hon. (Ms.) Nyasuna has not defined to this House what widow cleansing is. But in our culture, we believe that when a husband of a woman dies the wife becomes a widow. Therefore, for her to enjoy benefits in the world there has to be inheritance. Our tradition requires that the person to inherit you is not the first person to go into the house. You know what I am talking about, hon. Members.

One gentleman will be moving from house to house and widow to widow in the village having carnal knowledge of widowed women. In our culture, and in my constituency in particular, we have one gentleman from hon. Ababu Namwamba's constituency, who has had undue advantage in cleansing all our widows.

(Laughter)

(Hon. Ababu stood up in his place)

This is the Secretary-General of our party!

Hon. Ababu: On a point of order, hon. Speaker. I actually had absolutely no intention of making any intervention in this Bill; but I have been listening very keenly and following the debate with a lot of interest, because I believe it is a very important and fantastic Bill. But the hon. Member for Homa Bay Town has made a potentially disparaging remark and cast serious aspersion on the good name of the constituency I represent and in the presence of these fantastic and young Kenyans from St. Benedicts High School in Budalang'i, who are in the House. Will it not be in order that the hon. Member for Homa Bay Town to be asked to name the individual he is referring to and substantiate that remark? That way, he will leave absolutely no doubt in the minds of my constituents and Kenyans. Hon. Kaluma owes the people of Budalang'i an explanation and I, therefore, ask him to substantiate and name the culprit.

Thank you, hon. Speaker.

Hon. Kaluma: Hon. Speaker, I learned law under hon. Ababu Namwamba. We were together in college. He is a great debater and fluent in language. I do not know what Parliament will do without hon. Ababu.

I was just recognizing the good thing his constituent is doing to enable our women be formally inherited; this is an important thing in our tradition. We call him "*ja manyala ja Budalang'i*". He is doing good work.

Hon. Speaker: Hon. Kaluma, did you say that the gentleman is doing a great job?

Hon. Kaluma: Yes, he has been doing that job. But, of course, we want to prohibit that job, although it is a job that has served our constituency very well. This gentleman has done well.

(Laughter)

Hon. Speaker: Hon. Namwamba, I thought it was a compliment.

Hon. Ababu: Hon. Speaker, with due respect to the hon. Member Homa Bay Town, if Budalang'i is so endowed with a professional cleanser and inheritor, it is for the benefit of the many women in this country, who may be in need of such service, to know the identity of this particular individual; his identity may only be in the knowledge of hon. Kaluma.

Hon. Speaker, who knows, I may actually be required by my constituents to direct them to this professional service provider, and also open a national bureau and direct them to this particular service; it would be extremely useful.

Hon. Speaker, I insist that the hon. Kaluma names the person, otherwise all the bearded sons of Adam who are domiciled in Budalang'i will be eternally placed on the suspicion list in this matter.

Hon. Speaker: Maybe, actually some medal could be on the way for the gentleman concerned.

Hon. Kaluma: Hon. Speaker, when hon. Ababu Namwamba came to the House and we needed that facility because of tradition--- Every widow in our constituencies insisted that she needed *ja Budalang'i*. I think this was because of the exemplary talent hon. Ababu has been demonstrating in the House. Therefore, all the widows say they know this gentleman as *ja Budalang'i*." We only know this gentleman as "*ja Budalangi*, unfortunately. He has been doing a good work, but it is something we are prohibiting from today.

The last point was, of course, about marital rape. By the very fact of marriage, you agree that there will be carnal knowledge, or conjugal rights will be enjoyed between yourselves. You exchange a lot when you reach a level where--- If we allude to the fact that we can deny each other that fruit we will be derogating from the idea of marriage.

Hon. Speaker, my time has been taken by hon. Ababu; we will be make proposals at a later stage. I give this opportunity, since I have been in the Committee, so that my other colleagues can contribute; let us hear their views.

I thank you, hon. Speaker.

Hon. Speaker: Hon. Members, I have received a lot of requests and proposals. Let us hear from Dalmas Onyango Otieno.

Hon. Anyango: Thank you, hon. Speaker. I have been very eager and patient to give this contribution. Based on my wide experience in these issues, as you are aware---

(Laughter)

First of all, I want to say that the family is the first unit of governance in the Republic. Second, domestic means so close as to know all the good, the bad and the ugly of another person or partner. I wish to plead with the Chair of the Departmental Committee on Justice and Legal Affairs that it would have been more positive if the title of this Bill were "Promotion of Domestic Harmony;" it would convey to the Republic that the offences we are castigating are those against domestic harmony. The objective in the Republic is to strengthen the family unity, harmony and stability in prosperity.

Hon. Speaker, I support this Bill because it is a serious effort towards establishing sound marital practices in our country.

It is a serious effort towards promoting sound marital practices in this Republic. It is a Bill that we have to prepare ourselves to develop over time. To do so, we need to recognize that the offences that we are castigating under this Bill arise from situations without much malice aforethought. Somebody who says that memory has failed him, and turns out to be a negligent person, will be a culprit under this Bill. Another person will say that his temper betrays him. These are negative attributes with which each person is created in our Republic. If his temper fails him, he only realizes it after he has slapped somebody and then he says that he is sorry. Both men and women do these kinds of things, in my experience. Somebody will say that his hormones are failing him. The hormones surge up and you only discover that you have pinned the wrong person down at the wrong time and at the wrong age.

Another person may allege that it is poverty that is betraying him. I have personally saved very many marriages just by surrendering a cow to be given as bride prize, and there was harmony in a house. A woman was so nagging that her co-wives and sisters in the village laughed at her because no cow was sent to her home as dowry. I have paid over hundred of such dowries to bring harmony in homes.

So, the offenses we are castigating under this Bill are out of attributes and failures with which we are created as human beings. That is why I am pleading that we convey the right message to Kenyans, that it is promotion of domestic harmony instead of protection and emphasizing the violent part of it. We are rejecting the violent in an effort to promote domestic harmony. Somebody was created jealous; you find a mother is so jealous of her son and insists that the son should be treated in a particular way and ends up intervening in the marital affairs of the son. What do we do in those circumstances? We employ reconciliation, counseling and teaching.

My faith is letting me down. All these are attributes inbuilt in us. When your faith or religious beliefs, are letting you down, you may end up with the wrong practices in the process. The worst violence in this country, which is increasing by the day, is divorce or separation. That is a more serious violence than what we have even listed here. Children have been in this House today and they will attest to the trauma they go through when father and mother cannot agree.

So, changing the title to “Promotion of Domestic Harmony” instead of “Protection Against Domestic Violence” will be sending a message to Kenyans to make every effort to establish sound marital practices. They will make every effort to avoid domestic violence. Make every effort to be considerate despite your other weaknesses with which you were created; be considerate to your partner, children and neighbours as well.

The previous systems which we had, and which strengthened the family, are, as you are aware, breaking down. Previously, if a mother was too violent with the child, all the child needed to do was to run to the grandmother; the child enjoyed ultimate freedom in the hands of a grandmother. These days, grandmothers do not even live near. Nowadays, mothers run away with their children and they live with those children under circumstances that are not good enough.

Finally, we need specialized courts, or tribunals, presided over by a Magistrate, and supported by a bench of experts who are interested and committed to the promotion of domestic harmony. It should be a bench. We can have a First Class Magistrate

presiding, a family lawyer available for that particular purpose, an experienced community member from the same place as the particular culprit being tried, so that he goes back with the feeling that he was taken to the tribunal with the objective of promoting domestic harmony; he will feel that his personal failures have made him a culprit and he has faced a tribunal as per the law for promotion of domestic harmony.

A lot of family breakdowns, some of which come from mismatched marriages, are hard to cure. I hear lawyers talk of irreconcilable differences. It takes tolerance, understanding and support from the community. In this particular court, we should not even use the ordinary police, but trained community police officers in a unit of the Administration Police, trained to be friendly officers in an effort to promote domestic harmony in the country.

Finally, these specialised courts should be established in each constituency, so that our people will get the support which they need to establish, develop and practise sound marital practices and values, which will be in the interests of strengthening the family as the basic unit of governance, production and training, so that we may achieve our long-term visions.

Hon. (Ms.) T.G. Ali: Thank you, hon. Speaker. From the mood of the House, I think we are ready for the question. I wish to request you to put the question.

Hon. Members: No! No!

Hon. Speaker: Hon. Members, those of you shouting from where you sit, it is important also, as a House, to appreciate the circumstances under which we work. The business appearing at Order No.10, on which a Procedural Motion has already been adopted, has a deadline. So, it is only fair that one way or the other, we finish. It is not possible for the 349 of you to contribute, given that hon. Members contribute for ten minutes each. Even for the four hours that we sit from 2.30 p.m. to 6.30 p.m., without having to say prayers, if everyone was to speak for ten minutes, only 24 of you would speak. To this Bill, well over 40 Members have contributed. You have done well, hon. Members.

So, I will put the question.

(Question, that the Mover be now called upon to reply, put and agreed to)

(Loud consultations)

Hon. Speaker: Order, hon. Members! Let us allow the Mover to reply.

Hon. Chepkong'a: Hon. Speaker, may I take this opportunity, first and foremost, to thank all hon. Members who have contributed very positively to this Bill, including all those who made attempts to oppose it. The good thing is that they opposed it with conditions, that so long as the Committee is going to move amendments--- I would like to confirm that we have substantial amendments that we intend to move with regard to this Bill. Just as a point of clarification, this Bill was anticipated. I totally agree with hon. Anyango that we, possibly, could have changed the title to "Promotion of Harmonious Relationships in Domestic Relationships;" unfortunately the Constitution, at Article 45, says that the family is the natural and fundamental unit of the society, and the necessary

benefits of social order, and shall enjoy the recognition and protection of the State. So, the word that was lifted out of the Constitution is “protection” because the State recognizes that the family unit needs to be protected.

By way of summary, because of the issues that have been raised around this Bill, I decided to do general research in the internet just to see what other countries think about domestic violence. We thought that, because we did not have a Bill on domestic violence, other countries which are more developed do not have this serious problem that we have in our countries. I thought that these offences were only found in developing and least developed countries. To my own surprise, when I was researching I came across this article that was written by the National Institute of Justice and the Centre for Disease Control and Prevention--- They carried out a survey on violence nationally against women in 2000. This was conducted in the USA. I did not expect this in the USA because it is a well developed society, where in terms of disposable income, there are big incomes that would generally, in promotion of gender love in the homestead--- But the statistics are very grim. What they found out is that the consequences of domestic violence can occur across generations and last a lifetime of individuals. The few statistics that I was able to gather stated this about the USA society itself. They say that one in every four women will experience domestic violence in their lifetime. An estimated 1.3 million women are victims of physical assault by an intimate partner each year. We are talking about developed countries, where 85 per cent of domestic violence victims are women.

Historically, females have been the most victimized by someone they know; we have seen this even in our own society. There was a case in my constituency the other day in which a young man was killed; he was found in a house of a lady he was trying to court. Then there was another gentleman who was trying to court that same young lady and he was so angry. That was a love triangle. He was so angry and killed that young man. It was a very unfortunate situation, it happened last week. Most cases of domestic violence are never reported to the police, including even in the USA. This is worse in Kenya.

Most of these cases are never reported. In fact, this research goes further to indicate that one in six women and one in 33 men have experienced an attempted or completed rape. So, this Bill is not about women. It is about a family. This research further found that one in 12 women and one in 45 men have been stalked in their lifetimes. So stalking is not only with respect to women, even men face it. They have also been stalked in the past.

In the USA, the cost of domestic violence is mind boggling. They say the cost of intimate partner violence exceeds US\$5.8 billion each year. We have very many here in Kenya who have been violated. In fact, the – it is important for hon. Members to know – victims of intimate partner violence lost almost eight million days of paid work because of the violence perpetrated against them by current or former boyfriends. This is equivalent of more than 32,000 full time jobs, and almost 5.6 days of household productivity as a result of violence. Because of violence, these people have suffered mental anguish, and so it is important that we pass this Bill.

As I end this contribution, I just want to say that the Committee will be moving several amendments at the Committee Stage. I would like to thank all hon. Member and I move that the Bill be now read a Second Time.

(Several hon. Members stood up in their places)

Hon. Speaker: Order, hon. Members! You must stop where you are.

(Question put and agreed to)

(The Bill was read a Second Time and committed to a Committee of the whole House tomorrow)

MOTION

ADOPTION OF ANNUAL REPORTS/BUDGET FOR EAC

Hon. (Ms.) Kajuju: Hon. Speaker, I thank you because of what you have just done for women and for the families of Kenya. We honour you on behalf of the women present here. We also honour the men present here.

Hon. Speaker, I beg to move:-

THAT, this House adopts the Report of the Committee on Regional Integration on the consideration of the East African Legislative Assembly Reports on Single Customs Territory, the 2nd Parliamentarians Workshop on Climate Change, Internal Audit Systems of EAC Institutions, EAC Annual Report for the period 2011/2012 and the Budget for the East Africa Community for the financial year 2014/2015 laid on the Table of the House on Thursday, 31st July, 2014.

These five reports were brought to the Committee on Regional Integration, which is one of the select Committees of the National Assembly established under Standing Order 212 and mandated to, *Inter-alia*, examine the records of the relevant debates and resolutions of the meetings of East African Legislative Assembly. The membership of the Committee is as stated in the report. These reports were brought to the Committee in accordance with Article 65(a) of the Treaty; the Clerk of EALA transmitted to the National Assembly the reports and other business transacted by the Assembly during its sixth meeting held in Arusha for action.

Hon. Speaker, on 3rd July, 2014 the said reports from the East African Legislative Assembly (EALA) were tabled in the House by the Majority Party Leader as earlier enumerated. The obligations for the Clerk of the National Assembly and the timelines by which this must be done are set out on page three. This is expressed under Standing order No.251.

There are several reports which were brought to us as I have stated. In the interests of time, I will not go into the details. I would like to state that the Committee looked at the various reports which were brought to us. One of those reports was the

report of the Committee on Communications, Trade and Investments on the on-spot assessment of the East African Community (EAC) Single Customs Territory.

The EAC has embarked on improving efficient trade facilitation systems in a bid to implement the Customs Union Protocol. Under such a system as the Single Customs Territory the member states are required to adopt a destination model of clearance of imports. This is where the assessment and collection of tax revenues will be done at the first point of entry.

[Hon. Speaker left the Chair]

*[The Temporary Deputy Speaker
(Hon. Kajwang') took the Chair]*

Hon. Temporary Deputy Speaker, there are benefits that have been brought by the Single Customs Territory, which we have stated on page seven of our report. One of them will be to reduce the cost of doing business by eliminating duplication of processes. It will also help in reducing administrative costs and regulatory requirements and enhance capacity of the private and public sector agencies. Among other benefits it will prevent smuggling at the regional level.

This is what the Committee considered as it went through the various reports that were tabled before the EALA Committee on Communications, Trade and Investments. One of the challenges they found arising out of the implementation of the Single Customs Territory was the high communication costs that were hindering the operationalization of the Single Customs Territory.

Hon. Temporary Deputy Speaker, there was, therefore, a need to upgrade the systems used by the revenue authorities to fast-track the clearance of goods by customs as was identified by an urgent requirement.

The Committee also found that it was important to build capacity and sensitization programmes involving stakeholders on the operations and processes involved in the Single Customs Territory. It was recommended by the Committee of the EALA that the implementation of the Common Market Protocol was key to the operationalization of the SCT.

My Committee also looked at the report of the second Parliamentarians workshop on climate change by the Committee on Agriculture, Tourism and Natural Resources. The Committee of EALA looked at the various workshops which had been held by various local and international bodies. Without going into the details, that Committee indicated that there was need for defined regional co-ordination and management structures being set out to be able to manage climate change. It also stated that it was important in a bid to fast-track the operationalization of the EAC Climate Change Fund that it be emphasized and all the parties understand this better. They also found that it is important to mobilise the participation of the private sector in seeking climate change mitigation solutions.

Lastly, they said, in that Committee, that it is important that we work out a Regional Climate Change Bill that will fast-track the implementation of the East African Climate Change Policy.

Our Committee also looked at the report of the EALA on the Committee on accounts for on-spot assessment of the international audit systems of the East African institutions. There are various institutions that are owned by the EAC. One of them is the Lake Victoria Fisheries Organization. We have the Inter-University Council of East Africa and the Civil Aviation Safety and Security Oversight Agency, which is commonly known as “CASSOA”. It is worth noting that all these EAC institutions are based in Uganda.

A look the Lake Victoria Fisheries Organization was able to show the Committee that Rwanda and Burundi, despite having joined the EAC seven years ago, were not members of this Organization. This is the case yet they have done all that they were supposed to do to be admitted to the Organization. However, the recommendation was that the EAC expedites the process of amendment of the Lake Victoria Fisheries Organization Convention to be able to include Rwanda and Burundi, so that they can benefit out of the process.

Hon. Temporary Deputy Speaker, they also noted that there is need to improve on the governance structures that manage the institution as an EAC institution.

We also looked at the Inter-University Council of East Africa. The purpose of this Council is to facilitate networking among universities within the EAC. The Committee of EALA noted that there were internal audit problems in some institutions within the Community. Even if this problem was there, it was not being addressed because no auditor had been employed to manage the institution. Overall speaking, the Inter-University Council of East Africa was best managed in terms of audit queries.

The Committee also looked at the Civil Aviation Safety and Security Oversight Agency (CASSOA). This agency is able to pool regional resources together to create safe and orderly development of international civil aviation. CASSOA also deals with training aviation inspectors within the partner states, so that we have a safer aviation process within the EAC.

One of the challenges that CASSOA has been facing is lack of enough funding to work on all its mandates as an institution. The Committee, therefore, observed that CASSOA sits on land whose ownership is not clear as it has never been issued with a title deed. Those are some of the issues that the Committee addressed in its report.

Hon. Temporary Deputy Speaker, it was also recommended by the EALA Committee that the Committee further requests the EAC Secretary-General to appoint a representative to the boards of the East African institutions. This will bring much ownership to the institutions and their managements.

It was also noted that capacity building programmes, especially for the internal auditors, ought to be put in place for purposes of evaluating their status.

On the report of the Committee on general purposes on the EAC Annual Reports for 2009/2010, 2010/2011 and 2011/2012, it was noted that the reports were not presented on a timely basis. The recommendation by the Committee of EALA was that there should be a review of the *modus operandi* of the reports presentation to the various committees within EALA.

Hon. Temporary Deputy Speaker, it was also noted that on the issue of funds, it was important that the institutions should not re-allocate any unused funds. Instead they should return the funds to the Secretariat for purposes of better accounting systems.

We also looked at the Budget Speech for the EAC for the 2014/2015 Financial Year. The Budget of the EAC was presented by Ms. Phyllis Kandie, who is the Chairperson of the Council of Ministers of the EAC and the Cabinet Secretary, Ministry of East African Affairs, Commerce and Tourism of the Republic of Kenya on Thursday, 29th May, 2014 to the EALA.

Hon. Temporary Deputy Speaker, one of the issues that the Cabinet Secretary (CS) noted in her speech was that--- The speech generally centred on advancing the regional integration process through supporting various initiatives for full implementation of the four pillars of the East African Community (EAC), namely the Customs Union, the Common Market, the Monetary Union and the realisation of a Political Federation. The speech of the CS is well stated in our Report that has been tabled before this House. Some of the issues that I would like to raise from the Budget speech are that the CS indicated clearly where funding should be used in the various institutions of the EAC and the Assembly.

Hon. Temporary Deputy Speaker, if I may briefly point out the issues that were raised by the CS. She indicated that the Budget for the Financial Year 2014/2015 had increased by 11.45 per cent compared to the 2013/2014 Budget. In summary, the Budget Speech for the Financial Year 2014/2015 included a review of progress made in implementing the 2012/2013 Budget, the achievements that had been made, the planned activities of the institutions and the organs of the EAC and the sector specific priority areas for 2014/2015.

Hon. Temporary Deputy Speaker, on Page 12, I request Members to look at the various amounts that have been given to each of the institutions and one of them is towards implementation of the various pillars of the EAC.

Hon. Temporary Deputy Speaker, over and above the institutions, I would like Members to note that there is the East African Monetary Union Protocol that, as we speak, has been placed before the Committee on Regional Integration for the Committee to be able to make a recommendation to bring to this House for it to agree on whether to ratify it. This is because the East African Monetary Union Protocol is, as established in the East African---

The Temporary Deputy Speaker (Hon. Kajwang’): Chair, you have done very well. You are just on the last lap. Actually you have overshot your time; take the next minute to conclude.

Hon. (Ms.) Kajuju: It is okay, hon. Temporary Deputy Speaker. I would like Members to note that the Monetary Union Protocol will be placed before this House for purposes of their ratification.

Hon. Temporary Deputy Speaker, I will go to the recommendations in view of the limitation of time. The Committee on Regional Integration noted the following seven recommendations. One of them is that there must be a proper oversight role given to the Assembly; there must be capacity building within East African Legislative Assembly (EALA), so that committees are able to understand their positions, and for more sensitisation.

Hon. Temporary Deputy Speaker, the Committee also noted that the EAC institutions have to effectively and efficiently utilise the resources that are allocated to them; we noted that for this to happen, internal auditors play an important role.

Hon. Temporary Deputy Speaker, the third finding of the Committee was that EAC institutions face funding and staffing shortfalls, and the Community must ensure they have other ways of getting money into the Community. What is very important to note is that about 70 per cent of the EAC Budget is donor funded and the key EAC programmes and projects are at the mercy of donors, which makes it impossible for the EAC to set its own agenda. So, the question by the Committee was: Whose agenda is the EAC satisfying? For the Community to be able to own the agenda there must be sources of internal funding of the Community. The Committee tasked the Council of Ministers to seek alternative funding, so that there is no over-reliance on donor funding.

Hon. Temporary Deputy Speaker, we also noted that there must be a regional agenda for us to be able to move forward; the Customs Union and Common Market Protocol seem to be lagging behind.

Hon. Temporary Deputy Speaker, we also noted that there must be an East African sensitisation on regional integration agenda to the citizens by the regional and national institutions concerned to inform them of the integration agenda and the opportunities available.

Hon. Temporary Deputy Speaker, we note that EALA has been allocated Kshs22.4 million for purposes of sensitization; that money should be used for the benefit of East Africans and to have a more people-centred and market-driven process.

Lastly, hon. Temporary Deputy Speaker, the Committee emphasised the need to adequately fund EALA committees for them to efficiently carry out their oversight roles.

Hon. Temporary Deputy Speaker this is the Report and recommendations the Committee came up with. I beseech Members to look at the recommendations and confirm that this is a Report that can be forwarded to EALA for the purpose of further rectification by the Assembly.

Hon. Temporary Deputy Speaker, with that, I beg to move this Motion and request my learned friend, hon. Ochieng of Ugenya, to second it.

The Temporary Deputy Speaker (Hon. Kajwang’); Before your learned friend rises in his place, you will recall that we passed a Procedural Motion capping this debate at one and a half hours, with the Mover moving for 15 minutes and every other Member speaking five minutes, except for the Leader of the Majority Party and the Leader of the Minority Party who will have 15 minutes each. Member for Ugenya, you are advised accordingly. Every Member speaking, including the one seconding, will have five minutes. Unfortunately, it is a resolution of the House.

Hon. Ochieng: Thank you very much, hon. Temporary Deputy Speaker. I want to thank my able Chairperson for ably elucidating the issues included in the Report that she has presented.

Hon. Temporary Deputy Speaker, I want to start by noting that if you look at the attendance and membership in the Report, it is deplorable. Where is the EAC integration process going, and where are we going with the EAC if--- You know the depth we have reached in the EAC integration process; you know where this country is going in terms of regional integration; if Members of this House knew where we were going as a region, it

would be a point of concern to everybody. That is why I want to start by urging Members to take keen interest in matters of the EAC.

Hon. Temporary Deputy Speaker, we have opened up Kenya to the East African region. We have done so to the extent that if you are not careful in the next 15 to 20 years we will be holding EAC elections and not Kenyan elections. In less than 25 years we will have decisions being made in Arusha and not at State House in Nairobi. That is why I want to invite Members of this National Assembly, Senate and any other legislating body in this country to take note of what happens at the EAC.

Hon. Temporary Deputy Speaker, part of the Report notes the fact that goods coming from, for example Chad, Khartoum and Nigeria and their first port of call is somewhere in Burundi, then taxes chargeable will be levied at the port in Burundi even if those goods are destined for Kenya. That is what we are talking about in the single customs territory. We will have a way in which the first port of call of any human being-- - You are cleared at that first port of call and that is it for the rest of the five countries. We have signed onto this and it is a very important tool that Members should know about, and be able to advise their constituents on this and the fact that this will make big business easier.

Hon. Temporary Deputy Speaker, you will note, for example, that goods are cleared in Mombasa and then someone has to again come and queue at Malaba or Busia to get the same goods again cleared at these border posts at an age and time when competitiveness is the by word. We are making our people less competitive, our time of doing business more, and our course of doing business complicated. What the single customs territory is going to do for us is reduce the cost of doing business. It is going to make our business cheaper and it is going to make our earnings, probably, more. If we do the right thing, if the constituents of the Members of Parliament know that this is the way it is going to work, then this could translate into better living standards.

Hon. Temporary Deputy Speaker, one of the major issues making us not to develop, as a country, has to do with smuggling and porous borders. This will reduce the problem as it relates to porous borders, because once you are cleared at the border in Rwanda or Uganda, that will be it. It will reduce the incentive for any person who would want to smuggle things across borders. That is why, as hon. Members, we need to note the effect of such an initiative.

Part of this is what is being done in Mombasa. It may be of interest that most of the cargo destined for Uganda is already being cleared in Mombasa. They actually have their own berth there. The Rwandese also have a similar arrangement; they have their own customs service in Mombasa. They are able to clear goods as their own. This is going to make doing business in East Africa very easy.

Hon. Temporary Deputy Speaker, it is very important that there is a continuum in the East African Community (EAC). We started with a Free Trade Area (FTA). We moved into a customs union, and are proceeded to a common market. We are now moving very fast into a monetary union. Soon, we will be asked to rubber-stamp, or basically approve, a political federation. The sooner we know this, the better.

I have so much to say, but I can see the red light blinking. At this juncture, may I just say that I second the Motion? I have so much to say. I do not want to rush on these

ideas. I would just want to request hon. Members to help the EAC grow – build the capacity of the EAC and infrastructure. Let us give the EAC room to grow.

Finally, I want the EAC partner states to put their mouths where their money are, just as my able Chair has said. We cannot be saying that we want the EAC to grow, yet out of every Kshs1 million used on the EAC, donors give 70 per cent of it. It is deplorable.

(Question proposed)

The Temporary Deputy Speaker (Hon. Kajwang’): Hon. Members, the assumption we make on a Motion like this one, where we want to resolve to adopt a Report, is that you have, as much as possible, read the Report. By the Standing Orders, you know that the Reports are made available when they are put in your pigeon holes, but since we no longer have pigeon holes, we have tried to be digital about it. The Reports are in Room 8 – the Table Office. Therefore, we expect that you have thoroughly read this Report; within five minutes, you should be able to convince the other Members of this House to adopt it. So, it would be good if you picked on one or two issues to speak on, so that we can adopt this Report. Every Member speaking has five minutes. It is not quite a lot of time to say everything, but it is enough time to say one thing – the most important thing.

I want to assume that the requests I have on my screen are for the business before us now. If that is the case, the Member for Igembe North will go first.

Hon. M’uthari: Thank you, hon. Temporary Deputy Speaker. I rise to support the Report and thank the Committee for their good work.

It is important to note the oversight role that is played by the East African Legislative Assembly (EALA). It is also important for hon. Members to know that EALA legislates on issues that affect the East African states. We are also aware that the institution has shortcomings, especially as far as resources are concerned. This challenge is serious. As highlighted by the Committee, when funding is very limited, it means that the body has to rely on foreign support. What I believe is that if somebody is funded directly, or almost wholly by some agencies, then even the mission that they carry out is, to a large extent, driven by those who fund them. As it is said, whoever pays the piper calls the tune of the music. In this case, for the EAC, when we leave this kind of institution to funding by certain agencies rather than by the member states, we risk having a problem of ownership of the agenda and issues that are raised at that level.

The other issue I want to speak on is the proposed monetary union, which I think has many benefits. If we come together, we will increase the regional block. Once we have a single customs territory, it will provide an opportunity to inter-country trade, which will in turn ease business. Given the population of the combined member states of the EAC, it means that we can attract more investors to the region in terms of tourists, manufacturing and in other sectors. This can be enhanced. It will expand both our private and public sectors. It will also stimulate even a greater integration of the people. However, this requires that member states work with one another with less suspicion. Unfortunately, some member states of the EAC have been dragging their feet in seeing through this process.

Hon. Temporary Deputy Speaker, we know that there are also challenges involved in terms of regional integration. This has been achieved in some regions, including Europe. When Europe was coming together, because of the influence of the process, the currencies of the member states were affected. All in all, the benefits that accrue from this kind of integration are more than the challenges that may come as a result of such a process.

I am a *miraa* farmer, and some countries like Tanzania have issues with our products. When we are united and then some of our products are denied entry into some countries in the region, or people are molested without a proper basis, this becomes a big challenge. In that case, we would like proper consideration of the products and services across the region. We should make it possible for both commodities and the citizens to move from one country to another. As citizens move freely within the region, they will be allowed to get jobs. They should be able to integrate even in terms of financial services and other services.

Therefore, I support the Report but the discussion across EAC is more elitist. There should be a way for each member country to make her citizens to understand the importance of the union, and show them clearly the benefits, the opportunities and challenges that may come out of it. In terms of the opportunities, people can take advantage of the union to expand their trade and businesses, as well as export labour to the countries that---

The Temporary Deputy Speaker (Hon. Kajwang’): Hon. Member for Othaya Constituency, I have not heard your voice for a long time. You were down the list, but I have chosen to bring you up. Can we hear from you?

Hon. (Ms.) Munene: Thank you, hon. Temporary Deputy Speaker. I rise to support the East African Legislative Assembly (EALA) Report. We know that the other continents do not like Africa. If I am allowed to go to Tanzania, I will do business there and our people will get jobs. Therefore, regional integration is very important and I thank the Committee for bringing this Motion to the House. We can discuss this Report and know how best we can enjoy benefits from regional integration.

Hon. Temporary Deputy Speaker, when our people go to ask for jobs in many places, they are asked many questions and are even denied visas. But when you travel within the East African region, there is no visa requirement and nobody asks you why you are going wherever you are going. I would like to support this Motion and I am very thankful to the Chair.

I want to thank the House for passing the Protection against Domestic Violence Bill because there are very many problems surrounding domestic affairs. I would like to let the country know that Nyeri women do not need to fight men. They are hard working and do not fight men. We do not want to be put in the category of bad women, because our children may not get married.

Thank you very much.

The Temporary Deputy Speaker (Hon. Kajwang’): I support that and I am happy that you do not talk a lot, but you work a lot.

Let us hear from the hon. Member for Tharaka Nithi Constituency. Is there an hon. Member here called Beatrice Nyaga?

An hon. Member: She is out of the Chamber!

The Temporary Deputy Speaker (Hon. Kajwang’): She is absent, though desiring to speak. Her request is dropped.

Let us hear from the hon. Member for Turkana County.

Hon. (Ms.) Emanikor: Thank you, hon. Temporary Deputy Speaker. I rise to support this Report and plead with the House to adopt it because it is a good Report. I am very proud to be a Kenyan and to be a citizen of this country. I am proud of being a senior Member of East African Community (EAC). The EAC is only fourteen years old – its treaty was signed on 7th July, 2000.

Hon. Temporary Deputy Speaker, when I look at the Report, I see EALA has enacted so many laws. This is good and it shows that EALA is doing a commendable job. This report acknowledges the fact that many citizens of the EAC are not aware of its existence and the benefits member countries draw from it. For this reason, the EAC has set aside some money to do sensitization of the citizens on the work of the East African Regional Integration.

Hon. Temporary Deputy Speaker, the intention of EALA is to realise ratification of various protocols as proposed, and this is a good thing. Proposals ratification of instruments on foreign policy, co-ordination, information technology and many others. When these are ratified this will enhance and ensure harmony and cohesion. These protocols will further uplift those East African countries that lag behind in development and will further help the EAC to benchmark globally.

Hon. Temporary Deputy Speaker, to give an example of the one of the protocols, we have phytosanitary measures which will ensure inspection of all imported and exported goods, particularly agricultural products, to detect animal and plant diseases and avoid their spread.

Hon. Temporary Deputy Speaker, these protocols set out basic standards and rules for food safety. They allow the EAC to set its own standards, but, of course, taking into consideration of each country’s specific dynamics. The protocols will further provide trade restrictions for the safety of the EAC citizens.

The defense sector has made significant progress, despite, of course, many incidents of terrorism which we have experienced in the recent past. But EALA countries have a regional capacity to counter terrorism. It has adopted the East African Counter-Terrorism Strategy, 2014, and my only concern is that Kenya, being a senior member of EAC, and a fast advancing country, should have ratified the Protocol on Defense Co-operation, which only Uganda and Rwanda have ratified.

I support this Report and urge my colleagues to adopt it.

Hon. (Eng.) Gumbo: Thank you, hon. Temporary Deputy Speaker for giving me the opportunity to support the Report. As I support, I realise that time is not enough. However, I note that one of the areas that the Committee has observed is that the region is still facing challenges due to non-implementation of the Common Market Protocol. The letter of the law may not be useful if the spirit of the law is not impressed. This would be important.

I also note that the report says that to effectively increase the volume of trade, there is need to fully implement the East African Common Market Protocol to enable free movement of people, goods, capital and services.

Free movement of services is still a major challenge. It is not a secret that Kenyan professional services are far more developed than the rest of East Africans. In fact, despite our low population, at one time, speaking as an engineer, the total number of engineers in Kenya were more than all the engineers in all the other countries of East Africa. If you go to Kigali, Rwanda, today most of the landmark buildings were done by Kenyan professionals. It is kudos to us, as Kenyan professionals.

Today if you went to Dodoma Parliament, you would notice that the interior decoration is exactly the same as the interior decoration of this House.

I wish the chair of the Committee on Integration could listen to me because this is important to her. That is no accident because the designer of the Dodoma Parliament is the great son of Kenya, Architect James Kimathi from Meru County, who also designed this great House. I want to tell the Chair of the Committee on Integration that they have produced great people from Meru. Architect James Kimathi designed all the beautiful things you are seeing here. He did the same in the Dodoma Parliament. That notwithstanding, Kenyan professionals, and I am one of them, still face major challenges with regard to plying their trade in East Africa. We face a lot of suspicion, particularly in Tanzania and Uganda, probably, because the standards of professionalism in Kenya are far higher.

Having said that, as somebody who comes from a fishing constituency, I am concerned at the Budget that has been allocated to Lake Victoria Fisheries Organization of Kshs247 million. This is too low. You are aware that the challenge of water hyacinth and other common services in Lake Victoria need major funding. I want to believe that if Lake Victoria Fisheries Organization was to be funded properly, we would start making millionaires and billionaires from local fishers.

It is very sad that as I speak 70 per cent of the East African Community (EAC) Budget is donor funded. That makes me wonder whether it is really an EAC, or a donor-funded community given to the East Africans. The five Governments of East Africa need to do more to increase the funding.

As I conclude, because there is not enough time, the intention to have a Monetary Union by 2014 is a very good one. If you have ever had a chance to travel from Kenya through Uganda to Tanzania and then back to Kenya, and say you had a Kshs1,000, you would be surprised that by the time you cross the Namanga border, the value of your Kshs1,000 may be as low as Kshs500. These are the challenges of not having a monetary union. We should remain on course with regard to the four major pillars, including the political union as has been espoused in the Treaty governing the East African Protocol.

I support the Report and recommend it for adoption.

The Temporary Deputy Speaker (Hon. Kajwang’): Member for Samburu North.

Hon. Lentoimaga: Thank you hon. Speaker. I am a member of the Committee. So, I rise to support this report. I want to say that it is important for Kenya and East Africa to integrate. It is for our benefit. One time, there was a visit to our country by Hillary Clinton. When she came to Kenya, she said that African trade among its countries was only 2 per cent. The rest of their trade goes with Europe and the USA. I think that has not benefited us for a long time. We need to encourage East Africans to integrate, so that we can improve our economies. Our Committee has been created to encourage that,

and we have done our bit. The report comes from all the stakeholders whom we met as a Committee, and our recommendations are based on what we got from stakeholders.

We want to commend members of EALA, because they are doing a commendable job. They have done what was expected of them. Despite the fact that there are challenges in funding, they have done well, because they have actually instituted an oversight commission that follows up on all the funding to ensure that resources allocated to various institutions are used for the purposes that they were intended for. We need to also support that. This Committee recommends that we support funding of internal audit.

Challenges are also there in terms of funding and the Committee would like to recommend that we encourage member states to remit their contributions promptly to EALA, so that they are able to face and deal with challenges.

On the issue of funding by donors, I think it has really made the regional organization look like it does not belong to us. This is because we have not done much in sensitization. We have not done a lot of promotion the regional among Kenyans and East Africans; we need to tell them what really integration is. We need to encourage sensitization among East Africans. EALA can do that and so can many other institutions like this National Assembly and the Senate. They can a lot of sensitization and more funding can be put into the sensitization process, so that East Africans can know why we are integrating. I remember sometime back in 1977, the then East African Community collapsed. It collapsed because we did not know what was going on. Much of the information about it was only available to the senior people in the country, or the ruling class of that time.

So, ordinary Kenyans, Ugandans, Tanzanians and ordinary Rwandese may not know really what the benefit of integration is. We need to address that issue and make sure we go forward and ensure sensitization is done well, so that we are able to make Kenyans and other East Africans able to fund the community more than they are doing at the moment.

Hon. Temporary Deputy Speaker, since the light is already blinking, I want to rest my case and say that I support the Report of the Committee.

Thank you.

Hon. Iringo: Thank you, hon. Temporary Deputy Speaker, for giving me this opportunity to support this Motion regarding the Report of the Departmental Committee on Regional Integration. I happen to be a Member of the Committee and I strongly support this Report, having gone through all the reports and analyzed them. The East African Community (EAC) is picking the pieces from the defunct Community which collapsed in 1977. We, Kenyans, as a senior partner in this integration, should be at the forefront in supporting this Report. We should be a live to the fact that we need this integration, so that our region can move in tandem with other communities in this world.

Many regions in the world are integrating. We have the European Union (EU) and many others, which have gone far. It is high time that we, in the EAC, realized that united we stand and divided we fall. That is why we should support these reports from EALA, which is the intermediary between the partner states. This time, the states are five. The former EAC had only three states.

Hon. Temporary Deputy Speaker, having come this far - already there is timeframe of ten years within which we should have accomplished most of the issues

which should be addressed, especially the monetary integration and the customs union - this Report should be our benchmark to show our commitment to this cause. Some of our partners like Tanzania have been dragging their feet for one reason or the other. Maybe they are jittery because of the consequences of 1977, but I believe that the current political and economic leadership and even the integration that we have had so far--- We should embrace this co-operation for the betterment of our communities. This will promote socio-economic life, tourism, infrastructure and many other aspects. We have been doing many things in duplication, especially when it comes to customs. Goods are inspected at every border point; but in the current dispensation, we have a good arrangement in that everything is done at Mombasa. Once goods are cleared in Mombasa they safely get to their destinations without much ado. This saves merchants, or business people, time and ensures that goods do not go bad. Collection of revenue is also made easier. So, these reports are worth supporting.

We, in East Africa, are lucky that we have very good arable and fertile land. However, because of global warming and other factors, the Sahara Desert is extending downwards while Kalahari Desert is extending upwards, and we are being squeezed in between. We should integrate so that we see how we can save our forests, water towers, lakes and ecosystem; we should not be caught pants down by the climatic changes that are happening in the world.

Hon. Temporary Deputy Speaker, in the interests of time, I strongly support these reports from EALA. We have to pass them on time, so that we are not time-barred. This will be for the benefit of our citizens. I urge this Assembly to strongly support the same.

Thank you.

The Temporary Deputy Speaker (Hon. Kajwang’): There being no further requests from Members to contribute to this debate, I hereby call upon the Mover to reply.

Just as the Mover is rising to reply, and acting under Standing Order No.30, for the convenience of the House, I hereby order that this Sitting will be extended by five minutes.

Please proceed.

Hon. (Ms.) Kajuju: Thank you, hon. Temporary Deputy Speaker. Let me express my gratitude to all the hon. Members who have supported this Motion. We have said that we are one people in East Africa, who are faced with one destiny.

Hon. Temporary Deputy Speaker, we can only move together as a Community, be able to join hands and work together for the betterment of the East African Community (EAC). Most importantly, we are moving towards a monetary union which is supposed to be ratified by this House by the end of this year – by December 2014.

Hon. Temporary Deputy Speaker, it is important that we, as Kenyans, also appreciate the importance of East Africa as a community; one of the issues that I have seen we have challenges on is that for the people of the Republic of Kenya to appreciate the EAC they must be sensitised. Capacity must be built not just in the private sector but also in the public sector.

Hon. Temporary Deputy Speaker, we have seen that in this Report the East African Legislative Assembly (EALA) has been allocated quite some good money for sensitisation. I am calling upon the EALA to take it upon themselves to involve every

stakeholder in the Republic of Kenya and East Africa generally, so that we can teach our people what they stand to benefit from by being in the EAC.

Hon. Temporary Deputy Speaker, we are also in the last leg moving towards a political federation, and our people must be prepared so that as we do so; we will know where our destiny is and where we shall go from there. It shall be for the betterment of this country.

Hon. Temporary Deputy Speaker, therefore, I thank every one of you and also the Clerk's office for the work that has been done, and also the members of this Committee for working day and night to ensure that this Report was brought before this House.

Hon. Temporary Deputy Speaker, I, therefore, pray that this Report be adopted.

The Temporary Deputy Speaker (Hon. Kajwang): Thank you, hon. Members. I order that the business appearing as No.10 on the Order Paper appears in the next sitting when a vote will be taken.

ADJOURNMENT

Hon. Members, the time being 6.32 p.m., this House stands adjourned to the 26th of August, 2014 at 2.30 p.m.

The House rose at 6.32 p.m.