

NATIONAL ASSEMBLY

OFFICIAL REPORT

Thursday, 2nd August, 2001

The House met at 2.30 p.m.

[Mr. Speaker in the Chair]

PRAYERS

COMMUNICATIONS FROM THE CHAIR

DEATH OF HON. ANTONY NDILINGE

Mr. Speaker: Hon. Members, it is with a heavy heart and great sorrow that I announce the tragic death of a dear friend and colleague, the Hon. Antony Wambua Ndilinge, Member of Parliament for Kilome. He was found shot dead early this morning.

The late hon. Ndilinge was born in 1954 in the former Machakos District and attended local primary and secondary schools between 1963 and 1973. He joined the Civil Service in 1973 where he served with distinction as an administration policeman up to 1983.

He retired from the Civil Service in 1983 and was elected Machakos District KANU Youth Leader in 1984. He served as District KANU Youth Leader up to 1988. His organisational and leadership skills saw him elected Councillor for Kasikeu Ward in 1988, a position he held until 1992 when he was elected Member of Parliament for Kilome Constituency on a KANU ticket. He was re-elected in 1997 and appointed Assistant Minister for Trade in 1998.

Those who knew the late hon. Ndilinge will always remember him for his humility, honesty and trustworthiness. We will all miss his lively contribution to debate and sense of humour. His dedication and devotion to the needs of his constituents will serve as a pillar of strength and a beacon of hope to his family, friends and colleagues.

On behalf of all of us, and on my own behalf, I wish to convey our heartfelt condolence to the bereaved family, his constituents and friends. We pray that the Almighty God will rest his soul in eternal peace. As is our tradition, hon. Members, let us all rise and observe a few moments of silence in honour of our departed colleague.

(Hon. Members observed a few moments of silence)

DISTINGUISHED GUESTS FROM SCOTTISH PARLIAMENT AND GREAT LAKES REGION

Mr. Speaker: Hon. Members, I also wish to announce the presence, in the Speaker's Row, of The Right Hon. Sir David Steel, the Presiding Officer in the Scottish Parliament at Edinburgh. With him is Dr. Attul Varder, Personal Assistant to Sir David Steel.

I further want to announce the presence, in the Speaker's Row, of Members of Parliament from the Great Lakes Region, who are attending an Executive Committee of the Amani Forum in Nairobi. They are the Hon. Norbatt Mao, Parliament of Uganda and Head of Delegation; the Hon. Victor Dikumana, Parliament of Burundi; the Hon. Mark Manirabona, Parliament of Burundi; the Hon. Mwitila Shumina, Parliament of Zambia; the Hon. Raphael Chengeni, Parliament of Tanzania, and the Hon. Lydia Boma, Parliament of Tanzania. They are accompanied by Mr. Patrick Merene and Loise Maureen Kabure from the International Peace Initiative, United Kingdom.

We wish them a happy and fruitful stay in Kenya.

ORAL ANSWERS TO QUESTIONS

Question No.373

RESETTLEMENT OF THESSALIA CLASH VICTIMS

Mr. Speaker: Mr. Sungu is not here? We will come back to the Question.

Question No.434

GOLDEN HANDSHAKE FOR REGISTRATION
BUREAU RETRENCHÉES

Mr. Speaker: Mr. Murungi is not here either? We will come back to this Question.

Question No.249

COMPENSATION FUND FOR POLICY HOLDERS

Mr. Muchiri, on behalf of

Mr. Kariuki, asked the Minister for Finance:-

- (a) whether he is aware that whereas there are statutory provisions for compensation funds to cater for investors on the capital market as well as for bank depositors, there is no comparable compensation fund to cover insurance policy holders in case of unforeseen occurrences; and,
- (b) what he is doing to seal this loophole.

Mr. Speaker: Is the Minister not here? It looks as if we have begun on a very bad footing. We will come back to the Question.

Question No.407

EXODUS OF MEDICAL PERSONNEL

Dr. Kulundu asked the Minister for Medical Services what plans the Ministry has to stem the mass exodus of medical personnel from the Public Service.

Mr. Speaker: Is the Minister not here? We will come back to this Question.

Question No.302

REPAIR OF NAIROBI-THIKA ROAD

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

- (a) whether he is aware that Nairobi-Thika Road has numerous potholes; and,
- (b) when the road will be repaired.

Mr. Speaker: Is the Minister also not here? Well, we are going to set a record of some sort this afternoon.

Question No.541

TERMINAL DUES FOR MR. THINGURI

Mr. Muihia asked the Minister for Local Government:-

- (a) whether he is aware that Mr. Peter Gakami J. Thinguri, employee No.030031, worked as an employee of Kiambu County Council up to 1st March, 1995, and was transferred to Thika County Council with effect from 2nd March, 1995;
- (b) whether he is further aware that he was to be paid by Kiambu County Council his final dues and retirement benefits amounting to Kshs95,817.05 upon his retirement on 31st December, 1997; and,
- (c) when Mr. Thinguri will receive his payment plus accrued interest, if any.

The Assistant Minister for Local Government (Mr. Hashim): Mr. Speaker, Sir, I beg to reply.

- (a) I am aware.
- (b) I am aware that Mr. Peter Gikami Thinguri is owed Kshs94,174.55 by Kiambu County Council as his final dues and retirement benefits payable on 31st December, 1997.
- (c) Mr. Thinguri will be paid his dues as soon as the exercise of distribution of assets and liabilities between Kiambu County Council and Thika County Council is completed.

Mr. Muihia: Mr. Speaker, Sir, I have just received the written reply to the Question. In response to part (c) of

the Question, the Assistant Minister says that Mr. Thinguri will be paid as soon as the distribution of assets and liabilities between Kiambu County Council and Thika County Council is completed. I am not talking about the assets of Kiambu County Council. I am asking about the dues of Mr. Thinguri. The dues are not part of the assets. Could the Assistant Minister answer me directly as to when Mr. Thinguri will be paid the dues that were deducted from his salary?

Mr. Hashim: Mr. Speaker, Sir, dues are part of liabilities. Mr. Thinguri was working with Kiambu County Council, which was split in 1995. He was paid a total of Kshs62,491, after which he was absorbed by Thika County Council. We are now conducting the exercise of distributing the assets and liabilities between the two local authorities. As soon as that exercise is completed, he will be paid his dues.

Mr. Muiruri: Mr. Speaker, Sir, the Assistant Minister admits that Mr. Thinguri is owed about Kshs94,000 by Kiambu County Council. He was supposed to be paid that money in 1995. So, we are talking about seven years during which Mr. Thinguri has been waiting to be paid his dues. Even the Assistant Minister admits that the money is owed to Mr. Thinguri who, for many years, worked for Kiambu County Council. What justification is there in somebody waiting in vain for seven years to be paid his dues? The Assistant Minister now says that some things are still being worked out. What is being worked out? Could the Assistant Minister put himself in the shoes of this person and pay him his dues? Is this the way the Ministry and the Assistant Minister are supposed to treat people? Is this fair? Is what he has given an answer? Does this indicate failure on the part of this Ministry or the county council? Could the Assistant Minister tell us exactly when this money will be paid to Mr. Thinguri?

Mr. Hashim: Mr. Speaker, Sir, the creation of Thika County Council is a different issue, because it was a creation of the former Murang'a and part of Kiambu. But with regard to the question raised by the hon. Member, Mr. Thinguri will be paid his dues by August, as soon as we finish the exercise which we are conducting. He will be paid his money not later than December.

Mr. Speaker: Could the Assistant Minister help the House by explaining whether Kiambu and Thika County Councils are dividing money or other assets?

Mr. Hashim: Mr. Speaker, Sir, the distribution of assets and liabilities will also cover salaries owed to workers.

Mr. Muite: Mr. Speaker, Sir, could the Assistant Minister clarify to this House whether it is Kiambu County Council or Thika County Council which is going to pay these dues, or whether this particular liability will be divided between the two districts? If so, in what proportion and does it take you more than seven years to do that simple exercise?

Mr. Hashim: Mr. Speaker, Sir, it is Kiambu County Council which is going to pay because Thika County Council has already paid a total of Kshs62,401.

Mr. Muithia: Mr. Speaker, Sir, this is a problem that has dragged on for the last seven years, and does not only involve this particular officer. The Assistant Minister is not being honest in his explanation over the distribution of liabilities and assets. These are dues from benefits that are deducted from one's salary. How would the division of assets and liabilities be included in payments belonging to somebody who has been deducted that money?

Mr. Hashim: Mr. Speaker, Sir, I said clearly here that what was owed to Mr. Thinguri was to be paid by the Thika County Council. But after the split, he was absorbed by the Kiambu County Council. As soon as we finish the exercise, he is going to be paid his dues.

Mr. Muithia: On a point of order, Mr. Speaker, Sir. The Assistant Minister is misleading the House by saying that Mr. Thinguri was absorbed by the Kiambu County Council whereas he was absorbed by the Thika County Council. When he retired, the Thika County Council was supposed to pay his dues. Kiambu County Council had employed him before he went to Thika County Council.

Mr. Speaker: Order, Members! I think I have said before, that these mundane administrative issues like paying dues should be done as a matter of course rather than taking the time of the House. Maybe the Assistant Minister could consider that. Could you respond to what he has asked?

Mr. Hashim: Mr. Speaker, Sir, I promise to take up the issue. By October this year, we will have paid him the money.

Mr. Speaker: Next Question!

Question No.128

SETTLEMENT OF COAST SQUATTERS

Mr. Mwakiringo, on behalf of **Mr. Maitha**, asked the Minister for Lands and Settlement:-

- (a) whether he is aware that despite adoption of a Motion to settle the squatters in Coast Province, no settlement has been done so far; and,
- (b) if he could, as a matter of urgency, settle the said squatters.

Mr. Speaker: Where is the Minister for Lands and Settlement? If he is not in, we shall come back to that Question later on!

Next Question!

Question No.326

LAND REGISTRATION IN COAST PROVINCE

Mr. Kombe asked the Minister for Lands and Settlement what plans he has to facilitate land registration in Coast Province.

Mr. Speaker: Do I really have to bother again asking for the Minister for Lands and Settlement? We shall come back to that Question later on!

For the second round, Question No.373!

Question No.373

RESETTLEMENT OF THESSALIA CLASH VICTIMS

Mr. Speaker: I am informed Mr. Sungu had sought the Question to be deferred to next week!

Next Question, for the second time!

Mr. Murungi: Mr. Speaker, Sir, I beg to apologise for coming late.

Question No.434

GOLDEN HANDSHAKE FOR REGISTRATION
BUREAU RETRENCHÉES

Mr. Murungi asked the Minister of State, Office of the President:-

- (a) whether he is aware that all the retrenchees who were working for the National Registration Bureau in Meru Central District have not been paid the balance of the Golden Handshake of Kshs200,000 each;
- (b) whether he is also aware that the said Bureau deducted NSSF dues from the said retrenchees from 1996 to 2000, but did not remit the same to the NSSF; and,
- (c) what urgent steps he is taking to ensure that the balance of the Golden Handshake is paid to the said retrenchees forthwith and that the Bureau remits the dues to NSSF to facilitate payment of the dues.

The Minister of State, Office of the President (Mr. ole Ntimama): Mr. Speaker, Sir, I beg to reply.

(a) The retrenchees were paid their dues by Government as far as our Ministry is concerned. I think the hon. Member has got his figures wrong because this is how it all goes:-

What is paid to these retrenchees includes: A flat-rate golden handshake of Kshs40,000; severance allowance of 2.5 months' basic salary for every completed year of service; two months basic salary in lieu of notice; compensation gratuity for staff employed prior to 1st April, 1966, for male employees, and 1st July, 1977 for female employees; a flat-rate golden handshake of Kshs40,000; two months basic salary in lieu of notice and normal and additional pension. I would like to clarify that the approved golden handshake was Kshs40,000 and not Kshs240,000 as alleged. In this connection, as at 14th May, 2001 a total of 50 National Registration Bureau employees in Meru Central who were retired under the abolition and reorganization of office had been paid a total of Kshs4,400,501 as a safety-net benefit which comprises the golden handshake of Kshs40,000 and the others.

(b) According to the NSSF Act, the National Social Security Fund will only process the National Social Security Fund dues to non-pensionable employees on attaining the age of 50 years or more. If the employee was not non-pensionable, then his contribution will probably not have been deducted.

(c) I have given a long list in respect of parts "a" and "b" of the Question. It is now very clear that there is no balance of the golden handshake to be paid to the retirees.

Mr. Murungi: Mr. Speaker, Sir, the long answer given by the Minister has avoided this issue. The

employees of the National Registration Bureau in Meru Central District have been treated in a very shabby manner by this Government, and they are currently living in abject poverty. Our information is that, at the time they were being retrenched, the Government gave them Kshs40,000, and they were told that the Government was expecting a further Kshs200,000 from donors, specifically the British. And once that money came in, they would be paid another Kshs200,000. I know all the retrenchees in this country are waiting for more money. Could the Minister tell us whether this Kshs200,000 which was expected from the British is coming or not, so that the retrenchees do not continue waiting for money that is not theirs? Is the money there or not?

Mr. ole Ntimama: Mr. Speaker, Sir, I do not have the information the hon. Member has given.

Mr. Ndicho: Mr. Speaker, Sir, the Government had a programme to retrench people and then give them their dues so that they could retire and do some businesses. Ever since these people were retrenched, they have not been paid anything. In many Government offices, services are not being delivered because those who were giving these services were retrenched. They were not paid their dues and there are no services. May I request this Government to consider reinstating these people back to employment so that they can continue earning their salaries up to their retirement age? They are now at home with neither money nor work. Could the Government reinstate them back to the Civil Service until they attain their retirement age?

Mr. ole Ntimama: Mr. Speaker, Sir, the point I want to explain is that, normally, the Directorate of Personnel Management facilitates the retrenchment and the necessary documentation for the officers. But the real work is done in the parent Ministry. If there are complaints from people from Mr. Murungi's area, they will be advised to go to their parent Ministries to find out whether anything has been paid or not. That is where, probably, they will get the right documentation. As far as I am concerned, I do not have the power to reinstate retrenchees to their former jobs.

Mr. Speaker: As a matter of interest, Mr. Minister, under what Ministry does the National Registration Bureau fall? I thought it fell under the Office of the President.

Mr. ole Ntimama: Mr. Speaker, Sir, I just mentioned that indirectly. The National Registration Bureau falls under the Office of the President. I just wanted to explain the natural process.

Mr. Muite: Mr. Speaker, Sir, you have heard Mr. ole Ntimama, who is usually very eloquent. But when he was answering Mr. Murungi's question about the Kshs200,000, you heard him stammering for the first time. Could the Minister tell this House truthfully, if the only amount of money the Government is paying to retrenchees is Kshs40,000, and that he does not expect an additional Kshs200,000 from the donors? Is that the position?

Mr. ole Ntimama: Mr. Speaker, Sir, the retrenchment exercise is still going on. The hon. Member has said that our development partners are part of the whole exercise. I am not in a position to divulge the details of any agreement signed by the Kenya Government with our development partners. But there could be a possibility that there have been talks about the Kshs200,000. But I am not really specific about it.

Mr. Anyona: Mr. Speaker, Sir, are you satisfied that the Minister is not taking the House for a ride? He has implied that he has relevant information and he has said he is not ready to divulge it to the National Assembly of this Republic. Under what provision would he do that?

Mr. Speaker: Mr. Minister, is it a secret?

Mr. ole Ntimama: Mr. Speaker, Sir, it is not a secret, but it has not yet been finalised.

Dr. Kulundu: Mr. Speaker, Sir, when the retrenchment exercise started nearly eight years ago, retrenchees were being given Kshs120,000 as golden handshake. What rationale would the Minister give this House for giving retrenchees Kshs40,000, now that the economic situation is considerably worse than it was eight years ago?

Mr. ole Ntimama: Mr. Speaker, Sir, that is the official figure.

(Laughter)

Mr. Murungi: Mr. Speaker, Sir, obviously, the Minister is not in a position to help Kenyans who are really suffering as a result of this very harsh decision.

Could the Minister answer this question in relation to part "b" of the Question. The retirees of the National Registration Bureau had the National Social Security Fund (NSSF) dues deducted from their salaries, but they were not paid to the NSSF. Could the Minister explain - this matter lies within his Ministry - what happened to that money? The money is not with the former employees and is not with the NSSF. Where is the money? Can it be returned to the former employees?

Mr. ole Ntimama: Mr. Speaker, Sir, I have got this for the hon. Member to listen to very carefully:

All non-pensionable members in the Public Service are required to register with the NSSF, which allocates NSSF's numbers to facilitate NSSF deductions from the Ministry's or Department's payroll. In the event that an officer fails to register with the NSSF, the deductions will not be effected on the payroll by the employer. Therefore, the

officer will not be eligible for NSSF dues upon retirement, since he will not have been a contributor.

According to the personnel records maintained by the Office of the President, it has been established that only 43 out of the 50 officers who retired under the abolition or re-organisation of the office of the National Registration Bureau in Meru Central District were not registered members of the NSSF.

Therefore, no deductions for the NSSF contributions were made. However, for the remaining seven retired officers who registered with the NSSF, their dues were deducted and remitted to the NSSF. These officers should, therefore, be advised to check with the NSSF for statements of accounts, and if their deductions are not effected, they should consult the Office of the President for rectification. According to the NSSF Act, the Fund will only process and pay NSSF dues to non-pensionable employees on attaining the age of 55 years.

Mr. Murungi: Mr. Speaker, Sir, the Minister is reading out an irrelevant statement. The retrenchees who came to see me are people whose NSSF dues were deducted from their salaries, but the dues were not paid to the NSSF. Could the Minister explain why this was not done and what happened to that money?

Mr. ole Ntimama: Mr. Speaker, Sir, if that is the truth, then the concerned retrenchees should come to us directly because we feel that the money might have been paid, unless they were pensionable employees or they were not registered with the NSSF.

Question No.249

COMPENSATION FUND FOR POLICY HOLDERS

Mr. Muchiri, on behalf of **Mr. Kariuki**, asked the Minister for Finance:-

- (a) whether he is aware that whereas there are statutory provisions for compensation funds to cater for investors on the capital market as well as for bank depositors, there is no comparable compensation fund to cover insurance policy holders in case of unforeseen occurrences; and,
(b) what he is doing to seal this loophole.

Mr. Speaker: Is anyone here from the Ministry of Finance? There is no one, so I will defer the Question.

Mr. Muchiri: Mr. Speaker, Sir, why is the Minister for Finance not here?

Mr. Speaker: Where is the hon. Questioner?

Mr. Muchiri: Mr. Speaker, Sir, the hon. Questioner gave me authority to ask the Question.

Mr. Speaker: Well, the Minister is not there. I think it is convenient even for Mr. Kariuki. So, I defer the Question.

(Question deferred)

Dr. Kulundu's Question for the second time!

Question No.407

EXODUS OF MEDICAL PERSONNEL

Dr. Kulundu asked the Minister for Medical Services what plans the Ministry has to stem the mass exodus of medical personnel from the public service.

The Minister for Medical Services (Mr. Mohamed): Mr. Speaker, Sir, I beg to apologise for coming late. Mr. Speaker, Sir, I beg to reply.

The Ministry is aware of the mass exodus of medical personnel. Currently, the Ministry is looking into ways and means of stemming the exodus of medical personnel from the public service.

Dr. Kulundu: Mr. Speaker, Sir, some of the answers we get from the Ministry of Health can be very ridiculous. The medical personnel in this country offer essential services. Time and again in this House, this Minister has been asked why there are no doctors and nurses in various hospitals. Medical personnel are the most poorly paid civil servants, not only in Kenya, but, maybe, in the entire Africa.

When the Minister says the Ministry is looking into ways and means of stemming the exodus, what am I supposed to do? Could the Minister tell us the concrete steps that his Ministry has taken to address this very big problem in this country?

Mr. Mohamed: Mr. Speaker, Sir, what is wrong with the hon. Member? I do not understand why he wants to fight! Could he ask a proper question?

Mr. Nyanja: Mr. Speaker, Sir, the importance of our medical personnel cannot be over-emphasised. We know that a healthy nation is a progressive nation. We do not even want the Minister to tell us what they are trying to do. But we want to know, as a National Assembly, what concrete plans they have for our people. If they have not planned anything for our people, he should say so and we shall know what to do!

(Applause)

Mr. Mohamed: Mr. Speaker, Sir, the Ministry has plans to increase the salaries of the medical personnel in this country.

Mr. Ndicho: On a point of order, Mr. Speaker, Sir. Would I be in order to request the Chair to intervene in this matter? This is a very important Question! This country is training medical personnel for other countries. The people who graduate from medical schools in this country are going to countries in Southern Africa while others migrate to Europe. The Minister is playing around here when our people are dying of simple diseases because of lack of qualified medical officers to treat them! Is he in order to play about with this Question and deliberately refuse to answer it? Could the Chair, please, intervene?

Mr. Speaker: Mr. Minister, there is no doubt that you are probably looking for ways and means of retaining these personnel. What the House wants to know is, what are these ways and means?

Mr. Mohamed: Mr. Speaker, Sir, I agree with the hon. Member that our medical personnel are leaving the public service in large numbers, and that is not a secret; it is a fact. Even Dr. Kulundu is a former officer of the Ministry. We cleared him to go and contest a parliamentary seat. There is nothing wrong when people leave for greener pastures! What the Ministry is trying to do is to improve the terms of service for the medical personnel. We are working on that, and we are still at the preliminary stages. So, I cannot tell exactly how much money they are going to get.

(Applause)

Mr. Gatabaki: Mr. Speaker, Sir, is the Government fully conscious that provision of medical services is tops among any other services? Is the Minister aware that Kenyans are spending colossal amounts of money to seek medical services elsewhere because of the lack of medical doctors in this country?

Mr. Mohamed: Mr. Speaker, Sir, I am aware that the provision of medical services is very essential, and that every Kenyan needs medical services in this country.

Dr. Kulundu: Mr. Speaker, Sir, I do not think I have got any answer from this Minister. But that notwithstanding, the Minister may be aware - and if he does not know, let me tell him - that not too long ago, the legal fraternity in this country had a similar problem. The Government went ahead and formed a Judicial Service Commission which has since enhanced the earnings of legal officers in the Public Service. Does the Ministry have any plan to set up a Medical Service Commission to address the plight of medical personnel?

Mr. Mohamed: Mr. Speaker, Sir, I am not planning to establish a Medical Service Commission. But we are consulting with the Ministry of Finance and the Directorate of Personnel Management about the terms of service for doctors, so that they can be paid properly. Recently, the umbrella body of the Medical Association came to see me and presented a memorandum of what they want. The Ministry is still studying the proposal they presented and, hopefully, something will be done. If you want us to improve the terms of service for the medical personnel, then we will need more money. Maybe, I will have to come back to the House and ask for more money. I will ask Dr. Kulundu to support that proposal.

Dr. Kulundu: On a point of order, Mr. Speaker, Sir. Is the Minister in order to imply that I have not been supporting the Ministry when, in fact, I complained that in this year's Budget, the Ministry was only allocated Kshs11.6 billion by the Government as opposed to the Kshs14 billion which they had asked for? In fact, they have a secret account of nearly Kshs2.5 billion from which they can pay the doctors adequately!

Mr. Mohamed: Mr. Speaker, Sir, Dr. Kulundu has been talking about a secret account. I am not aware of this secret account. The account of the Ministry of Health is only one and it is at the Central Bank of Kenya.

Mr. Speaker: Mr. Ndicho's Question for the second time!

Question No.302

REPAIR OF NAIROBI-THIKA ROAD

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

- (a) whether he is aware that the Nairobi-Thika Road has numerous potholes; and,
 (b) when the road will be repaired.

The Assistant Minister for Roads and Public Works (Eng. Rotich): Mr. Speaker, Sir, I am sorry that I had rushed out to pick something when the Question came up. However, I beg to reply.

- (a) I am aware that the Nairobi-Thika Road has numerous cracks and not potholes.
 (b) The cracks will be repaired during this financial year.

Mr. Ndicho: On a point of order, Mr. Speaker, Sir. What the Assistant Minister has just told the House is not what is stated in the written reply. In this reply, he has said: "I am not aware that Nairobi-Thika Road has numerous potholes." He then said he is aware of "some other things". Could the Chair intervene and ask him whether we should go by this answer or the one he has read out?

Mr. Speaker: Well, the Chair normally does not know what you have. What the Chair knows is what is said on the Floor of the House. Maybe, what you should be worried about is the difference between a "pothole" and a "crack"!

Mr. Ndicho: Mr. Speaker, Sir, I think I am qualified to know the difference. I know that the Speaker uses this road when he is going to his rural home and he knows that there are potholes and not cracks!

Mr. Speaker: Mr. Ndicho, I have not doubted your ability to know. I was just suggesting to you whether you could ask him the difference, for the driving public!

Mr. Ndicho: Mr. Speaker, Sir, people out there ask what the Chair is doing about some of the answers given by Ministers in this House because they are very embarrassing both to the Government and to the House! Right now, anybody driving along the Nairobi-Thika Road knows that it is a nightmare and the Assistant Minister has said here casually, that the Ministry is doing its routine maintenance. Could he tell us how much money he has set aside during this financial year to repair the potholes? I do not want to know about the cracks because we have none on that road. We have got potholes!

Mr. Speaker: Mr. Assistant Minister, what is the difference between cracks and potholes, as you answer his question?

Dr. Omamo: On a point of information, Mr. Speaker, Sir. I would like to inform the Assistant Minister the difference between a crack and a pothole. A "pothole" is a crack on the road where a pot can be placed.

(Laughter)

When the crack is big enough to accommodate a pot, or when it is round enough to help a pot to settle, both qualify to be called "potholes".

Eng. Rotich: Mr. Speaker, Sir, I think the word "pothole" has been defined by my friend. What I saw on the road are cracks and we will seal them to stop the water from seeping to the base and the surface of the road, during this financial year.

Mr. Keriri: Mr. Speaker, Sir, I am sure the Assistant Minister knows that one of the problems about our roads is that cracks are not sealed in time and, therefore, they develop into potholes. That is the problem all over the country. Could the Assistant Minister tell us why he had to wait for a long time for these cracks to develop into what they are today? This is because they are no longer cracks because we drive on that road every Friday and Monday. These are potholes. Could the Assistant Minister tell us why he had to wait for long to repair these cracks in order for them not to develop into potholes?

Eng. Rotich: Mr. Speaker, Sir, the problem has been lack of funds to seal these cracks at the right time. Usually, we should reseal or recarpet this road after every five years, but the resources are not available. It is true that when a crack develops and water penetrates to the surface, a hole which can accommodate a pot develops.

Mr. Murathe: Mr. Speaker, Sir, the Assistant Minister has deliberately refused to answer Mr. Ndicho's Question. How much money has he set aside for routine maintenance of the Nairobi-Thika Road?

Eng. Rotich: Mr. Speaker, Sir, actually, we have not set aside any money, but we hope to spend about Kshs10 million this financial year.

Mrs. Ngilu: Mr. Speaker, Sir, could the Assistant Minister tell this House why there is such a big difference between some roads which have been done by the local engineers and other roads which have been done by foreign engineers? I have in mind a road between Makindu and Voi which was done recently. This road was done by China Road and Bridge Corporation. Does it mean that the Chinese have better engineers than our Kenyan engineers?

Hon. Members: It is because of corruption!

Eng. Rotich: Mr. Speaker, Sir, I do not understand what my colleague is saying. The design manual and

standards are the same, but it depends on how you apply them. It could be that she is talking about the application of the standards. The standard which is being applied on Mombasa Road by China Road and Bridge Corporation is our own design manual.

Mr. Ndicho: Mr. Speaker, Sir, I agree that when this Question was about to be asked in this House, the Ministry started to patch up the potholes along the Nairobi-Thika Road. I would like to inform the Assistant Minister that the workmanship is so poor; the people who seal the potholes just put tar on the road and do not compress it. Between Nairobi and Thika, there are about 2 million bumps. Instead of repairing the road properly, they just put tarmac and do not compress it. Could I ask the Assistant Minister to advise the people who are repairing the road that once they seal the pothole, they should compress it so that it is smooth and almost the same level with that of the road to avoid a bumpy road? Could he assure this House that he will advise the people who are sealing the potholes to do it properly? After all, he is spending Kshs10 million on the exercise.

Eng. Rotich: Mr. Speaker, Sir, the people who repair the road are trained. They may not do the right thing, but they know what they are supposed to do. I intend to go there and see what they are doing. But I would like to state that these people are trained, know what they are supposed to do and the quantity of tarmac that should be put on a pothole. These people have a roller and trolleys, and they are supposed to compress it to the same level of the road. But I undertake to go there and ensure that the repair work is done properly.

Mr. Speaker: Very well! Mr. Maitha' Question for the second time!

Question No.128

SETTLEMENT OF COAST SQUATTERS

Mr. Mwakiringo, on behalf of **Mr. Maitha**, asked the Minister for Lands and Settlement:-

(a) whether he is aware that despite adoption of a Motion to settle the squatters in Coast Province, no settlement has been done so far; and,

(b) whether he could, as a matter of urgency, settle the said squatters.

The Minister for Lands and Settlement (Mr. J. Nyagah): Mr. Speaker, Sir, first of all, I would like to apologise for not being in the House when the Question was asked the first time.

I beg to reply.

I am aware that a Motion was passed in this House to settle the landless squatters in Coast Province. These are squatters who live on Government land, those who live on land owned by absentee landlords and they pay rent, and those who live on other people's land.

Mr. Mwakiringo: Mr. Speaker, Sir, how many schemes have been completed so far, and how many people have been settled on these schemes? How many schemes have not been completed, and what is the targeted number of people?

Mr. J. Nyagah: Mr. Speaker, Sir, since the Government directed my Ministry in 1996 to start settling people, particularly on squatter settlement schemes, today, we have settled 17,0266 squatters in the various schemes which we have in Coast Province. For example, in Malindi, we have about ten such programmes going on. Some schemes have been completed, while others are halfway complete. In Kilifi, we have five such schemes; Kwale - 15 schemes, and Mombasa - 10 schemes, including the scheme where Mr. Maitha comes from. In Taita, we have just started a programme that involves three schemes.

Thank you, Mr. Speaker, Sir.

Mr. Kombe: I believe the Motion being referred to here by Mr. Maitha is the one that was passed by this House in 1976. A Select Committee was formed to look into the problems of squatters in the Coast Province. In 1978, the Select Committee made some recommendations. To date, the Ministry has not implemented even one of those recommendations. Could the Minister tell us what plans he has to implement these recommendations that were made in 1976?

Mr. J. Nyagah: Mr. Speaker, Sir, it is not fair to say that we have not done so when I have clearly indicated that since 1996, we have resolved the problems of 17,266 squatters. I would be the first to admit that we have a very serious problem at the Coast in so far as squatters are concerned. We have a programme of settling those squatters in the three categories that I mentioned earlier. It is not fair to say we have done nothing. In fact, for next year's budget, we have even put more money because we recognise the need to settle more people. In the case of Mr. Maitha, I have personally presented letters of allotment to projects in his constituency.

Mr. Kihoro: Thank you, Mr. Speaker, Sir. I thank the Minister for admitting that there is a very serious problem of squatters at the Coast. Out of a population of 2.3 million, there are 1.5 million squatters. This is a long-

standing problem where Europeans, Arabs and Indian absentee landlords continue making our people squatters on their own land. In light of what has been said by Mr. Kombe, that there are people who have acquired land through advanced possession and also squatters living on Government land, could the Government come up with a radical programme to issue title deeds to these squatters, to ensure that people at the Coast are settled?

Mr. J. Nyagah: Mr. Speaker, Sir, in the case of people who are squatters on Government land, there is programme to accommodate them and issuing letters of allotment. In all public functions we have held, we have urged them to convert their letters of allotment into proper title deeds; that is, with respect to squatters living on Government land. My hands are tied when somebody else owns land. For example, if the land is owned by somebody from Nairobi and he has a title deed, that is a different issue. I would be contravening Section 75 of the Constitution of Kenya if I attempted to give title deeds to those squatters living on that land which is owned by a man who lives upcountry. In the case of absentee landlords who live in Yemen or Dubai or Muscat or elsewhere, they are still legally the owners. One of the areas we have asked the Commission that is headed by Mr. Charles Njonjo to look into is specifically this problem. If you recall, the first place they visited and spent a lot of time was the Coast because we want to figure out a way of addressing this problem. But our hands are tied by the Constitution that we inherited.

Mr. Anyona: On a point of order, Mr. Speaker, Sir. The Minister has invoked a section of the Constitution to mislead the House. Section 75 of the Constitution allows the Government to acquire private property on condition that they compensate for it. Could they set aside money to acquire that land and give it to the squatters? Is he in order to do that?

Mr. Speaker: Well, you ended up asking a supplementary question.

Mr. Mwakiringo: Mr. Speaker, Sir, the Minister avoided a pertinent question where I asked him: "What was the targeted number of squatters to be settled?" However, the problem of squatters will never end in the Coast Province because the Ministry officials demand 10 per cent of the total land to be distributed to the squatters. Could the Minister deny or confirm it, because that has happened in Lake Jipe in Taveta and Mwachabo in Mwatate where his Ministry officials said that they have squatters in the headquarters who need to be settled on that land?

Mr. J. Nyagah: Mr. Speaker, Sir, I deny it.

Mr. Speaker: For the second time, Mr. Kombe!

Question No.326

LAND REGISTRATION IN COAST PROVINCE

Mr. Kombe asked the Minister for Lands and Settlement what plans he has to facilitate land registration in Coast Province.

(Mr. J. Nyagah stood up in his place)

The Assistant Minister for Lands and Settlement (Mr. Sudi): Mr. Speaker, Sir, I wish to request that this Question be deferred until next week.

Hon. Members: Why?

Mr. Speaker: Which Question? What is your response, Mr. Kombe?

Mr. Kombe: Let him give his reasons.

Mr. Munyasia: On a point of order, Mr. Speaker, Sir. Would I be in order to ask this Assistant Minister, first, to apologise for coming late if he was the one supposed to answer that Question? It is the second time it is being asked and we are just being told by the Assistant Minister that he wants more time. Could he, first, apologise to the House for coming late?

The Assistant Minister for Lands and Settlement (Mr. Sudi): Thank you, Mr. Speaker, Sir. I wish to apologise for coming late. I request that this Question be deferred to next week because we are not ready.

Mr. Speaker: Mr. Kombe, what is your reaction?

Mr. Kombe: Mr. Speaker, Sir, I have not heard his reasons. I have the written answer, I can give it to him to read.

Mr. Muya: On a point of order, Mr. Speaker, Sir. You probably did not notice that when the Question was asked by Mr. Kombe, the substantive Minister for Lands and Settlement was on his feet to answer it before the Assistant Minister stood up. There is already a written answer in this House. Is it not the practice that Assistant Ministers only deputise when the Ministers are not here? But the Minister already has a written answer to the Question and he was on his feet.

Mr. Speaker: Order! Order! We want to get to the bottom of this issue. Is Mr. J. Nyagah or Mr. Sudi ready to answer this Question?

The Minister for Lands and Settlement (Mr. J. Nyagah): Mr. Speaker, Sir, when the Ministry was mentioned, I stood up automatically because I love it. Mr. Sudi was going to answer this Question, but I am also aware that having looked at the answer, he is not happy with it. So, he wanted to be given more time.

Mr. Speaker: Very well! I will defer it to next week.

(Question deferred)

QUESTIONS BY PRIVATE NOTICE

ARREST OF MACHAKOS RESIDENTS

Mr. Kikuyu: Mr. Speaker, Sir, I beg to ask the Minister of State, Office of the President the following Question by Private Notice.

(a) Why were the homes of Machakos residents raided and people arrested, beaten and locked up by police on the night of 18th May, 2001?

(b) Who was responsible for this and what action has the Minister taken against the officers involved?

(c) Could the Minister assure the House that such incidents will not recur?

The Minister of State, Office of the President (Maj. Madoka): Mr. Speaker, Sir, I beg to reply.

(a) I am aware that on 18th May, 2001, police officers conducted a security operation in Machakos Town with a view to arresting lawbreakers and some petty criminals. 115 suspects were arrested and were all subsequently charged in court. Nobody has so far complained that he or she was assaulted by the police during or after the arrest.

(b) The Machakos District Security Committee decided that this operation should be conducted because there were complaints of mugging in the late hours and that there were many aliens in the town.

(c) Security operations will continue to be mounted when the need does arise.

Mr. Kikuyu: Mr. Speaker, Sir, according to the written answer I have, the Minister says that this security operation was conducted because of people drinking during night hours. The operation was conducted at 8.30 p.m. and commandeered by Machakos OCPD and not the OCS. The operation was conducted in all houses in Machakos Town except two hotels owned by Minister Ndambuki. Could he tell us whether Major General Munyao, who was his boss in the army is a thug to be paraded and told to kneel down for four hours? Could he also tell us whether the proprietors of Ikuine Hotel Limited, which is a three-star hotel, and also Chama Hotel, are thugs? Why were women raped? Why was money stolen from the customers if this was a security operation?

Maj. Madoka: Mr. Speaker, Sir, as I said, the operation was ordered by the security committee because of the suspected criminals and the complains received from the town dwellers. About the specific incident that he is talking about of those individuals, I would really have to find out whether they were treated that way or not.

Mr. Speaker: Very well. I will defer the Question so that you find out what happened. I would also encourage Mr. Kikuyu to give you as much information as possible. Therefore, the Question is deferred to next week.

(Question deferred)

CLOSURE OF SECONDARY SCHOOLS

Mr. Gatabaki: Mr. Speaker, Sir, I beg to ask the minister for Education the following Question by Private Notice.

(a) Is the Minister aware that many secondary schools in Githunguri Constituency among them St. Joseph's Githunguri High School, Kambui Girls' Secondary School, Komothai Girls' Secondary School, Komothai Boys' Secondary School, Makuyu Secondary School, Jeremiah Kiereini Secondary School and others all over the country, including Alliance Girls' High School in Kikuyu, have recently been closed down following an unprecedented wave of students unrest?

(b) Is he further aware that considerable damages to the properties of the schools have been inflicted including injuries to students, teachers and even members of the public by rioting students?

(c) What are the causes of the unprecedented unrest and violence in those schools?

(d) What immediate measures has the Government taken to ensure normalization of relations in all the schools in Githunguri in particular, and the rest of the country in general?

The Minister for Education (Mr. Kosgey): Mr. Speaker, Sir, I beg to reply.

(a) Yes, I am aware the mentioned schools have recently been closed down due to students unrest.

(b) I am also aware that in some cases, there were damages to school properties and injuries to students and teachers by the rioting students, but not members of the public.

(c) The causes of the unrest are numerous; this includes poor institutional management, poor leadership, changing societal norms and drug abuse among students, among others.

(d) The Ministry has formed a national task force chaired by the Director of Education and also provincial committees headed by the Provincial Directors of Education. These committees are charged with the responsibility of finding solutions, discussing with various stakeholders, including teachers, parents, religious leaders, sponsors, Boards of Governors and school administrators, among others, with a view to drawing a last solution to this problem.

Mr. Gatabaki: Mr. Speaker, Sir, every constituency in this country is affected in one way or other by strikes and riots in schools. If we were in another country, the Minister and the Permanent Secretary who told the nation that he does not lose sleep because of strikes in schools, would have been fired by the President in the public interest. However, we are in Kenya and ruled by the KANU Government. We have seen commissions after commissions and task forces after task forces set up by the President and the Minister to look into the causes of students unrest. This Minister has come up with three reasons why there are riots in our schools. Could he tell the country why over 30,000 students are on strike? What will the Government do to make sure that there is an effective policy of returning peace to schools rather than setting task forces? What action will they take against the Permanent Secretary who says he cannot miss sleep when 30,000 students are on strike?

Mr. Kosgey: Mr. Speaker, Sir, I have already answered that question. I said we have set up consultative committees to consult with stakeholders, with a view to finding solutions to some of the problems which I have already stated as causes of school unrest.

Mr. Munyasia: Mr. Speaker, Sir, is the Minister aware that the main reason why the students are abetting violence is that, they have attempted several times to establish dialogue with the administration without success? Could he consider institutionalising avenues for dialogue between the students and the school administration? For instance, could he consider establishing school counsel elected by students themselves?

Mr. Kosgey: Mr. Speaker, Sir, I am aware that one of the causes of the unrest in school is lack of communications in schools, particularly by the headteachers. We are considering as one solution, what the hon. Member has suggested.

Dr. Murungaru: Mr. Speaker, Sir, early this week, the President of this country toured Gatundu Constituency in Thika District. Among the many public pronouncements that he made, was that one of the causes of unrest in schools was because students in those secondary schools are propagating civil disobedience along the line of the politics of the Opposition. That was an extremely inciting statement. I would wish to know from the Minister if that is Government policy, or it was merely an inciting political statement.

Mr. Kosgey: Mr. Speaker, Sir, I said in my answer that one of the reasons for the unrest in schools is changes in societal norms. That includes what the hon. Member has just referred to.

Mr. Muite: Mr. Speaker, Sir, is the Minister prepared to stand in this House and assuage public outrage by apologising to the Kenyan public for the extremely insensitive statements made by his Permanent Secretary? Could he apologise to the nation?

Mr. Kosgey: Mr. Speaker, Sir, I think I have answered that question elsewhere. When I was confronted by the Press in my office, I checked with the Permanent Secretary and he said he was misquoted.

Mr. Speaker: Order! By the way, Mr. Minister, this House does not read newspapers. I think, in fact, on matters as serious as students unrest or any other matter of national importance, I have asked Ministers to use the Floor of the House to communicate to the nation and to hon. Members.

Mr. Kosgey: Mr. Speaker, Sir, I agree with you entirely. It was only because it was a repetitive question--- We take the current students unrest quite seriously as a Ministry and as a Government. We are doing everything possible to stem the unrest in our schools. When the Permanent Secretary was asked about the students unrest, it was alleged that he said he does not lose any sleep. When I confronted him with the same question, he told me that he was misquoted. Therefore, I can quite categorically tell the House that he was misquoted.

Mr. Gatabaki: Mr. Speaker, Sir, thank you for your concern. When the concern comes from the Chair, that is the seriousness the nation takes from a Question like this. When Alliance Girls' High School, the pinnacle of our education system and where the President has shown enormous amount of love for those girls goes on strike, then something must be very serious, indeed. I am sorry that the President has not issued a statement concerning the unrest in that school. However, I am happy that the Minister mentioned drug abuse as one of the causes of the unrest in our schools. It is common knowledge that around Mt. Kenya and Abedares forests, there is mass deforestation for the

purposes of planting drugs to poison central Kenyan schools. This is a well known fact. Half a number of students who go on strike are from Central Province. I do not know why this Government hates Central Province. However, the ball is on your court Mr. Minister, to tell Kenyans and hon. Members what immediate measures the task force you set up will implement to return peace to our schools? Could you also recommend to the President to sack the Permanent Secretary because he is not worthy holding that post, if he cannot lose sleep when 30,000 students have gone on strike.

Mr. Kosgey: Mr. Speaker, Sir, I did say at the onset that we take the current student unrest quite seriously, and it is true that many schools have had unrest and more than half of them are from Central Province. In fact, all put together, 46 schools from Central Province have had all sorts of disturbances. I am glad to report that girls of Alliance Girls High School are now back to school and everything is running normally. The reason for the school's unrest was due to communication problems and some misunderstandings which have been sorted out by the school's Board of Governors.

I have to say that the Government loves its people equally. Indeed, it loves the people of Central Province.

Dr. Omamo: On a point of information, Mr. Speaker, Sir.

Mr. Speaker: Mr. Minister, would you like to have some information?

The Minister for Education (Mr. Kosgey): Mr. Speaker, Sir, since "Kaliech" is known for cracking jokes, he may cheer the House a little bit.

Dr. Omamo: Mr. Speaker, Sir, I would like to give the Minister information, which could help him.

Mr. Speaker, Sir, when a football team loses the first match, loses another match and another one, and it ends up losing everywhere. Likewise, our secondary students are now going on strike. Indeed, students of some of the best schools are going on strike. If it was the case of football, Mr. Minister, you would not deal with the players. Indeed, you would deal with the coach.

(Laughter)

Mr. Speaker, Sir, may I then suggest to the Minister not to deal too much with the striking students. Let him look for the "coach" and change the "coach"!

Mr. Kosgey: You can see why I accepted that point of information; it has cheered up the House a little bit. We will look for the "coach". It is interesting to know that some of the unrest has occurred when students have returned from a football match and those who have lost have rioted. Those who have won the matches have also rioted in some cases.

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

Mr. Speaker: Mr. Anyona, look at the clock; we must make progress!

Mr. Anyona: It is a serious point of order, Mr. Speaker, Sir. But I can ask my Question.

Mr. Speaker: Ask your Question!

ASSISTANCE TO YOUTH POLYTECHNICS

Mr. Anyona: Mr. Speaker, Sir, I beg to ask the Minister for Vocational Training the following Question by Private Notice.

(a) Is the Minister aware that Ritongo (Enchoro), Embaro, Kenyerere, Ekerubo, and Kiangende Youth Polytechnics in Kitutu Masaba are on the verge of collapse due to financial and staffing problems?

(b) What financial and staffing assistance has been given to these institutions for the years 2000 and 2001?

(c) Could the Minister revoke the transfer of the Acting Manager, Mr. Daniel Manoti, P/No.30426, and an Instructor Carren B. Nyakundi, P/No.304178, from Ritongo Youth Polytechnic and deploy more instructors to these youth polytechnics as part of the Poverty Reduction Strategy in the rural areas?

The Assistance Minister for Labour and Human Resource Development (Mr. Ethuro): Mr. Speaker, Sir, I beg to reply.

(a) I am not aware that Ritongo, Embaro, Kenyerere, Ekerubo and Kiangende Youth Polytechnics in Kitutu Masaba, are on the verge of collapse.

(b) The Government has given financial assistance to Enchoro and Kenyerere Youth Polytechnics and not the others.

(c) The question of revoking the transfer of Mr. Daniel Manoti and Instructor Carren Nyakundi from Ritongo Youth Polytechnic does not arise because they are not stationed in that particular institute.

Mr. Anyona: Mr. Speaker, Sir, could the Minister produce evidence before this House that the money that he

alleges to have been a grant that was supposed to be given to these two youth polytechnics in the two financial years was actually received? This is because I have a letter here from Kenyerere Youth Polytechnic where they say that they have never received any money at all, and I wish to table this document.

(Mr. Anyona laid the document on the Table)

Mr. Ethuro: Mr. Speaker, Sir, I do not have the evidence to support my reply because the Question is asking what financial and staffing assistance has been provided. I came with the figure. But if the hon. Member is asking for the evidence, I will find out exactly when the cheques were sent. But for his information, in the year 2000, Enchoro Polytechnic got Kshs369,000, while Kenyerere got Kshs363,709. This year, an amount of Kshs83,840 has been released to Enchoro Youth Polytechnic, while Kshs78,040 has gone to Kenyerere Youth Polytechnic, respectively.

Dr. Ochuodho: Mr. Speaker, Sir, considering the importance of the youth polytechnics towards industrialization and poverty eradication, could the Assistant Minister tell the House whether the Ministry has got a policy on youth polytechnics and if not, when do they intend to put one in place?

Mr. Ethuro: Mr. Speaker, Sir, the Ministry has a policy on youth polytechnics and this policy is scheduled to provide the basic parameters that provide supervisory and advisory roles to the polytechnics.

As part of the Government restructuring programme, most of the polytechnics were actually given under community management committees. The Ministry has been assisting these institutions with a bit of financial assistance to a limited extent. So, that is the position.

Dr. Ochuodho: On a point of order, Mr. Speaker, Sir.

Mr. Speaker: What is it?

Dr. Ochuodho: When I ask whether the Government has a policy on youth polytechnics or not, what I have in mind is whether there is any document which deals with youth polytechnics. If there is, I would like to get a copy; if there is not, let the Assistant Minister, who I know is very honest---

Mr. Speaker: Order! Order! We do not debate policy during Question Time. Last question, Mr. Anyona!

Mr. Anyona: Mr. Speaker, Sir, first of all, the figures that the Assistant Minister has read out are actually in the written reply. I have said that any money has not been received by either of the two youth polytechnics. I am demanding evidence before this House to show that the money has been received or has been sent to those youth polytechnic. This is because the management of the youth polytechnic which I have mentioned believes that this money was diverted to somewhere else. So, I want that evidence.

Mr. Speaker, Sir, we cannot have youth polytechnics existing in a vacuum! Here are five youth polytechnics and the Assistant Ministers says that they are all under community projects. Where does the community get money from, realising that it pays tax to this Government? I want to find out if there is a policy in terms of the progression of these youth polytechnics. In that case, could the Assistant Minister consider taking over, at least, one of these youth polytechnics?

Mr. Ethuro: Mr. Speaker, Sir, as for the evidence about the money not being sent, I will get the necessary documentation for the hon. Member to verify, because if the money did not reach the polytechnics, that is a different issue. As far as we are concerned, the cheques were sent out and anything could have happened. We did not get a feedback that they did not receive the money. So, we will get the evidence in terms of the cheques.

With regard to the question whether we shall upgrade any other polytechnic, there are five polytechnics in the hon. Member's constituency and, already, two are getting financial assistance from the Ministry. I think the hon. Member should be extremely grateful that we have been more than generous to him. There are many polytechnics without any financial assistance from the Government.

Hon. Members: On a point of order, Mr. Speaker, Sir.

Mr. Speaker: Order! Sorry! I do not want to go beyond 4.00 o'clock on Question Time. The last one, Prof. Anyang'-Nyong'o!

Prof. Anyang'-Nyong'o: Mr. Speaker, Sir, is it in order for the Assistant Minister to avoid the question that Dr. Ochuodho and Mr. Anyona raised about the policy of the Government towards the polytechnics? This is because, this idea of handing in money to the community is not working. I know of a polytechnic in my own constituency where its money is just being looted. Could he explain to the House whether this policy of handing the money to the community is viable? It is very important because we are wasting public money.

Mr. Speaker: Order! It is not him who said that. I ruled that you do not deal with Questions of policy during Question Time because there is not sufficient time. Look at Standing Order No.35 in order for you to satisfy yourself on that position.

EXTENSION OF OIL PIPELINE TO KAMPALA

Dr. Ochuodho: Mr. Speaker, Sir, I beg to ask the Minister for Energy the following Question by Private Notice.

(a) Is the Minister aware that a contract to construct an oil pipeline between Eldoret and Kampala was due to be signed in July, 2001?

(b) What is the total cost of that project and who is the financier?

(c) What is the rationale for the pipeline to originate from Eldoret instead of Kisumu, despite obvious cost implications?

The Assistant Minister for Energy (Mr. Sasura): Mr. Speaker, Sir, I beg to reply.

(a) I am not aware. However, I am aware that the joint co-ordinating commission of Kenya and Uganda commissioned a consultant on 6th July, 2001, to undertake complementary study for the proposed Eldoret-Kampala Pipeline Extension Project. The complementary study will cost US\$238,366 and will include the preparation of deed documents to be issued to potential investors and financiers.

(b) The actual cost of the project will be known after the complementary study is completed. The financiers have not been identified.

(c) The proposed Kenya-Uganda Pipeline Extension is proposed to originate from Eldoret instead of Kisumu, due to the following reasons:

1. The Western Kenya Pipeline Extension feasibility study undertaken in 1998/1999 considered future extensions of pipeline beyond Kisumu and Eldoret Town. According to the results of the study, future pipeline extension from Eldoret was preferred to Kisumu due to its comparatively fewer topographical features and low population density. The physical characteristics would make it difficult to maintain stable hydraulic pressure in the pipeline. Also, it would necessitate the construction of additional pumping station and the cost of the project would, therefore, be high.

2. The Western Kenya Pipeline was designed such that 60 per cent of all oil products throughput would go through Eldoret and the balance of 40 per cent to Kisumu.

Dr. Ochuodho: Mr. Speaker, Sir, about a year ago, a similar Question was asked in the House. The answer that was given by the then Minister, Dr. Masakhalia, was that it would cost about Kshs6 billion to construct the Eldoret-Kampala Pipeline. When I visited the Ministry, I learnt through the then Minister that it would cost only Kshs3 billion if the pipeline was constructed from Kisumu to Kampala because of the distance, and if it went under water from Kisumu, it would even cost less than Kshs2 billion. Is the Assistant Minister, and the records are in our hands, saying that the answer that the previous Minister gave was false; that, they had already got costing of Kshs6 billion?

Mr. Sasura: Mr. Speaker, Sir, I am giving hon. Members the latest information that I have. We are just talking about the study that was carried out. The consultancy that was given was just a study. It is not a project itself as such. I do not know what Dr. Masakhalia had told him, but we do not have the cost of the project here. We just have Kshs19 million for the complementary study.

Dr. Ochuodho: Mr. Speaker, Sir, I think it would be in order that the Minister confirms if the answer was truly given by his counterpart. If that is the case, then, they misled this House; either him or the previous Minister. But in the event that it turned out that it will cost Kshs6 billion from Eldoret and Kshs3 billion from Kisumu, could the Assistant Minister undertake that they will consider Kisumu instead of Eldoret?

Mr. Sasura: Mr. Speaker, Sir, we engaged the consultants to assist us in identifying the best way out of that and we shall rely on the report of the consultants.

POINTS OF ORDER

MURDER OF MR. TONY NDILINGE

Mr. Muchiri: Mr. Speaker, Sir, I wish to seek a Ministerial Statement from the Minister of State, Office of the President, under what circumstances Mr. Tony Ndilinge met his death today, 2nd August, 2001, at 5.00 a.m. at Githurai, which is within Kasarani Constituency, and what action has the Kenya Government taken, including the arrest of anybody if any.

MINISTERIAL STATEMENTS

INVESTIGATIONS INTO MR. NDILINGE'S

SHOOTING CONTINUING

The Minister of State, Office of the President (Maj. Madoka): Mr. Speaker, Sir, on behalf of the Government, I wish to send heartfelt condolences to the late Ndilinge's family, his friends and colleagues in this House. I will make an interim statement of what we have been able to establish so far.

The late Mr. Ndilinge arrived at his Kimathi home at about 6.50 p.m. yesterday evening. He told his wife that he would be coming back to Parliament Buildings to meet Mr. Maundu. After that, Mr. Ndilinge went to the bathroom, and somebody rang on his mobile phone, and he identified himself. The wife told him to ring later, maybe, after Mr. Ndilinge had come out of the bathroom, but he insisted on speaking to Mr. Ndilinge. The wife took the mobile to Mr. Ndilinge while he was in the bathroom and she heard Mr. Ndilinge speak to that individual. I will not give the name here, but he did give the name. In the conversation, Mr. Ndilinge did tell the individual in their vernacular language that he would be going to town to meet him.

Mr. Speaker, Sir, after that, Mr. Ndilinge got out of the bathroom, had his supper and after that, he again told his wife that he was coming to meet Mr. Maundu. He left the home driving his Pajero around 7.45 p.m., and shortly after that, about five or ten minutes later, he called back the wife--- I believe that he was a polygamist. He did tell his wife that he heard there were many police officers and various individuals in a shopping centre. The wife asked him whether he was near that shopping centre, and he said no. Then he said that he would call the wife later. Since that time, the wife heard nothing from him.

Mr. Speaker, Sir, in the early hours of today, at about 4.30 a.m., a good citizen reported that he had seen a body being dumped out of a Pajero in the Githurai Area. The police went to the scene and were able to identify the body of Mr. Ndilinge. He had been shot from the back on the head and he had Kshs20,000 with him and nothing seems to have been robbed from him. Investigations are continuing. So far, witnesses have established, around the Githurai area, that they had seen the car dropping somebody in that area on a number of occasions. So, further investigations are continuing.

Mr. Wambua: Mr. Speaker, Sir, the statement which the Minister gave in some parts is very wrong. This is because when the police were interrogating the wife of the late Ndilinge, I was there. There was nowhere Mr. Maundu's name was mentioned. The police were told that the person whom Mr. Ndilinge was going to see was a different person, and the Minister has refused to give the name. But even if an hon. Member of Parliament was killed and found somewhere, before the police could announce his death to the media, they should have informed his or her next of kin. Why did the police call the KBC and tell them to announce the death of Mr. Ndilinge before the family was informed?

Hon. Members: Shame!

Mr. Wambua: Mr. Speaker, Sir, the other question is this: when Mr. Ndilinge was found dead, the police never knew the home of Mr. Ndilinge. They came looking for me. How could your officers have called to check for Mr. Ndilinge when he was at the site, before he was taken away? Could you tell this House why he was removed from that site before the family were informed?

The Minister of State, Office of the President (Maj. Madoka): Mr. Speaker, Sir, what I am saying is that, that is an interim report. Obviously, they should have notified the family and if they did not, I do apologise. But we will find out what exactly happened. As I said, that was an interim report. I will be able to give a detailed report when we gather more evidence.

Hon. Members: When?

Mr. Speaker: Order, hon. Members! As I said earlier today, I think my shock at the death of that Member is a shock of every Member here! I think this is the second time in one-and-half years where a bullet has visited the bodies of hon. Members of this House. One-and-half years ago, we had Mr. Shidiye and Mr. Leshore. It missed them very narrowly. But this time round, we are not very lucky. I do hope that the Minister will exercise all diligence in investigating that issue, and report to this House the quickest possible. I believe that on Wednesday, we should have something about that. I also hope that, in the meantime, the Minister will use every available opportunity and resource to ensure that we do have reasonable security for these Members and Kenyans at large.

Thank you.

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

Mr. Speaker: Order! We will not make that a debate now! Let us have one from Mr. Keriri and that is it!

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

An hon. Member: But he comes from a constituency---

Mr. Speaker: Order! Death has no constituency!

Mr. Keriri: Mr. Speaker, Sir, I think we must set records correct. We have heard two opposing views here. The Minister mentioned one hon. Member as having been mentioned by the wife. An hon. Member here has said that

he was there and that hon. Member was not mentioned by the wife! I think we want to be quite sure which is which! That is because the Minister has said that an hon. Member was mentioned by the wife. But another hon. Member has said that he was there and that Member was not mentioned! Let us have some clarity on that!

Mr. Speaker: Order! As I said, honestly and quite frankly, like every Member here, I am really sad on that issue! But I think we must also be careful not to, as it were, jump the gun, and make it impossible for a possible culprit to be netted. I think we had better exercise reasonable caution because I think the interest of this House is that the perpetrators of that heinous crime are found. Could we give him until Tuesday and then, maybe, after that time, I will allow you further opportunity to speak.

(Mr. Ndicho stood up in his place)

Order, Mr. Ndicho! If you have something that you really need to give that will help in the apprehension of the perpetrators of that heinous crime, I would encourage you even to contact the Minister quietly, for the time being. So, I will not allow any further points of order. That is the end of it.

(Several hon. Members stood up in their places)

Order, all of you!

Hon. Members: Where is Mr. Maundu?

Mr. Speaker: Hon. Members must understand this: When you ask me where Mr. Maundu is, are you apprehensive that Mr. Maundu is not alive? Do you have anything to say about that?

The Minister of State, Office of the President (Maj. Madoka): Mr. Speaker, Sir, I can confirm that Mr. Maundu is at home in his constituency and he is safe!

Mr. Speaker: Very well! Next Order!

Proceed, Mr. W.C. Morogo!

STATUS OF KENYA ROADS BOARD AND DISTRICT ROADS COMMITTEES

The Minister for Roads and Public Works (Mr. W.C. Morogo): Mr. Speaker, Sir, I beg to give the following Ministerial Statement as requested by Mr. Kiraitu Murungi last week, on the Kenya Roads Board (KRB). The KRB was established through the Kenya Roads Board Act No.7 of 1999. Its Board of Directors were gazetted on 7th July, last year, and the Board inaugurated on 20th July, last year.

Act No.7 of 1999 sets up the District Roads Committees (DRCs) as one of the executing agents of the KRB. The ruling in High Court Case No.1372 of 2000, on the 27th of February, this year, declared the DRCs unconstitutional for so long as Members of Parliament sit in them in executive capacities, and exercise executive powers. The High Court ruling did not abolish the DRCs and they are still operational. The DRCs still hold the primary responsibility of determining road maintenance priorities within their areas of operation. It is the understanding of my Ministry that Members of Parliament continue to be members of their respective DRCs, so long as they do not exercise any executive functions in those committees. I have, however, sought legal interpretation on that matter from the Attorney-General, and I am awaiting his response.

Finally, I wish to table a schedule of Road Maintenance Levy Fund disbursements to the constituencies during the year 2000/2001 by my Ministry.

Thank you.

(Mr. W.C. Morogo laid the document on the Table)

Mr. Murungi: Mr. Speaker, Sir, we are happy with the Ministerial Statement that has been released by the Minister. But, as a matter of fact, I attended one of the meetings of the Energy, Communications and Public Works Committee, which deals with roads, and the Attorney-General had been invited to attend the meeting way back in March. I do not understand why there has been such a delay by the Minister in seeking that legal opinion from the Attorney-General.

Mr. Speaker, Sir, could the Minister now clarify to the House that because the DRCs were not abolished, whenever the DRCs are called next time, Members of Parliament can attend, so long as they do not participate in any executive way?

Secondly, we had asked the Minister to give the allocations to the different DRCs, not for the last financial

year, but for the money that we voted for the Ministry this year. The statement that the Minister has given is in regard to last year. Could he also give a statement with regard to the amounts given to the various DRCs this year?

The Minister for Roads and Public Works (Mr. W.C. Morogo): Mr. Speaker, Sir, as to the first question raised, I would rather we wait for the interpretation by the Attorney-General, which will give us the powers to authorise hon. Members to sit on those committees. But, as I said, I hope that should not be a problem as far as my Ministry is concerned. Hon. Members could sit in the DRCs, but I would rather leave the legal part to the Attorney-General.

Mr. Speaker, Sir, the schedule which I have tabled relates to last year's finances, according to the HANSARD which had the request by the hon. Member. It was dated last financial year. That is why we gave the amounts for last year. In any case, we have not disbursed the money which we voted yesterday because we have not received it from the Treasury.

POINTS OF ORDER

INSECURITY IN TAVETA

Mr. Munyao: Mr. Speaker, Sir, yesterday, I requested for a Ministerial Statement concerning the serious insecurity in Taveta. A lot of insecurity, thuggery, cutting of people with pangas and other atrocities have been unleashed on the people. The Minister promised to give the statement on Tuesday. But since Tuesday is an allotted day, could he now agree to give the statement today? I understand that even as of yesterday, another person was killed in Taveta. That is a very serious matter. I am requesting the Chair to direct the Minister to give the statement right away!

Eng. Toro: Mr. Speaker, Sir, in May, I asked the Minister of State, Office of the President, to give a Ministerial Statement regarding some policemen who had hand-cuffed a couple. The police vehicle rolled and one of the ladies was seriously injured. Up to date, I have not had that Ministerial Statement. Could the Minister be directed to give the Ministerial Statement next week?

Mr. Speaker: Which Minister?

Eng. Toro: Mr. Speaker, Sir, the Minister of State, Office of the President, in charge of internal security.

Mr. Speaker: Remind me next time when he comes in.

Mr. Munyao: Mr. Speaker, Sir, my question was to the Chair and you did not hear because you were busy. I had asked for a Ministerial Statement here yesterday and the Minister had said he would give it on Tuesday. It was not as serious as it was yesterday. Somebody was killed in Taveta yesterday. Therefore, I was asking you to get the Minister to give the Statement today, because Tuesday is an Allocated Day.

Mr. Speaker: I will ask him to do that next Tuesday. By the way, Mr. Munyao, I like the way you take liberties. You just walk to the microphone and address the House as if I do not exist!

(Laughter)

Dr. Kituyi: On a point of order, Mr. Speaker, Sir. On a matter which was raised on a point of order by Prof. Anyang'-Nyong'o, you did mention that a Question cannot seek a policy statement and you referred to Standing Order No.35. Since your rulings have become part of our customs and traditions, it is a very significant matter if we cannot prosecute general policy questions. After scrutinising the provisions of Standing Order No.35, I did not notice anything wrong with asking for Government policy at Question Time.

Mr. Speaker: So, you have stood up to overrule me?

Dr. Kituyi: I stood to say that you might want to overrule yourself!

Mr. Speaker: You are overruled!

Next Order!

(Laughter)

BILL

Second Reading

THE CHILDREN'S BILL

The Assistant Minister, Office of the Vice-President and Ministry of Home Affairs, Heritage and

Sports (Mr. Osundwa): Thank you, Mr. Speaker, Sir, for giving me the opportunity to move the Children's Bill, 2001.

In keeping with the tradition and practices of the House, the relevant Departmental Committee was supposed to---

Mr. Anyona: On a point of order, Mr. Speaker, Sir. The Assistant Minister is moving a Motion that he has not moved. He has to move the Motion for the Bill to be read a Second Time.

Mr. Speaker: Order! I think we tend to miss a lot of these things because we are--- There is disorder even in the Back Benches. Mr. Clerk, could you restore order from behind?

Could you proceed?

The Assistant Minister, Office of the Vice-President and Ministry of Home Affairs, Heritage and Sports (Mr. Osundwa): Mr. Speaker, Sir, I beg to move that The Children's Bill be read a Second Time.

The tradition of the House is that the relevant Departmental Committee that dealt with this Bill was supposed to submit its report within seven days. However, because of the work backlog of the Committee, they were unable to do this and we agreed that they will submit their report later.

I might take a little bit of time because I want to explain the background of this Bill which has been anticipated by the Kenyan child, public and probably Members of Parliament who are also parents. I would, therefore, like to beg the indulgence of the House. The publication of the Children's Bill, 2001, marks the beginning of a series of law reform efforts aimed at addressing the welfare of Kenyan children. The proposed legislation is largely as a result of recommendations made by a Task Force which was appointed in 1991 to review the laws relating to the children in Kenya. The review of laws relating to children, however, started as far back as 1984, soon after the establishment of the Kenya Law Reform Commission.

The decision by the Commission to study this branch of law was in keeping with the Commission's mandate of keeping under review all laws to ensure their systematic development and reform by facilitating the integration, unification and codification of laws; the elimination of anomalies, repeal of obsolete and unnecessary enactment, and generally the simplification and modernisation of laws. It is notable that there are 66 pieces of legislation with provisions related to protection, care, rehabilitation and co-ordination of welfare services for children in Kenya. The UN General Assembly adopted the United Nations Convention on the Rights of the Child on 20th November, 1989. On 30th July, 1990, Kenya became the 20th country to deposit her instruments of ratification with the UN General Assembly, thus enabling the Convention to come to force.

The ratification of the CRC accelerated the law review process which began in 1984. It is unfortunate that children who are 17 years today could have enjoyed the protection of this legislation, but they have not since they have now gone beyond the age of 18. Parties to the Convention are under an obligation to ensure that their domestic laws give full effect to the rights provided for in this convention. These rights are divided into four broad categories namely; the right to survival, the right to protection, the right to development and the right of participation. The right to survival includes the rights to life, health and health services and an adequate standard of living which ensures child survival.

The right to protection includes protection from discrimination, child labour, all forms of abuse, economic and sexual exploitation, the handling and any form of exposure to or use of all forms of narcotics and psychotropic substances, torture capital punishment and deprivation of liberty. The rights to development are concerned with the right of every child to parental love and care, the right to education, access to information and adequate standard of living and protection including inappropriate cases for children without families. The right to participation includes the right to freedom of thought, conscience and religion. It also includes freedom to express their views of association.

Soon after Kenya's ratification of the Convention on the Rights of the Child in 1990, the hon. Attorney-General directed the Kenya Law Reform Commission to review the existing laws concerning the welfare of children to make recommendations for improvement so as to give effect of the principles enshrined in the Convention and the African Charter. A multi-sectoral and multi-disciplinary Task Force headed by a judge and comprising major stakeholders was set up. The Task Force commenced its work in August 1991, and carried out extensive studies and consultations throughout the Republic. They even made a study visit to Egypt, a predominantly Islamic country, to obtain Muslim views on adoption and affiliation. It also carried extensive research which involved the children themselves. It conducted a school essay competition concerning children's rights and welfare. Workshops were organised at which all issues relating to children were discussed. The Task Force presented its findings to the Government on 24th May, 1994.

Mr. Speaker, Sir, the Children's Bill was presented in 1995 when the majority of Members were here and it symbolised the acceptance of the Task Force Recommendations and the beginning of a legal process to update the legislation on the welfare of children and to give full effects to relevant Kenyan international obligations.

The Bill seeks to repeal and consolidate the provisions of the key statutes on child welfare namely, The Children and Young Persons' Act, Chapter 141, The Adoption Act, Chapter 143 and the Guardianship of Infants Act, Chapter 144. It proposes to enhance the institutional capacity for the delivery of services to children and their families. In particular, it sets out the establishment of Children's Courts to replace the current Juvenile Courts. It also sets up a

National Council for Children Services to perform a supervisory and advisory role in the planning, financing and co-ordination of child welfare activities. It is noteworthy that the Bill recognises the important role of stakeholders in supplementing Government efforts. The composition of the Council is a reflection of this recognition.

Mr. Speaker, Sir, other notable provisions dealt with are the approval of societies and voluntary institutions which operate in the areas of care, protection and control of children, children in need of protection and discipline, maintenance and custody of children, supervision of children placed in foster care, guardianship, adoption and establishment of sufficient children's homes, children's remand homes and approved schools. It is anticipated that the State will make the necessary administrative and financial arrangements to ensure the effective implementation of the Bill once enacted.

[Mr. Speaker left the Chair]

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

Mr. Temporary Deputy Speaker, Sir, we now come to the Children's Bill 2001 after the brief background. When the Children's Bill, 1995, was published and tabled in Parliament, there emerged some criticisms. The Bill was criticised on the basis that it failed to address some critical concerns. Notwithstanding the validity or otherwise of the criticisms, the Bill was not rejected by Parliament, rather it lapsed with the Parliament when it was prorogued. When Parliament re-opened, the Bill was not re-introduced. The period of the lapse gave the Task Force and the Attorney-General an opportunity to revise and improve the 1995 Bill.

Mr. Temporary Deputy Speaker, Sir, criticisms to the Bill have been: (i) The Bill did not fully address the principles for the child rights convention; (ii) The Bill gave greater focus to juvenile justice than to the protection of children and; (iii) the Bill did not adequately address the basic responsibility for child care. There were also religious concerns raised by the muslim community and also the 1995 Bill was too brief and there is an attempt in the new Bill to deal with issues more comprehensively.

Mr. Temporary Deputy Speaker, Sir, the Children's Bill, 1995 was further given to a drafting team of three legal experts through the mandate of the Attorney-General, Kenya Law Reform Commission and the Task Force reviewing the laws relating to children. With enabling resources from UNICEF, the drafting team endeavoured to incorporate, in so far as it was practicable, the above concerns. However, it is important to state and emphasise that no Bill can accommodate each and every concern. Many of the issues raised can be taken care of in the rules and regulations under the Bill while some can be dealt with through policies and programmes.

Mr. Temporary Deputy Speaker, Sir, the current Bill before the House now focuses on the welfare of the child, has an elaborate enforcement procedure, a framework for interpretation has been created so that the court can make suitable orders and a clear administration system and legal procedure for enforcement of the rights. It has given the children institutions and their management adequate attention. Some of the criticisms of the 1995 Bill were fairly broad and vague. However, they had a political impact as they delayed the process of the legislation. Attempts have been made to make the 2001 Bill as child-friendly as possible. It is, however, important to note that some of the concerns will be addressed through policy and other legal bodies as the family court but not legislation.

Mr. Temporary Deputy Speaker, Sir, the Children's Bill before the House has attempted to improve upon the Children's Bill of 1995 and the following are some of the salient features now introduced:

One, the approach to the management of child related issues. It is true the 1995 Bill had a provision aimed at punishing and rehabilitating child offenders. It is nonetheless not true that the main purpose of the Bill was to punish and control the child. However, in the current Bill, only 11 out of over 194 sections are on children's institutions, institutions for purposes of confinement of children in conflict with the law. There are three institutions under the provisions of the Bill for purposes of confining children in conflict with the law, namely, rehabilitation schools meant to provide accommodation and facilities for care and protection of children, remand homes for children offenders (borstal institutions).

Two, it has provision on how the Government will enable parents maintain their children. Under part (ii) which provides for the safeguards for the rights and welfare of the child, Clause 2 (a) thereof states:-

"The Government is enjoined to take steps to the maximum of its available resources with a view to achieving progressively the full realisation of the rights of the child as set out in the part (ii)."

Clause 3 of the Bill gives the Government, along with the family, the responsibility to ensure the survival and development of the child. Generally, the Government has responsibility under the Bill, together with the family, for the better upbringing of the children.

Mr. Temporary Deputy Speaker, Sir, number three is sexual abuse. The 2001 Bill, now contains some specific conditions aimed at protecting the child from sexual abuse and exploitation. This is provided for under Clause

14 and those who have Bills here can refer to it.

Four, is the drug abuse. Again, the Bill before the House provides for protection of children from drug abuse and prohibits as well the involvement of children in production, trafficking or distribution of drugs.

Five, protection of the girlchild. Clause 4 of the Bill seeks to protect the girlchild against discrimination as it outlaws discrimination on, among other grounds, sex. Otherwise, the entire Bill takes the view that the children are vulnerable whatever their sex and hence adopts a holistic approach that treats children equally. It has been endeavoured to provide general protection without necessarily specifying the girlchild because, for example, issues like sexual exploitation do, in the modern age, affect boys as much as they do to girls.

Mr. Temporary Deputy Speaker, Sir, let me now come to the question of street children. The issue of street children is now adequately addressed in the current Bill. However, it is important to point out that the issue is one that cannot be tackled at the level of its symptoms but rather should be tackled from the causes. The Bill has endeavoured to do this extensively.

First, the Bill provides for children's rehabilitation institutions as well as for charitable children's institutions which will ensure that children with no abode are catered for under these institutions for their best interest of growing up as responsible citizens.

Secondly, the Bill generally has set out a legal framework in its various parts whereby various institutions and offices are created to manage child welfare services.

Mr. Temporary Deputy Speaker, Sir, under Clause 39, Local Authorities under Clause 39 and the Second Schedule to the Bill are required to set up welfare schemes for certain categories of children. That is, orphans, abandoned or those in need of care and protection. This will go a long way in helping to alleviate the street children problem.

Mr. Temporary Deputy Speaker, Sir, under the Bill, the right to education is set out in Clause Six, and the responsibility to provide education is placed on the Government and the parents. It also provides that basic primary education shall be compulsory. Due to obvious practical considerations, the Bill has not provided for free education at the moment, but it requires the Government to work towards the provision of basic education with a view to making such education free.

Mr. Temporary Deputy Speaker, Sir, the right to health care has now been provided for in the Bill. Under Clause 8, it is made the responsibility of the parent, the Government and even the extended family. This, of course, underscores the importance attached to these rights.

Mr. Temporary Deputy Speaker, Sir, several measures are in place throughout the Bill, aimed at enhancing and promoting welfare schemes for the benefit of children. For example, the object for which the National Council for Children's Services is established is to exercise general supervision and control over the planning, financing and co-ordination of child welfare activities. That can be found in Clause 29.

Mr. Temporary Deputy Speaker, Sir, the question of child labour has now been tackled in the Bill, under Clause 9, which provides for protection of the child against economic exploitation and any work that is likely to be hazardous or to interfere with the child's education or to be harmful to the child's overall development.

Mr. Temporary Deputy Speaker, Sir, the main objectives of this Bill are: To promote the wellbeing of children by assisting individuals, families and communities to overcome social problems with which they are confronted; to implement the provisions of the United Nations Convention on the Rights of the Child, 1989; to promote the welfare of the family, to reduce the incidence of disruption of family relationships and to mitigate the effects of such disruptions. It also seeks to assist parents in the discharge of their parental responsibility and also to establish, promote and to assist in the establishment and promotion of services and facilities within the community designed to advance the wellbeing of children and; finally, to establish a National Council of Children's Services to exercise general supervision and control over the running, financing and co-ordination of child welfare activities and to advise the Government on all aspects thereof.

Mr. Temporary Deputy Speaker, Sir, Part One of the preliminary contains the safeguard for the rights and welfare of the child. Part two contains safeguards for the rights and welfare of the child. Clause 2(a) reiterates the Government's commitment to take steps to the maximum of its available resources with a view to achieving progressively the full realisation of the rights of the child. Clause 3 vests in the Government the responsibility to ensure the survival and development of the child.

Mr. Temporary Deputy Speaker, Sir, all actions concerning children, whether undertaken by public and private bodies, are required to have the best interests of the child as a first and paramount consideration. The part protects the child from any form of discrimination and affords him the rights, including rights to parental care, education leisure, recreation and health care. This part also affords children protection from a broad array of hazards including child labour, armed conflict, sexual abuse, drugs, harmful cultural rights and torture. Severe penalty is prescribed for the infringement of a child's rights.

Mr. Temporary Deputy Speaker, Sir, the Bill has also given special attention to disabled children whose right

to be treated with dignity and to be accorded appropriate medical treatment, special care and training free of charge or at a reduced cost wherever possible is recognised. Clause 19 provides access to the High Court to any person who alleges that the foregoing rights and protection have been or are likely to be contravened in relation to a child. This is without prejudice to any other lawful cause of action which may be available in respect of the same matter.

Mr. Temporary Deputy Speaker, Sir, Part Three is on parental responsibility. It provides a wide definition of parental responsibility which recognises a parent's duty to maintain the child and protect him from neglect, discrimination or abuse as well as the parent's rights to give guidance and participation in important decisions affecting the child. The court is empowered to extend parental responsibility beyond the age of 18 years if it is satisfied that the special circumstances exist to warrant such action.

Mr. Temporary Deputy Speaker, Sir, part four relates to the administration of Children's Services. It establishes a National Council for Children Services which is to exercise general supervision and control over the planning, financing and co-ordination of child welfare activities and to advise the Government on all aspects thereof. Clause 28 proposes a broad composition of the Council which takes on board all interested parties. Part Five contains provisions relating to children's institutions. The part covers both Government rehabilitation schools as well as charitable children's institutions. The latter shall, in particular, require proof of registration under a recognised system of registration of private institutions before applying for approval to implement a child welfare programme.

Mr. Temporary Deputy Speaker, Sir, the National Council for Children's Services shall provide a criteria for approval of child welfare programmes of charitable institutions. This part also provides for the regular inspection of charitable children's institutions. Part five provides for the children's court to hear cases relating to matters set out under Clause 69 of the Bill which shall sit in different buildings or rooms, or at different times from the ordinary courts, and access to which shall be restricted. Clause 73 empowers a court before which a child is brought to order that the child shall be granted legal representation, the costs whereof shall be met from public funds.

Under Clause 84, no agreement between the parents of a child shall be held to be invalid by reason, only that it provides that the father shall give legal custody or actual custody of the child to the mother.

Mr. Temporary Deputy Speaker, Sir, Part Seven contains provision on custody and maintenance. The part provides that any parent or guardian of the child may apply to the court to determine any matter relating to the maintenance of the child. Part Eight provides for guardianship and Part Nine provides for certain judicial orders which a court may make for the protection of the child. These include an exclusion order requiring a person who has used or threatened violence against a child to depart from the home in which the child is residing; a child assessment order requiring the investigation or evaluation of any matter concerning the welfare or upbringing of the child under Family Assistance Order requiring a person appointed by the court to provide counselling and guidance to the child or his parents, guardians, relatives or custodians. Penalties are also prescribed for the contravention of the judicial orders. Part ten provides mechanism for the assistance of children in need of care and protection. With regard to foster care and placement, the Bill sets out rules in accordance with which foster care placement shall be made.

Mr. Temporary Deputy Speaker, Sir, Clause 170 makes provision with respect to overseas adoptions and other effects thereof.

With regard to child offenders, the Bill provides the procedure for dealing with this category of people. Clause 180 provides guarantees to a child accused of an offence and Clause 181 provides that every court dealing with a child offender is required to have regard to the best interests of the child. No child is to be ordered to be imprisoned, sentenced to death, placed in a detention camp or subjected to corporal punishment. Also, no child below the age of ten years may be ordered by a children's court to be sent to a rehabilitation school.

The Bill also makes general provisions and the Minister is empowered, subject to the provisions of this Bill, to make legislations for prescribing anything required to be prescribed and generally, for the better carrying out of the provisions of the proposed legislation.

Finally, the enactment of this Bill will occasion additional expenditure of public funds and it is, however, not possible to indicate at this stage, the amount of the anticipated expenditure.

This is a very important Bill and I am sure hon. Members have been waiting, since 1995, for it to be brought to this House. I, therefore, would like to limit my speech so as to give hon. Members enough time to contribute to this important Bill.

With those few remarks, I beg to move. Mr. Sumbeiywo will second the Bill.

QUORUM

Dr. Kituyi: On a point of order, Mr. Temporary Deputy Speaker, Sir. Since the Assistant Minister has said that this is a very popular Bill and that hon. Members have been waiting for it, could we make them pretend to have been waiting for the Bill by raising a quorum in the House?

The Temporary Deputy Speaker (Mr. Imanyara): It is true that we do not have a quorum. Ring the Division

Bell.

(The Division Bell was rung)

The Temporary Deputy Speaker (Mr. Imanyara): Order Members! We have a quorum now. You may proceed, Mr. Sumbeiywo!

The Assistant Minister for Agriculture and Rural Development (Mr. Sumbeiywo): Thank you, Mr. Temporary Deputy Speaker, Sir. I would like to second this very important Bill on the welfare of our children, who become the future citizens of this country.

This Bill has been eagerly waited for a long time. This is a Bill which is supposed to take care of our children, who are our future leaders. Child labour in this country and in other countries is very rampant. Picking tea, coffee and tendering other crops has been left to the children. It is unfortunate that there are no jobs due to the prevailing poverty in the country at the moment. As it is known, poverty is a worldwide problem. We expect that when this Bill is passed, a heavy penalty will be imposed on people who abuse children.

The number of orphans in our country has increased because of the HIV/AIDS scourge. I would like to appeal to Kenyans to ensure that children, who have been left behind by parents who have died from HIV/AIDS related illnesses, are taken care of. These children should be taken care of by the surviving Kenyans. If we allow our children to be housed in these children's homes, then we are doing a de-service to our future leaders. These children need parental care. The confinement of these children to children's homes turns them into hardcore criminals. That is why we have quite a number of children today in the streets! I am opposed to the confinement of these children to rehabilitation homes. They are not being rehabilitated but are being turned into hardcore criminals! So, I request those who survive the HIV/AIDS scourge to take these children and treat them like their own.

Mr. Temporary Deputy Speaker, Sir, in other communities, children are married off to old people who are not productive. It is unfair to allow children to be married to old people. They become frustrated as second or third wives. It is not an African custom to marry off children. In the past, polygamy was allowed and I am sure, it is still allowed in some communities in this country. But mature women should be married and not children! Children should be protected from sexual abuse. Sexual exploitation is a derogatory practice.

Mr. Temporary Deputy Speaker, Sir, the so-called "twilight girls" in our City and most municipalities are not mature women. They are children! I would hate to see grown up men going out to sleep with these young girls. It is pathetic when you see a man of my age picking up a girl from the streets, when he knows quite well that, she is a child. That girl could be the age of his grandchild! I oppose vehemently this idea of marrying off children to grown up and unproductive men who have ceased to produce children.

Mr. Temporary Deputy Speaker, Sir, if we continue accepting donor money and use the same to organise seminars, workshops and meetings, then we are not helping these children. This is morally wrong! We should direct these funds to charitable institutions where these children are taken care of. It is my appeal that when this Bill is passed, the security of our children will be enhanced.

Mr. Temporary Deputy Speaker, Sir, we as parents in this country have abandoned the responsibility of bringing up children and left it to house helps who have no experience on bringing up children.

Dr. Kituyi: On a point of order, Mr. Temporary Deputy Speaker, Sir. I have been listening to this old Assistant Minister talk about unproductive old men and little grandchildren. But I have not seen any concrete bearing between what he is talking about and what the Bill is about. What Bill is he seconding?

The Assistant Minister for Agriculture and Rural Development (Mr. Sumbeiywo): Mr. Temporary Deputy Speaker, Sir, I hope my good friend, Dr. Kituyi, will not encourage old men from his constituency to marry small children instead of marrying grown up women who are productive!

(Laughter)

Mr. Temporary Deputy Speaker, Sir, I think we have embraced Western culture, and we are now leaving the custody of our children to other children who are not mature enough to instill discipline, and make sure that the children are brought up in the right way. I have summarised my contribution so that I can give the opportunity to my colleagues who wish to contribute to this Bill.

With those remarks, I beg to second.

(Question proposed)

Ms. Karua: Mr. Temporary Deputy Speaker, Sir, I rise to support the Bill but it needs a lot of amendments before it can merit passing by this House.

Mr. Temporary Deputy Speaker, Sir, at a time when we are talking of bridging the gender gap, this Bill introduces some very embarrassing concepts, that a woman should take care, not only of her sexuality, but also the sexuality of the male as well! I am referring to Section 21 of the Bill which talks about parental responsibility. It states as follows:-

"Where a child's father and mother were not married to each other at the time of the child's birth and have not subsequently married each other, the mother shall have parental responsibility."

Mr. Temporary Deputy Speaker, Sir, it is not possible for a woman to have a child without the participation of a male. It is, therefore, not possible for a child to be born unless there is a father and a mother. Why then would the drafters of the Bill come up with such an outrageous notion, that where the two are not married, only the mother has responsibility? This is the 21st Century and we do not need archaic notions. We are living in the age of DNA. It is possible to ascertain with precision whether a man had sired a particular child. Why then do we want to hide irresponsible fathers? I would hate to imagine that this clause has come as a result of campaigns by certain irresponsible persons.

Mr. Temporary Deputy Speaker, Sir, at an appropriate stage, we shall be moving an amendment to ensure that both the mother and father of a child born out of wedlock take responsibility.

(Applause)

Therefore, the mother and the father must each take care of their own sexuality. A man should know what to do, if he does not intend to have a child, just like a woman should know what to do, if she does not want to have a child. The two must share the responsibility when an unplanned child has been born.

Mr. Temporary Deputy Speaker, Sir, countries all over the world are trying to instil responsibility in men and women with regard to parental responsibility. Cost Rica has a very progressive Bill where the law decrees that if a woman has a child out of wedlock and names "X" as the father of that child, and "X" does not submit himself for DNA tests within 14 days, then he shall be legally deemed to be the father of that child. We expect a provision among those lines in this Bill, so that men do not cry that they are being accused unfairly of having fathered children. Let us have a facility in our Government hospitals so that, as a child is being born, and the mother names somebody as the father, there is a facility for that person, if he denies, to come and disprove by submitting himself to DNA tests. This will enable us to make both parents responsible. We might even be able to get responsible behaviour which will prevent the spread of HIV/AIDS.

The intentions of this Bill are good but, as I said, it will need a lot of panel beating before we can get a good final product. If you look at Section 6, which talks of the right to education, Sub-section 2, it says that basic primary education shall be compulsory and the Government shall take measures to reduce the cost of education, and eventually provide such education free. This is a nebulous provision. The Government can take the next 1,000 years before making primary education free. If the Government is serious about the rights of the child to basic primary education, then it should boldly state so in the Bill that basic or rather primary education shall be free and compulsory. Let the Government take that responsibility. I do not think that this country would be unable to provide basic primary education to its children. We have done so before, and we should be able to do so now, if only we can cut useless expenditure, or if only we can reduce the expenditure of Government Ministers and top civil servants, and many other areas where we waste money.

Mr. Temporary Deputy Speaker, Sir, even with the right to health, when we say that the responsibility should be that of the parents and the extended family, and then put the Government last, we are not serious about the child's right to health. The Government should take the responsibility of primary health care for children in this country. We should look for areas where we can reduce spending to be able to provide basic health services to our children. Otherwise, their right to life, education and any other right will be meaningless, because without health care, the right to life is also not guaranteed. Therefore, this Bill does not come out boldly enough. These are the kind of amendments we seek in this Bill. The Ministry that has moved this Bill should sit down and work out figures that will convince the Government that it is possible to take over the responsibility of basic education and basic health care for children.

Section 10, which talks of the right of every child to have a name and nationality is well-intentioned. I do not know whether those who drafted this Bill had bothered to look at the Constitution to see whether this right can be realised at the moment. If you look at Section 90 of our Constitution, it says:

"Any person born outside Kenya after 11th December, 1963 shall become a citizen of Kenya at the date of his birth if at that date his father is a citizen of Kenya."

This means that if Kenyan women travelling or working abroad get children outside the country, they have to undergo immigration procedures on arrival at the airport, because their children are deemed to be foreigners. To give the right to dignity, a name and nationality for Kenyan children, we should be aiming at a constitutional amendment to ensure that children born of Kenyan men and women become citizens of this country automatically. Otherwise, we are again

devaluing Kenyan women, while at the same time giving them the responsibility over their own sexuality and that of the men. These are the contradictions that appear almost deliberate in this Bill, and which, we really must remove before we pass it.

With regard to the rights of a disabled child, again, I would like to say that Section 11 is half-hearted. We are saying that a disabled child shall have the right to be treated with dignity, accorded appropriate medical treatment, special care, education and training free of charge, or at a reduced cost. We do not say who will provide this. Let the Government take the responsibility once again. To give a disabled child the right to education, it means giving different treatment; going out of the way to attend to the special needs of the learning of the children with disability.

Currently, there are not many schools which have facilities for children with disability. Currently, children with disability can only get special facilities at segregated schools. This Bill is not boldly coming out against segregation. Disabled children come from families and, therefore, when they go to schools they should not be segregated. Learning facilities should be integrated so that they can grow in the same environment as their homes without segregation, unless the nature of the disability is such that they need to learn separately. We need this to be made clear in this Bill.

Mr. Temporary Deputy Speaker, Sir, it is important in this regard, for this particular Ministry and Department to lobby for the enactment of the Equality Bill which was published last year, and now awaits publication once again. This is because that Bill does come out clearly with what needs to be done to give people with disability the right to dignity. It also places an obligation on the Ministry of Education, Science and Technology; to create the necessary infrastructure for free access to education and integrated systems to children with disability. This Ministry should, therefore, co-ordinate all initiatives including the initiative on the law relating to the disabled which will help make this particular provision not just an empty slogan but will breath life into it.

Section 14, again, is well-intentioned - protection from sexual exploitation. However, the reality is different. This Bill cannot, and has not offered protection from sexual exploitation. This Bill should be looked at in relation to the provisions of the Penal Code. Until the Penal Code and the section relating to sexual offences is amended, this particular Section, even if enacted will not be of help to children. Once again, I call for co-ordination between the Children's Department, the relevant Ministry and the Attorney-General's Chambers so that the Miscellaneous Statutory Amendments which contain amendments to the Penal Code on sexual offences is also enacted alongside this Bill in order for the protection of children from sexual exploitation to become a reality.

Mr. Temporary Deputy Speaker, Sir, we need to come out with specific provisions that, where there is an allegation of sexual abuse of a child, the suspect will be compelled to undergo DNA testing and any other tests that are appropriate to either prove or clear the person. We have seen too many people get away with abusing children claiming the child was of age. We know that we can scientifically estimate the age of children whose ages are not known. We have not seen the support to abused children, who have come out, by the Government. We have seen support for offenders. Could we stop paying lip service and show that we are committed to free the children of Kenya from sexual exploitation? It is not enough to table this Bill so that at the Children World Conference in September, Kenya is able to say the Bill is under discussion. We need serious commitment. The children are our future and we will be squandering our future if we do not look after our children today.

Mr. Temporary Deputy Speaker, Sir, Section 20, which is talking of parental responsibility, once again gives the parents not only the role of educating and guiding the children but also the role of immunisation. Which serious nation gives the role to immunise children to the parents? The parents responsibility should be to take that child to the centres appointed by the Government for immunisation. Immunisation is for purposes of eradicating disease. No serious Government would even give the parents the role of footing the cost of immunisation. This is what comes out under Section 20. Could we be more clear and say that it is the duty of the State to provide immunisation to all children, and that the responsibility of the parents apart from having custody of that child, is to take the child to the immunisation centre? Let us be clear about what duty is for the parents and what duty is for the Government.

Mr. Temporary Deputy Speaker, Sir, another very surprising provision is Section 22(1)(A) with regard to fathers of children born out of wedlock. It gives the father the right to apply to the court to have parental responsibility. It does not give a corresponding right to the mother to seek to have the court impose responsibility on a reluctant father. We need to panel-beat this Section. Responsibility of a child belongs to both the father and the mother. Where the father is not willing, let the mother be able to go to court and ask it to make the father responsible. After all, we have already said this is the era of DNA. We shall be able to establish whether the person alleged to be the father is actually the father of that child. If we do not that, then we are giving men the licence to become irresponsible. Let us instil responsibility in both genders for the society to move forward.

I have also looked at Section 37 which is giving duties and roles to local authorities. Again, it is a well-intentioned but half-hearted attempt. If we say that the local authorities have the duty to safeguard and promote the welfare of children within their jurisdiction, exactly what role are we giving the local authorities? Why can we not be bold enough to say that the local authorities will establish children's homes within their areas of jurisdiction with the

budgetary support from the Government, so that local authorities take the destitute children within their jurisdiction, primary education, healthcare facilities and all other amenities provided as a joint effort between the local authorities and the Government? People within each locality are paying taxes to the local authorities. So, it will be the joint effort of the residents of that area and the Government to ensure that all children are catered for. We also need stiff penalties for parents who run away from responsibilities; where it is discovered that the parents are able, live and have absconded from responsibility. We may be able to find that a majority of the children in the streets have parents who are poor and unable to look after them. They are encouraging them to go to the streets. We need to find methods of supporting parents to look after the children. If we begin by basic education; that is, compulsory and free primary education and free medical services, we shall have gone a long way to supporting parents to take responsibility for their children.

Mr. Temporary Deputy Speaker, Sir, there are many other provisions in this Bill that need to be looked at. Currently, the law relating to custody and maintenance is generally the law relating to divorce and separation. These laws are very inadequate. After a parent has got an order for maintenance, mainly the woman, these orders are impossible to enforce because, either a man will hide his income or whatever possession he has. We must have new and innovative methods of discovering the earnings of a parent to be able to provide for a child. The courts should be given powers to investigate the income of a parent who is being compelled by the court to maintain a child. These powers should transcend confidentiality of bank and client so that the court is able to demand to know from a bank of a parent who is before it, what deposits they are holding. The court should be able to discover from a company what dividends are due from the parents. The court should have investigative powers in relation to income, if we are actually going to effect maintenance orders for children. Currently, able parents are getting away with their neglect of their children as they go ahead to marry elsewhere and to create new families. You may find a person who has abandoned two or three families and is now busy making a fifth family without taking care of all the rest of the children that they have sired.

I must laud this Bill for bringing the provision that children of over 18 years can be maintained if their circumstances warrant it. I am thinking of our children, who at the age of 18, have barely finished school. Definitely, they need to continue being supported. If a parent is reluctant, we need to enforce through the law that the parent takes up responsibility of ensuring that the child has gone through the education system in so far as that parent is able. That is an innovative section of the Bill. So that we are not seen to be wholly criticising the Bill without appreciating it, the effort is commendable. But it falls short and tests our duty to come up and fill in the gaps that have been left by the draughtsman. This is a duty we are going to gladly execute during the Committee Stage.

I beg to support, subject to those amendments.

Mrs. Kittony: Mr. Temporary Deputy Speaker, Sir, I rise to support views of the previous speaker on this Bill. We all realise the importance of our children because they are the future leaders of this country. It is a pity that Kenya has taken a long time to recognise problems of our children. I support hon. Karua that we must come up with positive amendments to this Bill. I would like to urge my colleagues, and the relevant Committee of this House, to make sure that this Bill is passed into law before the World Conference on Children's Rights in September. It would be a pity if Kenya will not have a concrete report on the plight of our children. The African cultures and traditions instilled discipline in the society. However, looking at the contemporary society, we realise that there is moral decadence. I would urge this House to pass this Bill as soon as possible, so that our children can be assured of security and protection.

Mr. Temporary Deputy Speaker, Sir, if you look at the plight of street children you would actually sympathise with them. Last week, I was driving along the streets of Nairobi and I saw seven young girls with children who were more or less born at the same time. I imagined that those children must have been brought into this world by very responsible people in this country who do not want to be identified with them. As a Government, we must do something because such children are suffering. Therefore, I strongly feel that this Bill should be passed into law, so that we assure them of protection and security.

Mr. Temporary Deputy Speaker, Sir, if we do not take care of our children now, we might not even have a nation called Kenya in the future because of moral decadence in our society. I believe that some African cultures were good, but because of societal changes, things have gone haywire. It is high time we enacted this Bill into law, despite the fact that it has taken us a long time to realise that our children are suffering.

Mr. Temporary Deputy Speaker, Sir, as a result of the HIV/AIDS scourge, there are so many orphans in this country. Most parents have died from HIV/AIDS related diseases, leaving behind their children without anybody to take care of them. These children need security. We need many foster homes that can provide security and proper care for these children. Health facilities in this country are limited. Since some of these children left behind by their parents are HIV/AIDS positive, we know that these children need love, security and protection. Therefore, with many orphans in this country, we need to pass this Bill into law as soon as possible.

Mr. Temporary Deputy Speaker, Sir, allow me to commend the drafters of this Bill for their good work. It is

now our responsibility, as a House, to debate and propose positive amendments, so that we can secure a better future for our children.

Mr. Temporary Deputy Speaker, Sir, with those few remarks, I support this Bill.

Mr. Mwenje: Mr. Temporary Deputy Speaker, Sir, this is a very important Bill because it addresses itself to the problems faced by our children. When we talk about children, we are actually talking about the future of this country. If we do not take care of our children, we will be in a total mess in future because we will have many urchins in this country. These children will become irresponsible if we do not take care of them. At the end of the day, there will be more criminals in this country.

Mr. Temporary Deputy Speaker, Sir, at the moment, our Government is not able to control criminals in this country. There is a lot of thuggery. Every hon. Member in this House and the members of public in general, are complaining about the high level of thuggery in this country. Why do we have this thuggery in this country? One reason for this thuggery is that we neglected to take care of street children. Most of them are now grown ups. Since they are not working, and they have to eat, live decent lives and enjoy like anybody else, they have turned out to be criminals.

Mr. Temporary Deputy Speaker, Sir, while driving in Nairobi, I have been robbed of four mobile handsets by urchins. This is because they have to eat, enjoy and live like any other Kenyan. As much as I do not condone their behaviour, I think we are now reaping the fruits of our failure. This is a worrying situation and we must do something to control it. If we do not act now, then worse things will happen in this country. I must warn leaders and this Government that, if something is not done urgently in the next five years, then it will be a nightmare living in this country. We should not only address ourselves to the poor state of our economy, but we must also address the plight of these children.

Mr. Temporary Deputy Speaker, Sir, we have the biggest dumping ground in Dandora in my constituency. There are about 6,000 children aged between 15 and 20 years.

An hon. Member: There are some who are over 50 years!

Mr. Mwenje: Even if they are over 50 years, they have never realised that they are grown-ups! As far as I am concerned, they are still children.

You can imagine 6,000 children at one dumping site. Very soon, this dumping site will be relocated from that place. What do you expect will happen to those children?

An hon. Member: They will follow the garbage!

Mr. Mwenje: They may not even follow the garbage as alleged by the hon. Member, but they will turn out to be criminals. It is a pity that this Government is watching the situation helplessly. This is a time-bomb. If nothing is done sooner than later, we will be in a very precarious situation.

Mr. Temporary Deputy Speaker, Sir, this Government must move very quickly and get land to settle all these urchins. Some people in my constituency donated 40 acres of land from one of the farms, towards the settlement of these children. They want this Government to develop and settle some of those children on that land. However, nothing is happening. The land is lying idle. What is this Government waiting for? How will these street children even know that there is a Government in place, if they cannot be settled on that land? Why can this Government not take care of these children? We can provide them with education so that in the future, they will be responsible citizens. Why sit down and wait for a time-bomb?

Mr. Temporary Deputy Speaker, Sir, this Bill concentrates more on the issues of children. However, the biggest danger today is that most of these children on our streets do not go to school. They waste their time sniffing glue. When they sniff such stuff, they get intoxicated and become wild. They can do anything. Hardly a day passes without one of them stabbing another with a pen knife. To them, this is just a big joke!. This situation is getting worse. If this Ministry is serious about taking care of children, then it must take care of street children immediately.

Mr. Temporary Deputy Speaker, Sir, on the Bill itself, I would like to agree with hon. Karua that there is need to propose some positive amendments. This Bill addresses itself to the African culture. It recognises that our forefathers had a better way of doing things. In my community, for example, we would tell the father of a child by its name. If my first child is a girl, I am supposed to name her after my mother.

Mr. Temporary Deputy Speaker, Sir, Section 21(3)(a) of this Bill says:-

"Where a child's father and mother were not married to each other at the time of the child's birth and have not subsequently married each other-

(a) the mother shall have parental responsibility;"

Mr. Temporary Deputy Speaker, Sir, that may not be necessary because, even if you do not marry the mother and so long as she has your child, you can name that child after your mother or father and be responsible. The responsibility will be mine also. That is an automatic way of saying that: "I accept the responsibility". So, intentionally, every African has a way of naming a child. You can verify whether that was done or not. If it was not done, too bad! But it should not happen.

Mr. Temporary Deputy Speaker, Sir, Section 22 of the Bill says the following--- I want to differ with my friend that we must be very careful, where we say that a father can be taken to court or held responsible for fathering a child. I hope this one is noted clearly by the Minister. This clause should not be amended because if you allow mothers to go to court to determine who is the father of their children, we will be bringing back the Affiliation Act.

Mr. Muite: On a point of information, Mr. Temporary Deputy Speaker, Sir.

Mr. Mwenje: Do I really need information?

An hon. Member: Yes!

Mr. Mwenje: Maybe, I will accept it. Perhaps, it may assist me.

Mr. Muite: Mr. Temporary Deputy Speaker, Sir, I want to inform hon. Mwenje that today there is something called DNA testing. So, it is no longer possible for a single mother to allege that So-and-so is the father of her child when he is not actually the biological father. Simple testing through DNA would establish the fatherhood of that particular child. So, this is a golden opportunity, indeed, to hook those irresponsible men who sleep around with women and do not want to support the children they father with them, without any danger of an innocent man being burdened by being forced to support a child which he has not biologically fathered.

Mr. Mwenje: Mr. Temporary Deputy Speaker, Sir, that is even very dangerous! Even if you have fathered a child by mistake, because it can also happen, it does not mean you must take responsibility of maintaining that child. It is not a man's responsibility to know that he can father a child at a given time. It is up to the mother to know when she can get a child. In that case, she can do whatever she can to prevent conception. How can a man know that the lady is ripe to conceive?

Ms. Karua: On a point of order, Mr. Temporary Deputy Speaker, Sir. Is it in order for the hon. Member to tell this House that children can be fathered by mistake? Is it really in order for him to suggest that women should take care of their own sexuality and that of the men as well?

Mr. Mwenje: Mr. Temporary Deputy Speaker, Sir, you know as well that it is purely the responsibility of the mother to know at what stage she can conceive. How do I know that a lady I am moving with can conceive? Let us be sincere to ourselves. I will be doing things normally and, maybe, I am drunk and then I am forced to shoulder the responsibility.

Mrs. Sinyo: On a point of order, Mr. Temporary Deputy Speaker, Sir. Could we give this Bill the seriousness it deserves? We are not talking about leisure, pleasure and accidents. We are talking about protecting our own children because, as hon. Members and as parents, we are aware of their suffering. This comes up as a result of unscrupulous and careless men who father children anyhow. We must support this Bill and give it the seriousness it deserves. Is he in order to say that mothers should be purely held responsible for their children!

(Applause)

Mr. Mwenje: Mr. Temporary Deputy Speaker, Sir, if anybody is serious, it is me. I am very serious! I would not want somebody to start following me just because she believes that I have the money and I am able to take care of a child. They can go to court and get the court order that I fathered the child. This is tantamount to introducing affiliation. So, whether it is true that you are the one who fathered the child or not--- Kenya is known for corruption. With regard to DNA, who will stop somebody from corrupting the doctor and then he says that it is you who fathered a child when you never did it?

Mr. Temporary Deputy Speaker, Sir, therefore, I beg to differ on that point. That should only affect fathers, because in this case there is no argument about the motherhood of a child.

The other point is on Section 22(2) of the Bill, which says that the period that should be recognised is only where a couple has stayed together for 12 months. I think 12 months is too short a period, it should be a little bit longer so that they also get to know each other. We should amend that section to raise the period to three years. Twelve months is too short a period. They could have stayed for 12 months, because one might have gone abroad to study for a masters degree and by the time he comes back, he is told that they stayed together for 12 months. Let us make it three years because that would make us look more serious as Mrs. Sinyo has said. We should make it three years and not 12 months.

Mr. Temporary Deputy Speaker, Sir, Section 24(a), states as follows:

"On the death of the mother the father shall exercise parental responsibility for the child either alone or together with any testamentary guardian appointed by the mother."

This can bring a lot of confusion again. When a mother dies and the father is still alive, and if the mother had decided to appoint another man a guardian, then the father will be claiming to be solely responsible for the children. The other man who was appointed by the mother will also be claiming to be responsible for the children. That will bring a conflict. I also agree with part "b" of that section, which refers to the father. If the father of the child dies, let the mother take responsibility of the children alone. Do not add other people to claim that they were also appointed as

guardians by the father. That can bring a lot of confusion. A father might be told that the mother had appointed somebody else to look after the children. Why? I am a living testimony. You should be left alone to look after your children without bringing in other people who have nothing to do with the children. If a mother or a father had a friend, let him or her keep away from the family because he or she can antagonise that family.

Therefore, I believe we should amend this Section. However, we must be careful not to tread on dangerous grounds which can bring conflicts again in this country. We know there were affiliation cases before and that method did not work. Let us not try to bring affiliation issues back. When you come to appoint the National Council--- I do not know why every Minister is bringing all sorts of Bills here to Parliament. Instead of putting Permanent Secretaries in literally every committee, they keep bringing Bills here. Why do you appoint Permanent Secretaries in the Ministry of Local Government or Ministry of Health *et cetera* to serve virtually in all Committees? So, when a decision is being made, they still form the majority and they will come up with a Government decision. It will not be the committee's decision. Let them attend these committees as *ex-officio* members. Let them not be members of these committees because when it comes to voting, they will outnumber the others. Let us remove all these Permanent Secretaries and make them *ex-officio* members.

Mr. Temporary Deputy Speaker, Sir, regarding the issue of appointment of persons to the committees, there is a clause that provides for appointment of two representatives of the private sector and some by the President. Why do we want to load the President with every little appointment that we make in this country? Even when appointing a member of a committee to look after children, the President must be involved. Let us not misuse our President. In future, whoever it will be, we do not want him or her to be overloaded with such responsibilities. For example, when the DP Government comes to power, we do not want our President to be overloaded. Let there be somebody else who will be appointing them. I do not mind if it is the Minister in charge, or Parliament or a particular body, but this business of thinking that everybody should be appointed by the President is wrong. Since the Minister is an appointee of the President, he can appoint somebody on behalf of the President, if he simply wants the President to get involved. If the Minister appoints the wrong person, he will sack you. So, the President would still have some control indirectly. The President is always busy at State House signing our Bills and campaigning for KANU. Let us reduce the workload of the President.

I would want us to amend that section so that the Minister responsible for children's affairs appoints members of all committees. In any case, let the members of that committee be increased to more than two. I would suggest that we make them four so that we are able to incorporate all those who are concerned with that kind of business. I do not even know why we need the Commissioner of Police in that committee, because he will never attend the meeting. Why not appoint any officer from the Kenya Police Force? The Commissioner of Police is always busy running after thugs all around this City and the rest of Kenya. Why do we not get better people who have the time to do it rather than going for the Commissioner of Police? Are you so short of people to be incorporated in the committee, that you must go for the same person every time? This is unnecessary, and I think we should go for people who are able to attend meetings and who will contribute. Let us give one man one job.

I propose that this Bill needs to be shelved and looked into again because I think that it will bring a lot of problems during the Committee Stage. We will try to amend it and it will lose its meaning. If the Minister is serious, he should withdraw the Bill and go back and look at it again, amend it and consult those who are concerned, and they can come up with a better Bill. But as it is now, we will oppose it and it will not augur well for the Ministry. They have the time now to go and look at it again.

It is true that children can be taken to court. I want to agree that when children are taken to court, they should be provided with legal representatives in court because some of them cannot afford them. But then, when they rely on the Government to give them legal representatives, they hardly ever get them. I think a body should be appointed to look after the children's welfare in court. It is time we did that because this business of relying on the same Government that is taking you to court to give you a lawyer would not happen. We have heard that, and I do not know how true it is, when your child is charged with murder, the Government is supposed to give you an advocate. I have never seen or heard the Government doing that. They always look for a lot of money in order to hire advocates. If they have not been able to provide legal services to those ones charged with murder, how do you expect them to be able to give a child, who is not even able to speak for himself, an advocate? That will not happen. That is simply imaginary.

I would suggest to the Minister that he goes back and gets that amended, so that the Government employs some lawyers, or if the child gets an advocate, the cost would be met by the Government. That can work well, but if they provide a State Counsel for the accused children, I do not know whether he or she will be representing or prosecuting them. Let us amend it, so that the Government meets the cost of the advocate who would represent the child because today, it is quite expensive to get good advocates like Mr. Muite. They need good money to be able to get an advocate who can defend them in court. I would request the Minister to get that amended, or he withdraws the Bill altogether.

Regarding our culture, the Bill states that it looked at the African Charter on the Rights of The Welfare of

Children. I do not know which African they are referring to because we, Africans, have different cultures. Each of the 42 tribes in our country has a different culture. I do not know on which culture they are basing this one or which one they were looking at, or who was consulted from those cultures. This is because there are old men who know the old cultures and they should have been used. If you refer to some cultures, you will find that even circumcision of girls is normal. Some other cultures do not allow it. Whoever came up with this Bill, did they ever consider those cultures? This is because looking at the Bill, one thinks that, that was done. But I do not think that was done because they have to incorporate the 42 cultures of this nation and find out what happens in all those cultures. This is because they have to be incorporated. One may be tempted to think that they did carry out consultations with all the tribes in Kenya. I do not think that, that was done. It needs to be done. That is why I said that they need more time to go and consult. They need to go to Meru and check what the *Njuri Ncheke* is doing, or what *Nabongo Shukushee* used to do.

This Bill needs to be withdrawn and amended. They can draft a better Bill which can, at least, incorporate all our cultures. As we said, let them also know that the biggest problem at the moment is not those children who are going to be born because this is going to take care of that. It is those ones who are there now who have problems and unless it is addressed immediately, it is going to be very serious and we would continue to live in this country in fear and we will remain at risk because cases of thuggery will continue.

Finally, I think it is also important to propose in the Bill that nobody should bear children if he or she is not able to bring them up. This is because that is where the whole problem lies. People get children and they are not able to bring them up. They expect others to bring them up for them. Even on the streets, you will find those women who are beggars have children. If they themselves are begging, what do they expect their children to be? Double beggars? I know they need to enjoy their sexual life like everybody else but surely, the Ministry should go and teach them how to enjoy sex without giving birth. I am always bothered by children who run after me, begging. The mother is a beggar and the child is now also being taught to be a beggar. What kind of a nation are we building? We must tell them openly that if they are not able to bring up children, they should not get them! I do not know how to do that because it is difficult. But I think the Ministry must come up with a formula to avoid the business of having parents who get children and are not able to bring them up. That is what has landed us to where we are today.

With those few remarks, I beg to oppose the Bill!

The Assistant Minister for Labour and Human Resource Development (Mr. Chanzu): Mr. Temporary Deputy Speaker, Sir, I would like to support this Bill, so that it can enable us to take charge of the problems that are experienced when it comes to looking after the children. The Bill is important because it is going to enable us to harmonise and, if possible, in the long run, codify all the laws which deal with children. It will also enable us to bring out very clearly, the rights of the children. I think that is a good start, rather than saying that we have to wait again. The future of any country lies with its children. Therefore, it is very important that this Bill receives the support it deserves.

Mr. Temporary Deputy Speaker, Sir, in major towns like Nairobi, we have the problem of the street children. We have not had any proper legislation which would enable the Government to take care of them. But I am sure that, with the enactment of this Bill, we will be able to rectify the situation. The rights of children have been messed up. If you look at the estates in towns like Nairobi, most of the recreational facilities intended for children, like playing grounds and so on, have been grabbed. We have never had anybody taking interest in the welfare of the children. As a result, there is grabbing left and right, of those open spaces. I am sure that, once we have got some legislation in place, it will be a reference point and easy to refer to in matters relating to such kind of facilities intended for children.

Mr. Temporary Deputy Speaker, Sir, prosperity of any country depends on its children. For example, if you look at a family with healthy and lively children, the home is normally very lively. That goes for the nation. If all those healthy and lively children could be added together, they could make a country very healthy and lively! Therefore, we need to safeguard the rights of the children very seriously.

Mr. Temporary Deputy Speaker, Sir, as stipulated in this Bill, children have a right to life, education, good health and so on. Without enacting some kind of law to bring out those rights, it will be very difficult to accord them those entitlements. That way, the Bill comes in hardy and very timely, and suggestions on how the Bill can be amended or enhanced are welcome.

Mr. Temporary Deputy Speaker, Sir, children have been exploited very much. There is a lot of child labour, child abuse, sexual abuse and so on. I think the only way that situation can be contained is by putting in place, legislation like the one which we are discussing now. The facilities which the children need to enjoy must be provided by the State. That should be at any expense, so that they can enjoy their lives, education and good health for a healthy nation.

With those few remarks, I beg to support.

QUORUM

Mr. Khamasi: On a point of order, Mr. Temporary Deputy Speaker, Sir. We are discussing a very important Bill, and I feel ashamed that this House has no quorum!

The Temporary Deputy Speaker (Mr. Imanyara): Yes, indeed, we have no quorum! Ring the Division Bell.

(The Division Bell was rung)

The Temporary Deputy Speaker (Mr. Imanyara): Order! We now have a Quorum.

Mrs. Sinyo: Mr. Temporary Deputy Speaker, Sir, I rise to support this Bill. As a matter of concern, I want to remind the House of our African tradition that where there is a tendency for somebody to improve or they are working towards improvement, be it children, wives or husbands who have been behaving badly, so long as there is indication that somebody is actually taking measures to work positively towards changing behaviour, we always commend them for it. I am relating this analogy to the Government of the day. I support this Bill having been a civil servant and having been associated with the process of all the initiation, the task force process and even the drafting of the Bill.

In as much as I am in the Opposition, I want to appreciate all the efforts the Government has taken and the resources it has spent towards bringing this Bill into existence to protect and deliver the welfare of the children. In as much as the speakers before me have said, this Bill needs amendment. We need to support the amendment, but we do not need to "kill" the Bill. We can see from the response of the House that people are so apprehensive of the Bill that, even as I am talking, unless you protect me, they are not listening.

The Temporary Deputy Chairman (Mr. Imanyara): Order, hon. Raila! Mrs. Sinyo wants you to listen to her.

Mrs. Sinyo: Mr. Temporary Deputy Speaker, Sir, I really want protection so that they may really hear why we want this Bill to go through in spite of the amendments that we shall table in this House at the Committee Stage. If we really listened attentively to what the Assistant Minister said as he moved the Bill, we would realise that we have so much input to put.

I also want to challenge the House on the insensitivity to my circumstances. I was caught unawares when I found out this afternoon that this Children's Bill is on the Order Paper. My reader is not within reach for me to go through the long Bill as it was tabled here by the Assistant Minister. My colleagues in the House have had the advantage to glimpse and peruse through quickly where they are seated. With that disadvantage, I think we need to be more sensitive to the plight of each other so that when a Bill like this comes, we all have ample time to look at it and contribute constructively.

Mr. Temporary Deputy Speaker, Sir, in spite of that, an issue that caught my attention quite clearly is the sexual abuse of children which applies to both girls and boys. I want to relate this particularly to the children in the urban sections or towns. If we looked at children of 13, 14 and 15 years in Nairobi, for instance, their sizes and their thoughts and contrasted them with those of a child of the same age in the rural areas, there is such a big contrast. As a parent, my child who was born in 1986 is in Form Two, schooling in Nairobi but her peers of 1986 in the rural areas are in Standard Five. So, you find a child like this who is in Nairobi, when she moves around in town, the sugar daddies think that this girl of 13 and 14 years is a mature woman because the Blue Band of Nairobi has really made these girls and boys look big. The unscrupulous men just misbehave and have turned our children into gadgets, tools, if not robots. Our children need this protection. There is no better time that this Bill would have come to this House.

(Applause)

Mr. Temporary Deputy Speaker, Sir, just this afternoon we were talking about unrest in schools. We cited the case of Alliance Girls High School students who had to march over 13 kilometres to Uhuru Park here because they needed audience. This is a clear manifestation that our children have something to offer and that something is wrong. So, it is only a Bill like this that draws attention to these concerns and reminds us that our children have responsibilities and that they need to participate and have rights.

However, if we looked at the Bill carefully, it is not right *per se* on the Western approach. I want to commend the Government that when this Bill went back and we have had time to look at it, so much input has been put into it to the effect that this Bill is geared as much as possible towards the African culture and it has been harmonised as much as possible with the African Charter on the right of the peoples. Really, this is a commendable job and we are not going to continue whipping the Government and saying: "You are doing nothing". All that this House should be saying at this very moment is: "Well done. You have done a good job and we are going to support this Bill subject to the amendments which this House wants". I am emphatic on this point.

Mr. Temporary Deputy Speaker, Sir, I also heard it very clearly on the Floor about child labour. This is a rampant problem and very rampant in that the people in the urban areas where both husband and wife go to work. They

get adult workers, maybe women or men who are dishonest and have their own ulterior motives. When you leave the house they will go into a wardrobe and pose in photographs in your suits. I saw it in *Reddykulas* TV Programme. Because of fear of these adults misbehaving, people in urban centres prefer to get young, naive and innocent children as child labourers in their houses. It is a rampant and very bad practice. Children who should be going to school are the ones who work as maids. You find a very elite woman or parent taking their own children to school. A ten year old girl is woken up at six o'clock in the morning to take care of 13 to 14-year old children to take breakfast to be ready to go to school and this very child is left to run all the domestic chores and your children are going to school. This Bill is here to prevent such abuse such that any responsible parent should appreciate each other's child as their own.

Mr. Temporary Deputy Speaker, Sir, we have deteriorated in our culture, in fact, dilapidated in that, as I grew up, the socialisation I went through was that any child was a grown-up's child. You could reprimand and correct that child. You could give ideas to anybody's child so long as it was towards the well good of that child. After Independence, we got brainwashed with the fruits of Independence and our children went out of track, especially in the urban areas. If you enter a Stagecoach Bus you will see a child with her bag sitting while adults are standing in the bus. They cannot surrender the seats to adults. They should be reprimanded for that. Even if they are playing and hurt each other badly, as a grown up, you should go and intervene whether you are not the mother or the father. We would like to instil African socialism into our children. That is what this Bill is up to; responsibility and respect of children. They should know that when any adult, be he literate or poor reprimands them, they should consider it as a reprimand from their parents. That is the respect we would like to bring back to our society.

Mr. Temporary Deputy Speaker, Sir, with regard to child labour, I would like to say that even in coffee farms, tea farms or fishing areas where people think they can make money quickly by paying children very little money - because adults with the prevailing poverty would want to make substantial pay to be able to make ends meet - the community, administration, parents and teachers should be able to go out and criminalize such acts. If you find a child on the beach or in the farms, you should show him the correct place where he should be if he is of school-going age. We would like to correct the situation, so that as it has been alluded to here many times, our children are not only leaders of today, but leaders of tomorrow. We need to do something about the current scenario for posterity of good leaders in the future. We cannot achieve much if we do not have the Childrens' Bill in place.

Mr. Temporary Deputy Speaker, Sir, what I want also to put clearly in this House are the issues of health and medical services for the children. I agree that this is of utter and paramount importance if we have to have a healthy nation. In the Bill, this is very clearly stipulated with the exemption that the Government is not taking the leading role of saying that the age of majority of children should be harmonised to be age 18 years. The Government should take the responsibility to ensure that all children from age zero to 18 years should have access to free medication. If this is clearly and tacitly put in the Bill, this Government will find it very easy even in managing the crises in schools, because we will have very healthy children who have no complaints. They will not go to get drugs, as alluded, to reduce stress from poverty. If you went to "high class" schools, there is so much competition where, for example, a kid from a rich family could come with a cartoon box full of biscuits and crisps while the child who comes from a poor family and cannot afford them opts to take drugs for solace. When there is good health, these bad behaviours shall subside in our homes. They will not be extended into schools and we shall have a healthy nation.

Mr. Temporary Deputy Speaker, Sir, mothers will get a big relief, because as it were, the situation in the country is such that mothers are the ones who look after children; who have the brunt of the pains of the sicknesses and sleepless nights when children are sick. If there is a guarantee that a mother will walk whatever the distance, even at midnight and go to a medical centre and get medication, certainly our children and mothers will be healthy. In fact, the Government will be able to tap more resources of mothers because they will work ceaselessly with relaxed minds since their children are in good condition. Parents will be able to have healthy families.

Mr. Temporary Deputy Speaker, Sir, I also want to raise concern in respect to Clause 9 about children with disabilities. In as much as I am aware that we are yet to table the Bill relating to people with disabilities in this House, I would want very strongly to urge the Government, that in a case like this, where even the Convention on the Rights of the Children (CRC), explicitly under Section 23, has stipulated the interests of children with disabilities and it is very clear what the Government should do, our Bill should be harmonious with the CRC. I would want to agree with what my colleague said earlier here, that just as a matter of tokenism, you have put the Clause in and left it in suspense. It does not appeal, bring any solace or sooth any mind that, at least, you have talked about children with disabilities. The Government should be committed to each and every Clause, whatever item is in place. Let there be a commitment so that where it entails education, there should be a budget, a time limit within which these things will be accomplished. There is the goodwill in this House. Since all of us in this House are parents, we will not at any moment block the passage of this Bill. I want to assure the Government - it should not be apprehensive of anything - that this House will not block budgets proposed to support our children. We know that without a children's society which is well endowed, there is no way in which our nation will progress.

I must also add here that it is pertinent that this Bill be in harmony with the Constitution. Under Chapter 5 of

the Constitution, we all are entitled to right to life. It is imperative that all children irrespective of deformities or sex should be entitled to the right to life. The Government should come out very explicitly and ensure that no child with disability will, just due to discrimination, fail to get health facilities. In fact, they should be given priority in health, education and adoption services. Children with disabilities do not get foster parents to adopt them. People are so insensitive. They would want to go to children's homes and look for the most beautiful children. By beauty, I mean children who are fully formed and handsome. If children with disabilities are not adopted, many of them will remain in the streets.

When non-governmental organisations (NGOs) come up to support street children, they always also go out to look for the able-bodied children in the streets. Little do they take note of the children with disabilities because they are not at the forefront. These children are always in the periphery. Children with disabilities in the streets will not be the ones snatching your bags. When will she see your bag when she is blind? When will she see stop you at the traffic lights when she is on her clutches? We do not see these children at these scenarios and so they are not taken care of.

People are making so much money through establishing homes and either institutions for children minus children with disabilities. I would want to bring in quite strong and clear amendments to this Bill pertaining to concerns of children with disabilities. This will cut across all Clauses where applicable, so that we will have a society that is caring, equal and is for all of us to live in. I have said here before that the people and children with disabilities are here to stay. So, it is high time that our agenda is put explicitly on any Bill so that we are all accommodated.

Mr. Temporary Deputy Speaker, Sir, there is the issue of education for children, with emphasis on the girl child. This Bill is geared towards bringing equal treatment, education and non-discrimination between boys and girls. I would also like to make it clear that in spite of this, Kenyans should know that this Bill is not only harmonising the gender of girls and boys but also providing that, boys and girls should be treated equally. The cloth on the girl child does not make her a lesser child than the boy. I know that this is a point of concern which somebody might raise at a later stage.

Mr. Temporary Deputy Speaker, Sir, I would like to touch on the Affiliation Act which has been repealed and the assumption that mothers who have had children out of wedlock should be responsible for them. The drafters of this Bill had very clear intentions not that the mother of the child should be burdened. But I know that this will come up in the amendment which we intend to move. For the protection and harmonisation of the Guardianship and Infants Act, this Bill intends to lay that emphasis on the fact that children who are four years and below need to be with their mothers. All efforts should be put in place for them to be with their mothers. But unscrupulous men should not have their way and leave the mothers with children. This is not a revisit of the Affiliation Act but it is harmonisation which we will make clear when we will be moving the amendment. This is aimed at protecting young children who are vulnerable to suffering when there is this tug-of-war between the helpless mother and the father of the child. All efforts should be put in place to protect this child. But the father should be made to pay for the upbringing of such a child. In fact, in the past unscrupulous men have changed jobs because they want to evade looking after such children. Some have literally changed their bank accounts, but we would like to capture all these in the Bill so that our children can be protected. The Bill is for the welfare, protection and prosperity of our nation and our children.

Mr. Temporary Deputy Speaker, Sir, I must not forget about the delinquent children. The Bill has enumerated approved borstal schools in the country. As it were, these are institutions which we need to have in place. In Kenya today, we have got only one institution where delinquent girls can be accommodated. This was in place in the early 1960s where the tendency was that girls and women were very innocent and were not involved in crimes. But with the increase in population and sophistication from both modern technology and television influence, we have witnessed an increase in crime. Insecurity has become the order of the day. This afternoon we are mourning the slaying of our dear colleague who has lost his life. In fact, wananchi lose their lives daily! So, we want these institutions of approved schools to be in place to cater for girls and boys. There was no better time that this Bill could have come to this House. We have seen in the mass media children in outrage, murder their parents. We have also witnessed the reverse situation where insane men have been so violent to their own children. This Bill has been brought to this House to harmonise a situation where children experience violence, and they themselves in one way or the other become delinquent. These are institutions that we need to put in place, but the Government has to commit itself and ensure that our children will not join them and learn crime, but rather get proper training. This will enable them to be good citizens and have a better future. Mr. Temporary Deputy Speaker, Sir, at this point, I would like to thank the Government for bringing the Bill to this House, and urge the House to pass it subject to amendments. I support the Bill.

ADJOURNMENT

Mr. Temporary Deputy Chairman (Mr. Imanyara): Order! Mrs. Sinyo, you will have ten minutes to contribute on Tuesday, next week.

Hon. Members, since we have no application for Zero-Hour, the House is, therefore, adjourned until Tuesday, 7th August, at 2.30 p.m. The House rose at 6.35 p.m.