

NATIONAL ASSEMBLY

OFFICIAL REPORT

Wednesday, 6th November, 2013

The House met at 9.00 a.m.

[Hon. Temporary Deputy Speaker (Mr. Cheboi) in the Chair]

PRAYERS

QUORUM

The Temporary Deputy Speaker (Hon. Cheboi): Hon. Members, we do not seem to have a quorum to start; so, I order that the bell be rang for 10 minutes.

(The Quorum Bell was rung)

Order, Members! Order! Order, hon. Opiyo! Order, Members! We now want to start since we have a quorum. Hon. Fatuma Ibrahim, you have a Notice of Motion.

NOTICE OF MOTION FOR ADJOURNMENT

GENDER VIOLENCE AGAINST WOMEN

Hon. (Ms.) F.I. Ali: Thank you, hon. Temporary Deputy Speaker, Sir. Hon. Temporary Deputy Speaker, Sir, I beg to give notice of the following Motion---

The Temporary Deputy Speaker (Hon. Cheboi): You want to give a notice.

Hon. (Ms.) F.I. Ali: I want to move a Motion for Adjournment.

The Temporary Deputy Speaker (Hon. Cheboi): No; no; I am sure you want to give a notice.

Hon. (Ms.) F.I. Ali: Yes.

The Temporary Deputy Speaker (Hon. Cheboi): Yes proceed, hon. Fatuma; that is why we must always come in good time.

Hon. (Ms.) F.I. Ali: Hon. Temporary Deputy Speaker, Sir, my apologies.

Hon. Temporary Deputy Speaker I beg to give notice of a Motion for adjournment on a definite matter of urgent national importance. Pursuant to Standing Order No.33 (1), I wish to seek leave of the House to move for the adjournment of the House for the purpose of discussing a matter of national importance, which is rampant cases of defilement, rape and gender violence against women and girls in Kenya that has led to death and spread of diseases due to weak enforcement of laws. I wish to seek political commitment to spearhead the fight against violation of women and girls, and support for effective enforcement of policies and administrative measures.

Thank you.

(Several hon. Members stood up)

The Temporary Deputy Speaker (Hon. Cheboi): Okay, Members that is definitely more than enough. That is okay, you can now relax. We have 20 Members, or more, who have stood up in support. The time now is about 9.10 a.m., and you must give your notice at least two hours before commencement of debate on your Motion. I would have been eager to allocate more time for the discussion of that particular Motion, but due to the fact that we are a little late, I order that this will be done at exactly 11.30 a.m. for one hour until 12.30 p.m.

Next Order!

STATEMENTS

EXTRAJUDICIAL KILLINGS ON SUSPICION OF INVOLVEMENT IN TERRORISM

The Temporary Deputy Speaker (Hon. Cheboi): Yes, Chairperson, Departmental Committee on Administration and National Security, hon. Kamama. Where is the Member for Mvita?

Hon. Abongotum: Hon. Temporary Deputy Speaker, Sir, since this matter is really urgent and very sensitive, especially to the leaders of Coast Province and Muslims in general, I would rather read it out in the presence of the Member of Parliament. So, you can defer it since he may come later; or you may defer it to another day.

The Temporary Deputy Speaker (Hon. Cheboi): Hon. Members, I am informed that the hon. Member was notified yesterday and he confirmed that he was going to be here this morning. As you know, once such Statements are requested, they become property of the House. I am reluctant to allow a deferral at this point. Probably, we will go to the next Statement and then come back to it. Hopefully, the Member will be here. If he will not be here, I think we will still proceed.

Let us have the Chairperson, Committee on Finance, Planning and Trade. Do we have hon. Wafula?

The Vice Chair is here. Are you ready hon. Gaichuhie?

Hon. Gaichuhie: I am ready.

The Temporary Deputy Speaker (Hon. Cheboi): Proceed.

RESETTLEMENT OF INTERNALLY DISPLACED PERSONS

Hon. Gaichuhie: On 23rd September, 2013. Hon. Wafula, the Member for Saboti Constituency requested for a Statement from the Chairman of the Departmental Committee on Administration and National Security on the resettlement status of the Internally Displaced Persons (IDPs) in the country, particularly in Teldet in Trans Nzoia County.

The Member specifically wanted to know the following issues; how the Government arrived at the total number of IDPs; how the Government is compensating the IDPs by way of monetary compensation, that is payment of money; whether the Government has complied with Section 9 (3) of the Act which prescribes the procedure

for resettlement of IDPs and the expected timelines for closure of all IDP camps; whether the Government has facilitated consultation of IDPs provided for in Section 9 (4) of the Act, including the establishment of the National Consultative Co-ordination Committee as prescribed in Section 12; the criteria that is currently being used by the Government to identify the IDPs and measures in place to ensure that compensation is not diverted and the role of all Members of Parliament in the resettlement of IDPs.

The matter of IDPs is domiciled in the Ministry of Devolution and Planning, a Ministry which is under the Departmental Committee on Finance, Planning and Trade. This, therefore, called for redirection of the Statement from the Departmental Committee on Administration and National Security to the Departmental Committee on Finance, Planning and Trade for a response.

The Departmental Committee on Finance, Planning and Trade invited the Cabinet Secretary for Devolution and Planning and the hon. Wafula to its meeting that was held on 29th October 2013 to deliberate on the matter. Arising from the said meeting I wish to respond as follows: One, the process of resettlement of IDPs has been a complex exercise that has required multiple strategies based on the uniqueness of different situations. As an ongoing process over the years, different approaches have been adopted and we benefited from lessons learnt. This can be categorized into the following broad categories:

(a) There were those who integrated through self-help initiatives, and the Government helped to move them to begin their lives afresh. There were also those who went out on their own initiative and individual resilience, and began their lives in totally new environment and received no form of support or facilitation from the Government.

(b) There was another category that benefited from land donated by local authorities and individual well wishers. For this category, the Government and various stakeholders, constructed shelters to facilitate their resettlement and resumption of normal living.

(c) The immediate former approach of resettlement has involved Government buying land for the purpose of resettling all the remaining IDPs. This process has, however, been faced with challenges, including litigation, resistance from host communities and difficulty in identifying suitable land at reasonable prices.

Two, the jubilee Government, having reviewed all these approaches, sought to adopt a different approach that responded to the needs and demands of the remaining IDPS. It is for this reason that the Government has been implementing the cash payment programme. This approach is also conscious of the need to uphold personal choice to select appropriate location for resettlement, as well as providing an opportunity for recipients to engage in alternative economic activity that will result in their resumption of normalcy.

Three, all these programmes were not designed to compensate the pain and suffering experienced by families, communities and individuals living in IDP camps, but was rather a package to put to an end the long drawn indignity, and has been committed to addressing the underlying structural and other causes that result in violence or displacement. That seeks to do so after having addressed the degenerating living conditions currently being experienced by IDPs.

Four, on the specific question asked by hon. Wafula, as to how the Government arrived at the number of IDPs, I wish to respond that he National Humanitarian Fund

Advisory Board authorized a census of the victims of the post election violence by the Kenya National Bureau of Statistics and District Commissioners. Profiling was undertaken in June and July 2008. In essence, therefore, the IDPs were profiled at two levels, by the District Commissioners on one hand and the Kenya National Bureau of Statistics on the other hand. The census helped to determine the actual number of displaced persons in the country as indicated below:

- (i) Nyanza Province had 24,981 households and 118,547 individuals;
- (ii) Western Province had 12,385 households and 58,667 individuals;
- (iii) Rift Valley Province had 84,947 households and 408,631 individuals;
- (iv) Central Province had 10,092 households and 46,959 individuals;
- (v) Eastern Province had 1,438 households and 6,769 individuals;
- (vi) Coast Province had 1,241 households and 44,774 individuals;
- (vii) North Eastern Province had 26 households and 148 individuals; and
- (viii) Nairobi Province had 5,349 households and 19,416 individuals;

The total number of IDP households was 140,459, and the total number of individuals was 663,921.

The process of IDPs funds payment begins with the preparation of registers by the District Commissioners, who then forward the same to the Ministry for funds processing. The Department of Mitigation and Resettlement formally receives these registers and forwards them to the ICT section for data verification and validation. The ICT unit digitizes registers in order to register all the IDPS submitted without valid identification card numbers to show their identities. The data then forms IDP registers.

The Government is compensating the IDPs by way of money and land allocation. Allocation of Government procured land to IDPs and forest evictees poses the following challenges:

(a) Socio-political challenges and hostility: Where land is available for resettlement the Government has faced a new phenomenon, when political leaders and host communities have resisted resettlement in their geographical areas along ethnic lines.

Similarly, political leaders have at times discouraged IDPs from resettling in certain areas. A case in point is the Horse Farm, I think in Njoro. the Government intended to settle around 900 IDPs and forest evictees, but did not resettle anybody there due to such resistance.

(b) On legal disputes, the Department of Lands has been called upon to handle an ever increasing number of court cases over disputes in the procurement of land for resettlement of IDPs. Examples include Mau Farm, Kisima Farm and Ndare Farm, all in Nakuru County.

(c) On unavailability of adequate and suitable land, although land owners have offered land for purchase by the Government, most of it has been found unsuitable for agricultural use. In some cases IDPs and forest evictees have been uncomfortable settling in areas predominantly populated by people from other ethnic backgrounds, or who do not fit in their customary livelihood practices.

(d) On increased land price by land owners, there has been a disparity between Government valuation and offers from the land owners. Some land owners have reluctantly accepted Government land fixed prices. This has made it difficult to acquire adequate land for resettlement.

(e) On unscrupulous and fake IDPs, resettlement has been invaded by unscrupulous people who claim to be IDPs, thereby demanding to be resettled. This has led to continuous swelling of the number of people who claim to be IDPs.

(f) There has been interference by non-governmental organisations (NGOs), who do not want to end the camps. Some NGOs fear they will become irrelevant when we finish resettling IDPs; they have continued to pose a major hindrance to the resettlement of the programme.

(g) On inadequate funding, over the years, the funds allocated for resettlement have been inadequate, hence prolonging the time taken to resettle the IDPs.

(h) On cash preference by IDPs, some IDPs have been agitating for cash payment instead of land allocation and their wishes were accepted to end the stalemate.

The Government has had to keep changing its strategies to deal with the above challenges. Indeed, these challenges made the Government shift from its strategy of resettling IDPs on Government purchased land to monetary compensation. This has enabled most IDPs and forest evictees to buy their preferred parcels of land or venture into any other means of earning livelihood.

The third question from hon. Wafula was whether the Government has complied with Section 9 of the Act, which prescribes the procedure for resettlement of IDPs and expected timelines for the closure of IDP camps. The Government has fully complied with Section 9(3) on the prevention, protection and assistance of IDPs and affected communities under the Act of 2012. Some of the structures put in place to comply with the Act include construction of police posts and stations in hot spots. Those affected have been provided with relief food, decent housing and reconstruction of public amenities which were destroyed during clashes such as schools, health centres, water and so on. The Ministry has guaranteed those affected equal participation in public affairs, access to documentation and justice without discrimination. Further, decent housing continues to be provided by the Government to those affected.

For those targeted for cash payment in lieu of land allocation, the money has been allocated and all the paper work has been prepared. Only two camp areas are remaining. These are Embobut, which will be completed before the end of November and Kipkurel, which has gone to court. These shall be completed in due course. Once all the issues due to financial constraints are resolved, and the Treasury avails funds the integrated IDPs will be paid.

The fourth question was whether the Government has facilitated consultation with IDPs as provided by Section 9(4) of the Act. There is also establishment of national consultative co-ordination committees as provided in Section 12. Consultations with the IDPs on the issues of resettlement have been going on throughout the resettlement process. Indeed, this is one of the reasons why we have shifted from land allocation to cash payment; this is what the majority of the remaining IDPs prefer. Several parcels of land have been rejected by the IDPs.

The formation of the national consultative committees as provided for by Section 12 of the Act is underway. However, the process was slowed down first by the formation of Government, given that most of the committee members were Principal Secretaries. It was then decided that the current IDP resettlement task force clears the backlog of unsettled IDPs before handing over the work to a new team, given the complex nature of the resettlement exercise and because they had the institutional memory.

The fifth and last question was what the criterion is that is currently being used by the Government to identify IDPs, and the measures in place to ensure that compensation is not diverted. The IDPs are already profiled and are not being identified afresh. What is being done now is to confirm and verify the data to ensure all bio data is related to names, identity numbers, name of spouses *et cetera* are correctly reflected in the database, and that only genuine targeted groups are paid. It is worth noting that only the profiled households are compensated as stipulated above.

The sixth question was what is the role of the Member of Parliament is in the resettlement process. The Member of Parliament plays an oversight role in the entire resettlement process. Members of Parliament appropriate the required budget, and most importantly ensure stability and sensitisation of their constituents on peaceful co-existence.

Thank you, hon. Temporary Deputy Speaker.

The Temporary Deputy Speaker (Hon. Cheboi): Very well.

Hon. Gaichuhie: Hon. Temporary Deputy Speaker, Sir, I have a second Statement on the subject that was requested by hon. Njenga Kigo. I do not know whether hon. Njenga Kigo is in, so that we just read both of them because they are related. It was also on the resettlement status of IDPs.

The Temporary Deputy Speaker (Hon. Cheboi): I think that will actually save time.

Hon. Gaichuhie: Yes, I think that will save time because his is a very short Statement. So, can I proceed?

The Temporary Deputy Speaker (Hon. Cheboi): Proceed and we will give a little more time for the clarifications.

FATE OF INTERNALLY DISPLACED PERSONS IN KIENI OF GATUNDU NORTH

Hon. Gaichuhie: Hon. Temporary Deputy Speaker, Sir, on 11th June 2013, hon. Njenga Kigo, Member of Parliament for Gatundu North Constituency, requested a Statement from the Chairman of the Departmental Committee on Administration and National Security on the resettlement status of the IDPs arising out of the 1991/1992 tribal clashes in the Rift Valley who moved to Kieni Forest in Aberdare Ranges, and 2007/2008 post-election violence victims who sought refuge with their relatives all over Central Kenya and in other places.

Hon. Speaker, Sir, the Statement on the resettlement of IDPs is the same as the first one I read out. The Departmental Committee on Finance, Planning and Trade invited the Cabinet Secretary and Njenga Kigo on 29th December. We deliberated on the matter and out of the meeting the Statement reads as follows.

During the 1991/1992 tribal clashes, some people were displaced from various parts of Rift Valley such as Njoro, Enosupukia and Elburgon. The group illegally invaded Kieni Forest on the slopes of the Aberdare Ranges. To avoid destruction of Kieni Forest, the households were evicted from the forest by the Government, and became forest evictees. Since the mandate of the Ministry is to resettle forest evictees who were pushed out of major water towers, this group---

The Temporary Deputy Speaker (Hon. Cheboi): Order, hon. Member. Hon. Pukose, are you on a point of order?

Hon. (Dr.) Pukose: No, hon. Temporary Deputy Speaker.

The Temporary Deputy Speaker (Hon. Cheboi): Proceed, hon. Gaichuhie.

Hon. Gaichuhie: Okay. The people who went to the Aberdare Ranges were evicted. They became forest evictees. So, question number one was resettlement of Kieni 805 forest evictees. The Government has resettled all the 805 Kieni Forest evictees through a cash payment programme. Each of the households was paid Kshs400,000 and a total Kshs322 million was paid out to the households. Camps were closed and the forest evictees moved out.

The second question was on integrated IDPs of 2007/2008. The Government has continued to pay start-up capital of Kshs10,000 to all displaced persons. A total of 140,459 households were targeted. Currently, there is a backlog of 62,784 IDPs who are yet to be paid. These IDPs will be paid once funds are appropriated by this House.

Thank you, hon. Temporary Deputy Speaker, Sir.

The Temporary Deputy Speaker (Hon. Cheboi): We will now take a set of clarifications. The first shot will be by hon. Wafula and the second one will be by hon. Kigo.

Hon. Wekesa: Thank you, hon. Temporary Deputy Speaker, Sir. While I appreciate the response read by the Chairperson, it is unfortunate that the system and machinery responsible for identifying IDPs in the country has totally failed. In the recent past, we have had outcry and complaints about fake IDPs appearing on this list. Some of them have already been paid and we wonder how the Government will handle this issue, and recover money from them.

Thank you, hon. Temporary Deputy Speaker, Sir.

Hon. Njenga: Thank you, hon. Speaker, Sir. Mine is to confirm to the nation and this House that there are many ways of resettling the IDPs. I was much involved in the process; we identified them and we sorted out disputes in good time and they were given their Kshs400,000. They moved out mostly to the constituency of the Vice-Chair, who has answered the question. They bought land, settled there and are happy.

Apart from buying land for people, there are other factors of production like capital which can make Kenyans live better. We have had communities which do not have land living better than those who have land. The only concern is the integrated IDPs. These are people who have been out of their homes for the last six to seven years. The value of money, because of inflation and other economic interventions, has gone down.

I urge the Government to hasten, though I understand the budgetary constraints that we are going through, the process of facilitating those integrated IDPs with the cash that they need. The Government should also give them some training to start businesses or other activities because we understand that they are now being given a lot of money that will improve their economic well-being. Otherwise, mine was a successful story but the 600 integrated IDPs are a problem at hand; I believe that the Government will take care of them.

Thank you, hon. Temporary Deputy Speaker, Sir.

The Temporary Deputy Speaker (Hon. Cheboi): I want to give a chance to four more Members. We will have hon. Korere, hon. Mutua, hon. Pukose and hon. Wamalwa in that order.

Hon. (Ms.) Korere: Thank you, hon. Temporary Deputy Speaker, Sir, for finally noticing me. I rise to voice my concern about the IDPs business. I am quite worried about the machinery and the method used by the Government to resettle the IDPs. It seems like there is a vicious circle where while a group of IDPs is settled, we are busy creating another set of IDPs. It is evident that the term “IDP”, unless my English fails and I do not understand what the IDP business is, it looks like this is synonymous with a certain group of people.

(Applause)

This is because we have had people who have been IDPs since Independence up to date and nobody is in a hurry to resettle them. I wish the Chairman could tell us the plans the Government has to settle the Ndorobo who were thrown out of the forest considering the fact that these people lost their lifeline in the forest.

Hon. (Ms.) F.M. Mutua: Thank you, hon. Temporary Deputy Speaker, Sir. On 25th September, 2013, I made a request for a Statement from the Chairperson, Departmental Committee on---

The Temporary Deputy Speaker (Hon. Cheboi): Order, hon. Mutua! I am giving you an opportunity to seek a clarification. That is exactly what you had requested.

Hon. F.M. (Ms.) Mutua: No, I want to seek a Statement that---

The Temporary Deputy Speaker (Hon. Cheboi): Then you will have to wait. Yes, hon. Pukose.

Hon. (Dr.) Pukose: Thank you, hon. Temporary Deputy Speaker, Sir. I want to thank the Vice-Chair for his attempt to give the Statement sought by hon. Wekesa. When hon. Wekesa sought his Statement, he specifically talked about Trans Nzoia. In his reply, the Vice-Chair never narrowed down to Trans Nzoia, especially in terms of the number of the IDPs. Instead he went ahead to give us IDPs in the provinces and yet provinces do not exist in the current Constitution. What exists now are the counties.

So, it would have been better if the Vice-Chair gave us the number of IDPs in terms of each county. How many IDPs do we have? How many IDPs do we have in Trans Nzoia County?

The second issue is that when he talks about the IDPs, from what time is he talking about these IDPs? He should also be able to give us the timeline. Is he talking about the IDPs after the post-election violence of 2007 or he is going far back? This is because in Trans Nzoia, we talk about IDPs of as early as Kenyatta’s time.

In 1972, people were evicted from Kaptagat Forest and up to today, those people are still displaced and some are living in Uganda as IDPs. In 1976, people were displaced from Kiboroa Forest, and as we speak today those people have not been compensated. They are still living as integrated IDPs or IDPs within areas that we are talking about.

The other issue is when you come to the issue of integrated IDPs, can we also know how many integrated IDPs we have in Trans Nzoia, because this is the biggest challenge that we have? We even have people who are masquerading as Kiboroa squatters when they never even went to Kiboroa or do not know where Kiboroa is. They have just coined the name and they are able to call themselves Kiboroa squatters, yet we know that the people who were displaced---

The Temporary Deputy Speaker (Hon. Cheboi): Hon. Pukose, you are seeking a clarification. We have given you some leeway. Let us have someone else now.

Hon. (Dr.) Pukose: So, can we have the integrated IDPs? How many of these IDPs do we have? What does the Government plan to do with them? What is in store for them?

Hon. Wakhungu: Thank you, hon. Temporary Deputy Speaker, Sir. I rise to seek a clarification on the aspect of IDPs in Trans Nzoia County. I agree with my colleagues who have spoken that this county has been the mother of IDPs and more importantly in reference to the recently settled IDPs in Teldet Camp in Trans Nzoia and Saboti Constituency. Could the Vice-Chairman clarify how many were fake IDPs because on Mashujaa Day, the Regional Commission, Janet Chepkonga, mentioned that the list that was presented to His Excellency the Deputy President, indeed, had some fake IDPs? Indeed, we had some fake IDPs. Not 100 per cent of the IDPs were genuine. She said that they are trying to close the accounts, so that the fake IDPs do not benefit from the money. Could he clarify how many fake IDPs are there who intend to benefit from this money that was issued by His Excellency the Deputy President? What measures is the Government putting in place in terms of prosecution? We have genuine IDPs in Trans Nzoia County. As I mentioned, Trans Nzoia is the mother of IDPs and IDPs have been coming from other counties to be settled there. The people of Trans Nzoia are concerned, as hon. Pukose has put it, because we have IDPs who have been there since post-Independence and others from 2007. We need to understand the framework of the IDPs. Is it only from the post-election violence of 2002 or 1992 and 1997?

The Temporary Deputy Speaker (Hon. Cheboi): I will give the last chance. Hon. Florence did not take her position. So, let me give a chance to hon. Bosire and then we will take another set. Be patient, Member.

Hon. Bosire: Thank you, hon. Temporary Deputy Speaker, Sir. I am a Member of this Committee, but in the Statement read by our Vice-Chairman, we were not unanimous on some issues. We had difficulties as to---

The Temporary Deputy Speaker (Hon. Cheboi): Let me understand, hon. Bosire. You are a Member of the Committee and so you participated in the Committee Work?

Hon. Bosire: Yes, please.

The Temporary Deputy Speaker (Hon. Cheboi): So, are you seeking clarification from your Vice-Chair; clarifications that you should have sought at the Committee level?

Hon. Bosire: Hon. Temporary Deputy Speaker, Sir, I am making a comment.

The Temporary Deputy Speaker (Hon. Cheboi): I think that would not be quite appropriate, in my opinion.

Hon. Bosire: Hon. Temporary Deputy Speaker, Sir, it is important because it will bring out the issues that made us not to agree entirely on a number of issues.

The Temporary Deputy Speaker (Hon. Cheboi): You see, at this point, we need the Members to seek clarifications. So, if you are rising to seek a clarification that is in order. But if you are making a comment, that will not be appropriate at this point. You do it at the Committee. Hon. Vice-Chair, proceed and clarify the issues.

Hon. Gaichuhie: Hon. Temporary Deputy Speaker, Sir, hon. Wafula and hon. Wakhungu raised the same issue. They are talking about the fake IDPs in that list. As I

was saying, one of the challenges that we faced on the profiling of the IDPs is that we have quite a number of people who claim to be IDPs, but are fake IDPs. The Government is alive to the matter. In that list from Trans Nzoia, there were four teachers who were included, but they were not paid.

We are alive to the fact that there could be more IDPs who are fake. The Government has said that it is going to do an in-depth investigation and find out if there are fake IDPs who have been paid. If we find any, we have so many institutions that will deal with them. That is all about the fake IDPs. Hon. Njenga Kigo raised the issue of the integrated IDPs. I also want to answer part of hon. Pukose's concern in terms of how many integrated IDPs have not been paid. According to our profiling, we have 62,784 families or households that have not benefitted from the Kshs10,000.

Hon. Pukose also asked why we are using provinces and not counties. This profiling was done some time in June/July, 2008 when we still had provinces. If the Members want us to go back to counties, because the profiling was done by District Commissioners, we can do that because the Government is now digital. We can do that.

The profiling of the IDPs is done by the DCs. We have said that we are not opening a new register and all those who were profiled in June/July, 2008, form the final list. We know we have people who are in Uganda and others who are displaced all over the world, but if they did not come for the profiling, we do not know them. That is a fact. It was announced all over that anybody who feels that he is an IDP should see the DCs, or report to the nearest administrative post for profiling. That is why we have a long list of fake IDPs. You can be an IDP, but settled and comfortable. So, anybody who was not profiled--- I have said in the Statement that we are not re-opening that register. So, what we have is final.

About what we are going to do about the integrated IDPs, the Government has said that it can only pay Kshs10,000. We know that it is not enough, but we cannot compensate for pain. We only want to give them a start-up capital of Kshs10,000. This can only be done if this House, in its wisdom, gives the Treasury a budget that is enough to resettle the 62,784 households. Those are the only IDPs that we know currently. In my Statement, I said that we are not ready to open any new register.

The Temporary Deputy Speaker (Hon. Cheboi): Very well. Let us have another set starting with hon. Eric Keter and hon. Wanyonyi. I will give six chances.

Hon. E.A. Keter: Hon. Temporary Deputy Speaker, Sir, I want to take this chance to raise my concerns, particularly on this issue. When you go around this country, you see IDP camps. Whereas we thank the Government for its efforts, the funny thing is that this ghost still persists. I know one IDP camp near Total towards Kericho, where most of the IDPs have been compensated, but you still find them there. I do not know what we are going to do as a country. When we compensate these persons, we should give them a time limit. The Government should be very specific and say: "We are giving you a week". The Vice-Chairman has said that the Government paid, for example, Kshs.400,000. Immediately this money is paid, these persons should be told to move out of that area, so that the Government is seen to have done something.

If we do not do that, we shall be going round in circles. We pay some, others come in and in the end the reputation of this country will be spoilt. I beseech the Government to take stern action, particularly where compensation is done.

Hon. F.K. Wanyonyi: Hon. Temporary Deputy Speaker, Sir, let us get a bit of clarification from the department. I was out but I got this message that there was discussion on IDPs.

First of all, I want a clarification because when they gave compensation last time in Trans-Nzoia, there was a bit of discrimination, as stated by hon. Pukose and hon. Wakhungu. I want further clarification that those who insisted and stayed put in the camp, were given Kshs400,000 while the others were given Kshs10,000. This was discrimination. If there are variations in these cases, they should not be given a uniform amount.

Secondly, I want further clarification. There are those IDPs who were affected by clashes in 1992; I am talking about Mango Farm in Mt. Elgon. Very many of them were displaced and they came down to Kwana. Some are in Endebess and in Kwana where hon. Pukose and I come from.

Hon. Temporary Deputy Speaker, Sir, I want clarification whether there is any plan to compensate this particular set of IDPs. The situation is pathetic. Let the Chair give two minutes; it is pathetic because---

The Temporary Deputy Speaker (Hon. Cheboi): I will not give you.

Hon. F.K. Wanyonyi: It is pathetic because when they came from Mango Farm they were 54 families in 1992. They settled on a five-acre farm. Today, we are talking about how many years? Now there are almost 800 households still on five-acre farm. Is there any plan the Government has to help these particular families in three places, namely Bosnia, Chechnya and Rwanda?

These are the villages where these people are living.

Hon. Mulu: Thank you, hon. Temporary Deputy Speaker, Sir. I want to seek clarification in relation to cash payment. The Vice-Chairman of the Committee has indicated that the IDPs were paid cash. We know that when money is paid in cash, there are chances that it might be used for other purposes. So, is there a mechanism the Government has put in place to ensure that the money paid out to the IDPs is monitored, and that actually land is bought to avoid a situation where these IDPs remain where they are forever?

Thank you.

Hon. Kaluma: Thank you, hon. Temporary Deputy Speaker, Sir. Could this House be told how much money has so far been spent on resettling or compensating IDPs? Secondly, this problem affected virtually the entire country. I want to know the ethnic data of the beneficiaries of the money so far paid. Who were there in terms of their ethnic origins?

Lastly, this matter is so important. I was questioning whether really we should not be or whether it is possible we get directions on a proper report, so that the matter is interrogated in detail.

Hon. Washiali: Thank you, hon. Temporary Deputy Speaker, Sir. I want to thank the Vice-Chairman for the statement; I want to seek further clarification. For one to claim to have been displaced, he must show evidence of where he was living before. Part of the evidence that is supposed to be shown in this case is title deeds. Why has the Government not found out where these people had been misplaced from, so that they get the title deeds for the property they left behind for either sale or resettling of IDPs? I would want

the Vice-Chairman to tell this House how many of the IDPs have gone back to their original farms, so that they do not have to bother the Government for compensation.

Hon. Serut: Thank you, hon. Temporary Deputy Speaker, Sir. It is like hon. Washiali read my mind. I want to go further and seek clarification from the Vice-Chair. For one to be an IDP you must have been displaced from your piece land where you were residing or from some business. Has the Government checked how much land was left behind as a result of people being displaced?

Secondly, how many people were displaced from their businesses?

Thirdly is about the issue of selective re-settlement. You find in a place like Trans-Nzoia there are many people displaced from Mt. Elgon. The people from Mt. Elgon have been settled on one particular piece of land, but we have people from other places like Nakuru being settled in Trans-Nzoia and leaving IDPs in Trans-Nzoia without land. Can the Vice-Chairman tell us what criteria are used to settle these particular IDPs and leave out the local IDPs?

Hon. Gaichuhie: Thank you, hon. Temporary Deputy Speaker, Sir. Hon. Keter wanted to know when we will close the IDP camps, or how soon we will close camps once we pay off IDPs. Camps are supposed to be closed immediately. But you will notice that immediately people were paid, some moved out and others moved in. What the Government has said is that, it will only take care of those that are in the register. So, once a piece of land is left vacant--- The people you see in camps are now not IDPs. The Government is referring to them as people squatting on that piece of land. So, they will never be paid, unless the Government decides to pay squatters.

Hon. Temporary Deputy Speaker, Sir, we cannot force everybody to move out of the camps because we still know we have a few camps that are not settled. But once everybody is paid, maybe the Government can come in and force people to move out or term them as squatters. Therefore, the issue of closing camps totally is quite a thorn in the flesh.

On discrimination, hon. Wanyonyi said that there was discrimination when people were being paid Kshs400,000. What happened is that, all the families in Trans-Nzoia were the ones who were paid Kshs400,000. The ones who were profiled in Trans Nzoia were all paid Kshs400,000, though we know that there were a few fake people on the list. I said that the clean-up is still ongoing.

About the integrated IDPs, the Government because of funds--- I want to say that we have IDPs who have been there since time immemorial. Some hon. Member is talking of 1971/1972; 1991/1992 *et cetera*. It was only until 2008 when the former President, hon. Kibaki, said he was going to work on how to resettle IDPs. Before then, nobody used to talk about the IDPs. Therefore, I know there are so many people, and that is why you find so many people saying there was discrimination. The ones who remained in the camps were paid Kshs400,000 but those who went and integrated with their families were paid only Kshs10,000. This is because until the former President said that IDPs were going to be paid, we did not have many camps.

Immediately people heard that they were going to be paid, they came in and started camps. That is where the problem started. But if there was no promise of compensation, I do not think we would be having this problem of people in camps. They will be integrated somewhere somehow like the ones of 1971, 1992 and 1997. We never

saw camps up and until the year 2008. That was when the Government decided to compensate those in camps so as to clear camps.

The people who went to live with their relatives, the Government never took note of them. But soon they were told to profile themselves and they did that. The Government has tried to pay Kshs10,000 to each family. The fund is still inadequate, but I hope the Jubilee Government is going to look for more funds and pay them.

Hon. Mulu asked whether we are making sure that those who were given Kshs400,000 bought land. In respect of those who were given Kshs400,000 to buy land, I would like to clarify that we gave out the money following their request. They wanted money rather than land. As I said earlier on, getting land is a challenge. You cannot get land currently. When you get the land, the prices are hiked.

The Temporary Deputy Speaker (Hon. Cheboi): Hon. Wanyonyi, what is your intervention?

Hon. F.K. Wanyonyi: Hon. Temporary Deputy Speaker, I just want to make it clear. If the Vice-Chairman does not have the facts, he should contact hon. Pukose, hon. Wafula or me. We will give him the facts on IDPs in Trans Nzoia. I want clarification on the issue of two sets of IDPs. He has not gotten it right. He has got it wrong.

The Temporary Deputy Speaker (Hon. Cheboi): Hon. Wanyonyi, he has not even finished. You do not know whether he is going to address that bit. I thought that you were going to raise a point of order. You insist on having the two minutes you had asked for. I am not going to give you then.

Proceed, hon. Vice-Chairman.

Hon. Gaichuhie: Hon. Temporary Deputy Speaker, as I was responding to the issue raised by hon. Mulu, I was saying that the Government is not actually forcing the people who have been given the Kshs400,000 to buy land. With Kshs400,000, you can start a livelihood. If you are a farmer, you can buy a piece of land. If you want to start a business, you can do so. That is why the Government decided that rather than wait until we get land, we give people Kshs400,000 so that they can have a new beginning. So, it is not a must that they buy land. They can do any other business with the Kshs400,000. Some of them actually wanted to do business. They have been taken through training on how they can do business. Some of them are even getting more loans using the Kshs400,000 as collateral. So, the Government is alive to the matter.

Hon. Kaluma wanted to know how much money has been spent on IDPs. That is a tough question. I am not able to answer right now. I need to get the facts from the Treasury. However, I can assure this House that the Government has spent billions of shillings on re-settlement. It has bought quite a number of pieces of land and given the Kshs400,000 to quite a number of people. So, the Government has so far spent billions of shillings on the matter, and it is never ending.

Hon. Washiali wanted to know if those people can come with title deeds to prove that they were settled somewhere. Not all IDPs who were in camps or other places have title deeds for their property. It is a known fact that we do not have title deeds in many parts of Kenya. Some of them have title deeds. Very few of them have not been able to go back to where they were living. But I can tell you that most of the IDPs were business people in major towns. That is why the Government has decided that rather than wait to buy land and give it to somebody who had a big supermarket in town, it would give such individuals Kshs400,000 to start businesses.

So, not all the IDPs had land. Some of them were businessmen. Some had land for which they did not have title deeds. Only a few can come and say: “This is a very hostile area.”

Hon. Serut wanted to know the same thing as hon. Washiali. So, the same answer applies. Some of the IDPs were businessmen. Some did not have title deeds. Very few of them have title deeds.

On the criteria used to resettle IDPs, the Government used to move around and ask IDPs in camps to try and identify suitable land for the Government to purchase for them. The Government had also placed an advertisement in the daily newspapers inviting anybody who had land and was interested in selling it to the Government to do so for purposes of resettling IDPs. We cannot say that the exercise is being conducted on a “first come, first served” basis. Those IDPs who were active and got land first were resettled first. We have only two camps that are remaining. Once those two camps are resettled, we will deal with integrated IDPs.

The Temporary Deputy Speaker (Hon. Cheboi): Hon. Members, I will now take the last set of requests on this matter. I urge you to be very precise because we want to save time. As you know, there is a Motion coming up later in the day. I will give a chance to hon. Gumbo, hon. (Bishop) Mutua, hon. Kipsang, hon. Lentoimaga and hon. Gikaria, in that order.

Proceed, hon. Gumbo.

Hon. (Eng.) Gumbo: Hon. Temporary Deputy Speaker, it may not be obvious but, apart from the former Rift Valley Province and the former Central Province, the area which suffered the biggest brand of IDPs is the former Nyanza Province. Those matters have not been coming out even when we come to compensation. Unfortunately, most of our IDPs were classified as either integrated IDPs or returnees. Those of us from that part of the country feel that the Government has badly been discriminating against IDPs in that area, particularly, the returnees. Since 2008, we have been submitting lists of people who returned. Some of the returnees have been staying in the areas that were affected by the post-election violence as way back as the 1970s. They returned to the former Nyanza Province with nothing. What is the Government doing to provide some sort of remedy to the so-called “returnees”, who are the majority of the IDPs that we have in our areas?

The Temporary Deputy Speaker (Hon. Cheboi): Yes, hon. Mutua.

Hon. (Bishop) Mutua: Hon. Temporary Deputy Speaker, I am getting a bit concerned with the increasing Government’s sensitivity against the NGOs. I need clarification on what I have already heard. I have heard the Vice-Chairman of the Committee say that NGOs were interfering with the resettlement programme. Can he clarify how they were doing it? As far as I am concerned, it is very important for us not to become over-sensitive about NGOs, particularly when they agitate for fairness.

The Temporary Deputy Speaker (Hon. Cheboi): That is precise and enough. Next is hon. Kipsang.

Hon. Kemei: Hon. Temporary Deputy Speaker, I need a few clarifications from the Vice-Chairman. Firstly, we have many integrated IDPs in Marakwet West Constituency, especially in Sengwer Ward, who have not been compensated. I want to know when they will be compensated.

Secondly, we have squatters who have been living in Lalak Forest in Marakwet West since 1961. They were initially 14 families but they have since multiplied to over

300 families. We want to know when the Government is going to resettle those squatters. Thirdly, in 1994, the Government took land from some families within Kapsowar Town to set up the District Headquarters for Marakwet District then. To-date, those families have not been compensated. They were given land in Chebara Forest but the Kenya Forest Service (KFS) have since taken it back. I want to know what the Government is doing to ensure that those people either get back their land or they are compensated, so that they can live in peace.

The Temporary Deputy Speaker (Hon. Cheboi): Yes, hon. Lentoimaga.

Hon. Lentoimaga: Hon. Temporary Deputy Speaker, I want to seek clarifications on two issues. Firstly, in my view, just like the other hon. Members have said, the resettlement of IDPs looks a bit discriminatory. Many parts of the country witnessed displacement in big numbers. But it is like the resettlement exercise is only focusing on post-election violence IDPs. The problem of IDPs in Kenya is not just as a result of the post-election violence. Displacement of people happens almost daily due to drought and inter-community fighting. I want the Vice-Chairman to clarify what plans the Government has to assist the people who were displaced from a place called Suyian and Waso Rongai in Samburu County.

We also have a number of evictees from Kirisia Forest. What will happen to those people? We have witnessed resettlement of people who were evicted from the Aberdares Forest in Kieni Constituency. People who were evicted from Mau Forest were also resettled. Even people who were evicted from Mount Elgon, in an area in Marakwet West, have been resettled. However, we have not witnessed any resettlement in other parts of the country and yet, there are displaced persons in many other parts of the country, just like those who have been resettled.

The Temporary Deputy Speaker (Hon. Cheboi): Hon. Members, as hon. Gikaria seeks clarification, it is important for you to understand that you must ask very specific questions about specific areas. It would have been prudent if you attended the Committee hearings and raised those issues at that particular time. It will be extremely difficult for the Vice-Chairman to clarify a matter - like the one that hon. Lentoimaga has raised - which is specific, as well as that raised by hon. Kipsang.

Proceed, hon. Gikaria.

Hon. Gikaria: Hon. Temporary Deputy Speaker, just a few clarifications. One is about the court cases. He has mentioned two cases but excluded Donga Farm in Subukia. I need that clarification because there are some IDPs there. The Government bought land from the old man, but the daughters are now in court.

The Temporary Deputy Speaker (Hon. Cheboi): Hon. Gikaria, that is also very specific. I have just mentioned that unless you are saying because the Chair is also a Member---

Hon. Gikaria: Not at all, hon. Temporary Deputy Speaker.

Secondly, he mentioned something about households and families. In Rift Valley, he mentioned 84,000 households and 408,000 families. Who are supposed to be compensated? What has the Government done about those IDPs? Some of them had land and the land is still there? Who is sitting on that land? Why are the IDPs left and maybe they have never wanted to go back. This is a question that the Government needs to tell us. Somebody asked something about the cash awards and I think that is the right

direction to take. If my people have been given cash to buy their own land, then we would not be having problems at Donga and Kisima farms in Njoro.

Hon. Gaichuhie: Thank you, hon. Temporary Deputy Speaker. Let me address hon. Gumbo's issue because I think we are still talking about integrated IDPs. We have two sets of IDPs. There were IDPs in camps; that is, those who moved and stayed together in a camp. Then there are those people who went and stayed with their relatives or migrated elsewhere. Those are the integrated IDPs.

The Government decided to first deal with those ones in camps. They are the ones the Government has been trying to compensate by way of buying land or currently paying them KShs400,000. That is what the Government has been doing. Those integrated IDPs, the ones who were profiled first, were given Kshs10,000. They moved out and went to be integrated. We still have a backlog of more than 62,000 pending.

The matter of integrated IDPs, if we open history, they could be in their millions. That is because people moved and stayed with others elsewhere. If we were to start talking of integrated IDPs, then we will go back to the question: Where did you come from? Where is that piece of land of yours? You are the same people who are asking, "Can they show us where they came from?"

So, the matter of integrated IDPs is quite strange and the Government is alive to it. The Government is looking for funds. If this House can give us good funds, we already have a profile of more than 62,000 families. If this House, during the budget-making process, allows the Government to compensate them at a figure that we can agree and then avail the funds, I think that would be the best way to go.

So, it is upon us as a House and also the Government to ensure that we give enough money to compensate IDPs. It is a complex matter. Had we talked of integrated IDPs and squatters--- Some of us are even mistaking squatters for IDPs. There is a category of squatters and there is a category of IDPs.

When hon. Lentoimaga says that there are people who were pushed out of a forest, those were squatters in forest and not IDPs. That is because nobody owns a forest. Those are people who were squatting in a forest and the Jubilee Government is alive to the matter. Actually, we have seen title deeds being issued. I think they have started in the right way of resettling--- In fact, it is settling and not resettling because they have never been settled. The Government is trying to settle squatters. I wish the Leader of the Majority Party was around so that he knows that we have so many squatters in this country and that the Government will actually settle them.

Hon. Bishop asked how NGOs interfere. We have NGOs which were doing a very good job. However, others were formed to come and cash in on the situation. There are NGOs that got donor aid from foreigners in the pretext that they were coming to assist IDPs. They got a lot of money from the outside world. You know there are many people who are ready to support NGOs. They used to get a lot of money in the pretext that they are coming to assist people in camps. They would buy tents, blankets, foodstuff and those kinds of stuffs. Those are the NGOs that would not want camps to close down and there are many of them. They are known. That is how some NGOs were interfering but, of course, not all NGOs. We have so many NGOs that are supported, but we have a number-

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The Temporary Deputy Speaker (Hon. Cheboi): Hon. Gaichuhie, as Members ask precise questions, you should also respond precisely. I am sure you should be winding up.

Hon. Gaichuhie: I am winding up. Hon. Kipsang asked the same thing about integrated IDPs and the squatters. The Government will think about those ones. About discrimination, I do not think there is any discrimination. About the resettlement, it started soon after the post-election violence. That is why those ones in the past were not compensated.

Hon. Gikaria has asked about Donga Farm. That farm is in my constituency. It is a case in which the Government has given out money, but they have not paid the owners. They went out there and took IDPs from Gilgil and Nakuru. However, because of family dispute, the money is with the lawyers. The sisters and brothers are still in court. Once the case is determined, the Government has already paid the money to the lawyers. They will be paid and those people will be resettled. We are even trying to do an out of court settlement. If we can do it very soon, then those people will be allocated land. The IDPs are still there and they have not been shown their pieces of land.

Hon. Temporary Deputy Speaker, I have tried to answer all the concerns of Members. I can, however, say for a fact that, the issue of IDPs is complex. It is something that we dealt with in the Tenth Parliament and now in the Eleventh Parliament. We hope that one day it will come to an end and that we will no longer have IDPs as a result of election violence.

The Temporary Deputy Speaker (Hon. Cheboi): There is something which I think we might have skipped. Dr. Nyikal, but you have to be very precise.

Hon. (Dr.) Nyikal: Hon. Speaker, there is an issue that is being taken lightly and it is a major issue. This is the issue of integrated IDPs. We need a proper policy from the Government. This is the origin of the two kinds of IDP. When we had the problem, I was there on the ground. Those people, particularly from western Kenya, many of them preferred not to be in the camps and went to their homes. They were actually asking for transport. Many from Central Kenya had nowhere to go because of historical reasons. That issue has been there from that time. How do you compensate people who went home? They came from exactly the same source. That is what has brought about the discrimination of Kshs10,000---

The Temporary Deputy Speaker (Hon. Cheboi): Order, hon. Nyikal. I think you have made your statement. It is part of what he had addressed. So, that is to say that the Committee should not take that one lightly. We have taken a lot of time on this one. I am going to ask the Chairman of the Departmental Committee on Administration and National Security to proceed and give a Statement on what hon. Nassir asked. Now, Members, I think we must appreciate that we have time to save. We have really given a lot of time to that Statement. So, proceed hon. Kamama.

EXTRAJUDICIAL KILLINGS AND RENDITION OF KENYANS TO UGANDA

Hon. Abongotum: Thank you, hon. Temporary Deputy Speaker. I wish to respond to the Statement requested by the Member of Parliament for Mvita Constituency,

hon. Abdullswamad Nassir on the alleged upsurge of apparent extrajudicial killings in the country and rendition of Kenyans to Uganda on suspected terrorist acts.

The hon. Member alleges that the late Sheikh Samir Khan, Omar Faraj, Sheikh Aboud Rogo, Kassim Otieno Omolo, Issa Abdallah and Omar Aburumesia are all victims of extrajudicial killings and he further wanted to be informed on the following:-

One, the reasons behind the alleged upsurge in apparent extrajudicial killings especially for persons suspected of having links to terrorist groups without a fair hearing. Two, the steps being taken by the relevant arms of Government to investigate those murders and apprehend those responsible. Three, how and who authorised the rendition of seven Kenyans to Uganda and what the Government is doing to bring them back to Kenya to be tried in a Kenyan court of law.

Hon. Temporary Deputy Speaker, from the outset, I want to reiterate that the Government does not tolerate extrajudicial killings. Indeed, any Government officer found guilty of not upholding and respecting human rights as enshrined in the Constitution - which we promulgated in the year 2010 - will be held accountable for his or her actions. However, the above mentioned persons have faced their deaths in different circumstances which are under investigations.

Hon. Temporary Deputy Speaker, first, and I want the hon. Member to listen because those have been very sensitive issues for quite some time.

Number one, Sheikh Samir Khan's body was found along the Nairobi-Mombasa Highway at the Man Eater area somewhere around Voi. Number two, Sheikh Aboud Rogo was gunned down by unknown criminals. Three, Kassim Otieno and Slim Mohammed Nyiro, suspected terrorists, engaged police officers in a shootout resulting, unfortunately, to their deaths. Police recovered a rifle, pistol, more than 200 rounds of ammunition and two grenades from the two suspects. Lastly, Sheikh Ibrahim Omar, Gaddafi Mohammed, Issa Abdallah and Omar Aburumesia were shot dead by unknown people.

Hon. Temporary Deputy Speaker, the Government calls upon anyone who has information that can lead to the arrest of the perpetrators of those heinous acts to avail the same to any police station in the country and the same shall be treated with confidence.

Following the 11th July 2010 Kampala bombings which claimed 76 lives and left 96 other persons with serious injuries, joint investigations conducted by the Kenya and Uganda law enforcement officers added other credible evidence which implicated some Kenyan suspects. The initial breakthrough in this investigation was based on technical telephone analysis of the mobile handset from the unexploded device. The handset had an international mobile equipment identification number. The number is 351528042707070. The technical analysis of that handset revealed previous telephone linkages that led to the arrest of the following persons in Kenya:-

One, Idriss Magondu alias Christopher Magondu; two, Hussein Hassan Agade; three, Mohammed Ahmed Suleiman; four, Mohammed Adan and five, Yaya Suleiman Mbuthia. From the foregoing, it is evident that the five Kenyans who were handed over to Uganda authorities were suspected to be connected to the Kampala attack.

Kenya domesticated the treaty for the establishment of the East African Community (EAC) when Parliament passed the treaty for establishment of EAC Act in the year 2000. There are certain provisions in the said treaty that provide for among others, enhanced co-operation between partner states in the following areas:-

One, in handling of cross border crime; two, in the provision of mutual assistance in criminal matters; three, arrest and repatriation of fugitive offenders; four, exchange of criminal intelligence and other security information for combating criminal activities; five, enhancement of joint operations including hot pursuit of criminals and joint patrols to promote border security and six, review of regional security particularly on the threat of terrorism and in the formulation of security measures to combat terrorism.

Hon. Temporary Deputy Speaker, Article 124 of the treaty specifically provides for the arrest and surrender of fugitive criminals within the EAC. Furthermore, the new Constitution states that any treaty or convention ratified by Kenya shall form part of the law of Kenya under the new Constitution. In this context therefore, it can be argued that to the extent that EAC treaty forms part of the laws of Kenya under the new Constitution, the arrest and surrender of the persons in question pursuant to the provisions of the treaty cannot be said to be in violation of the Constitution. Kenya, therefore, had legally binding obligations to arrest and surrender the persons in question to Uganda for prosecution.

Hon. Temporary Deputy Speaker that is the Statement. I thank you.

The Temporary Deputy Speaker (Hon. Cheboi): Very well. Let us have the first shot from hon. Nassir, who will be followed by hon. Duri.

Hon. Nassir: Thank you very much, hon. Temporary Deputy Speaker. When I expressed my intent to ask and raise those questions in Parliament, I recall being warned that the answers which I will get will be similar to a house where the older child has been left responsible for the younger ones. When parents come home and find things are broken, everyone simply says we do not know. This is exactly the answer that we have received today. What we are seeing is basically an endorsement. They are going to have court cases without answers which will, indeed, be very unfortunate because the world watches each and every step that we take as the Government.

Hon. Temporary Deputy Speaker, back to the Statement, the answers that have been given by the Chairperson are from a report that was signed by hon. ole Lenku. They have clearly indicated a number of names that I had mentioned but one particular name on the killings has been skipped; and that is Omar Faraj who was actually gunned down in an area called Mwembe Tanganyika which---

The Temporary Deputy Speaker (Hon. Cheboi): Hon. Nassir, I do not want you to give a statement. I want you to seek clarifications. For example, if you have an issue with a name that has been omitted, ask for a clarification as to why it was not included.

Hon. Nassir: Thank you, hon. Speaker. The name of Omar Faraj does not appear in the response that has been there.

With regard to the rendition to Uganda, the response clearly states that there were seven Kenyans who were sent to Uganda. In the report that has been sent over, justification was only given for five people who were sent to Uganda. They did not give the reasons why Omar and Suleiman were sent to that country.

Hon. Temporary Deputy Speaker, Sir, it might sound ironic because we have the treaty for the establishment of the East African Community. In this country, a judge had - and I want to get a clarification on this issue as well - declared those renditions illegal. This is the case and yet, we have been told that by signing the establishment of the East African Community, we will be entitled to send anyone that Tanzania and Uganda will ask for.

Is it not ironic that today, when the International Criminal Court (ICC) calls for the arrest of one person, this very Government holds the sovereignty card high? However, when a country in the East African Community asked for the seven people without regarding a Kenyan court, they were sent to that country and today we are being given the reason why five of them had been sent there.

Lastly, on 22nd October, I had also requested for a Statement but at that time, the Chairperson was not in. The Leader of the Majority Party---

The Temporary Deputy Speaker (Hon. Cheboi): Is it on the same issue?

Hon. Nassir: It is on the same issue.

The Temporary Deputy Speaker (Hon. Cheboi): I really want you to be of assistance to the House, hon. Nassir, because your colleagues also want to seek clarifications and I do not want you to take all their time.

Hon. Nassir: Hon. Temporary Deputy Speaker, Sir, on 22nd October, there were shootings of clerics in Mombasa. When we were in this very House, the Leader of Majority had actually confirmed that the response which will be done - and which is being done now - will include the killings of the two clerics. One was Pastor Charles Mathole of the Redeemed Gospel Church in Kisauni and Pastor Ibrahim Kithaka of the East African Pentecostal Church. That is because those killings seemed to be following along the same pathway. We had requested for those answers to be done together and the Leader of the Majority Party confirmed that this will be the case. However, it is definitely clear that this is not the case.

I would like to seek those clarifications.

Hon. Ndiritu: Thank you, hon. Temporary Deputy Speaker, Sir. I had requested for a Statement earlier on.

The Temporary Deputy Speaker (Hon. Cheboi): That is why it is important that when you are no longer interested, you withdraw your card.

Yes, hon. Sheriff Athuman Ali.

Hon. S.A. Ali: Asante Mhe. Naibu Spika wa Muda. Ningependa kupata maelezo kamili kutoka kwa Mwenyekiti wa Kamati ya Usalama wa Kitaifa kuhusu masuala haya ambayo ametuelezea. Ni masikitiko makubwa kuona kwamba hali hii imekuwa ikiendelea kwa wale ambao wako na imani kubwa na dini ya Kiislamu. Tunaelewa vyema kwamba Serikali yetu au katika nchi ya Kenya tuko na Katiba ambayo tunataka tuifuate kama wananchi.

The Temporary Deputy Speaker (Hon. Cheboi): Order! The hon. Member with Temporary Card No.9, you have a point of order.

Hon. Shimbwa: After he finishes, hon. Temporary Deputy Speaker, Sir.

The Temporary Deputy Speaker (Hon. Cheboi): You want to raise an issue after he finishes. It is okay.

Hon. S.A. Ali: Asante sana Mhe. Naibu Spika wa Muda. Tunaelewa vyema kwamba tuko na Katiba katika nchi hii ambayo sisi kama wananchi tunafaa kuifuata. Vile vile, Serikali inafaa kuifuata hii Katiba. Masikitiko makubwa ni kwamba hali hii inatushangaza sana sisi Waislamu; kwamba yeyote anayeonekana kuwa na imani thabiti kuhusu dini yake, ndiye ambaye anafuatwa katika masuala haya ya mauaji. Mauaji yanapotokea, ni swala ambalo wengi wanajiuliza ni kwa nini jambo hili linafanyika. Hii ni kwa sababu tunaelewa vyema kwamba kuna sheria katika nchi hii. Serikali imejitenga na kusema kwamba haijui watu wote ambao walitajwa na Mhe. Nassir katika mauji hayo,

ilhali karibu watu hawa wote wameuawa ama wamekufa katika hali ya kutatanisha. Kwa hivyo, sisi kama Wakenya na Waislamu katika nchi hii tuna haki zetu. Serikali inaponyamaza na kusema kwamba haijui na inahitaji wenye ushahidi waje na ilhali inaonekana wazi kwamba mauaji haya ni ya kupangwa kutokana na hisia za watu hao katika dini, ningependa kupata maelezo kamili kutoka kwa Mwenyekiti wa Kamati ya Usalama wa Kitaifa.

Serikali haiwezi kusema kwamba haijui mambo haya. Ikiwa haijui, inafaa ijitahidi kwa sababu hawa ni Wakenya. Inafaa Serikali itueleze ni vipi watu hawa wamefika katika hali hii. Hii imekuwa ni tishio kubwa kwa Waislamu kwa sababu unaposimama kwa msimamo wako wa kidini, unaonekana kwamba wewe ni *terrorist*. Na ilhali katika masuala ya *terrorist*, maelezo au ufafanuzi wa *terrorist* hauambatani na Uislamu. *Terrorist* anaweza kuwa ni mtu yeyote katika nchi hii au ulimwengu huu. Mtu yeyote ambaye ako katika dini yoyote anaweza kuwa *terrorist*. Kwa hivyo, haimanishi kwamba *terrorist* ni Muislamu peke yake.

Ningependa kupata maelezo kamili kutoka kwa Mwenyekiti wa Kamati ya Usalama wa Kitaifa kwa sababu sidhani mimi na Waislamu katika nchi hii wataweza kutoshelezwa na maelezo ambayo tumepewa katika masuala haya. Tunahitaji kupata maelezo kamili yenye kutupa mwongozo katika suala hili.

Hon. (Ms.) Kajuju: Hon. Temporary Deputy Speaker, Sir, I intend to request for a response that was not given by the Chairperson of the Departmental Committee on Education, Research and Technology.

The Temporary Deputy Speaker (Hon. Cheboi): No! A time for that will come. Yes, hon. Lelit.

(Loud consultations)

Hon. Lati: Thank you, hon. Temporary Deputy Speaker, Sir. I sympathize with our friends from Mombasa because I experienced a similar thing. Hon. Temporary Deputy Speaker, Sir, there are loud consultations.

The Temporary Deputy Speaker (Hon. Cheboi): Order, hon. Wang! You are holding a public rally at that corner.

Hon. Lati: Hon. Temporary Deputy Speaker, Sir, I rose to seek a clarification because a few days ago, actually last Thursday, I experienced something that I thought I would never see in a country that I love very much.

There was a peaceful demonstration in Maralal where university students were demonstrating and they had a permit from the police. What happened is that the university student leader was chased by a police officer and killed.

The Temporary Deputy Speaker (Hon. Cheboi): Hon. Lelit, I understand that but I want you to be relevant on this one. You know, you can seek a Statement on that incident. Seek a clarification on this Statement.

Hon. Lati: Hon. Temporary Deputy Speaker, Sir, sometimes, we need to set some background so that it is understood why we need those clarifications, but I will stop there. Those extrajudicial killings are executed by police officers and what follows is that there is no record that is entered in the occurrence book (OB). Those incidents are supposed to be recorded by the police. So, is there an alternative OB?

There is another thing that I want to ask from the very able Chairman. Does the Parliamentary Committee, led by the able hon. Kamama, have any role to play when such things are done, for example, conduct a judicial inquiry as a Committee, so that we can get to the bottom of those things when police conspire to do bad things? Finally, do we have authority to arrest the police officer who is involved in extra judicial killings in the open?

The Temporary Deputy Speaker (Hon. Cheboi): That is why I think you are mixing two issues. Here is a situation where you are talking about specific police officers being arrested and so forth, and this is a different thing. Let us have hon. Bollo.

Hon. Bollo: Thank you, hon. Temporary Deputy Speaker, Sir. I would also like to get a clarification because what is happening at the Coast is of great concern. We hear reports that the matter has not been investigated and they are still investigating. It now includes Christians being murdered when going for prayers. Our Muslim brothers are also being murdered. If the Government cannot establish the motive of the killings, which is intentional, who will? If they cannot do it, why can it not establish a commission to investigate independently, if the police cannot investigate?

This is a big concern because it is causing tension and insecurity at the coast. We will not expect to just be told that they are still investigating and we do not get reports. This means that there is failure even for the intelligence to get the correct position. We are very much concerned.

The Temporary Deputy Speaker (Hon. Cheboi): Let us have the Chair. You want to respond at this point or you want us to get a few more requests for clarifications? I think you should respond.

Hon. Abongotum: Hon. Temporary Deputy Speaker, Sir, I said earlier that the rendition and the fate of the people who are missing is a sensitive issue in this country, especially in Coast Province. Hon. Nassir was expecting an answer. It is like he knew what I was going to say, but I want to confirm that what the Government did was done within the purview of the law. Like I said, the East African Community Treaty of 2000 allows us to take that direction. At the same time, even our Constitution that we promulgated in 2010, also gives us the latitude to deal with this matter in this manner. I confirm that we are within the legal beacons and not outside the law.

On the issue of Mr. Omar Faraj, I agree that this issue was skipped. Also the issue of the two names out of the seven that is Omar and Amir, I want to suggest that we engage the Member through the Committee. We will write to the Cabinet Secretary to confirm the status of the three, so that we can convince the Member for Mvita about their status. So, whether it was omitted technically or intentionally, we want to know. We will respond to that and we will invite him to our Committee, so that we can prosecute the matter.

On the issue of the shooting of the two pastors, it came slightly later. The matter took some time because as you know, a small inquiry was conducted on the issue of Sheikh Rogo and according to me, they did not achieve much. I want to suggest to the Member to either ask for a separate Statement on the issue of the two pastors or we can write and combine the two issues and ask the Member to come to our Committee, so that we can prosecute it.

The Temporary Deputy Speaker (Hon. Cheboi): Hon. Kamama, about combining the two issues, you are already giving this particular Statement. If they have to

ask, it should be a separate one that will be answered separately. The issue of combining is not there.

Hon. Abongotum: Hon. Temporary Deputy Speaker, Sir, we want to get to the bottom of this. So, I want to kindly ask the Member to ask for a separate Statement on the issue. On the issue raised by the Member for Lamu West that strong believers of Islam are being targeted, I want to confirm to him that, that is not the case because this Government respects Muslims. We have Muslims in very senior positions, namely, the Judiciary, the Cabinet and even in State House, who can even defend Muslims there. So, nobody is targeting Muslims. Those are just isolated cases, which must be investigated. As I said, the files are still open. The Government is waiting for anybody with any information and that information will be treated in confidence.

On the issue raised by the Member from Samburu, I agree with him that there was an incident sometimes last week where a student from one of our universities was shot.

The Temporary Deputy Speaker (Hon. Cheboi): Order, hon. Kamama! The Member with the temporary card No.9, you have a point of order.

Hon. Shimbwa: On a point of order, hon. Temporary Deputy Speaker, Sir. I would like to inform the Chair of the Committee on Administration and National Security---

The Temporary Deputy Speaker (Hon. Cheboi): The issue of information is something else. You want to inform him or you are rising on a point of order?

Hon. Shimbwa: Hon. Temporary Deputy Speaker, Sir, I am rising on a point of order.

The Temporary Deputy Speaker (Hon. Cheboi): Then prosecute it appropriately.

Hon. Shimbwa: It is the responsibility of the Government---

The Temporary Deputy Speaker (Hon. Cheboi): What is out of order, so that we can be on the same page?

Hon. Shimbwa: Hon. Temporary Deputy Speaker, Sir, we cannot allow Chairmen of Committees to come here and hide under the fact that investigations are going on. I know of an instance where somebody was suspected of having stolen, maybe a ring, from one of the victims of the Westgate attack and it was known. There was a briefcase that actually disappeared at the Nairobi International Airport and the person who stole it was also discovered. All those things that we are hearing about---

The Temporary Deputy Speaker (Hon. Cheboi): Your concerns are genuine, but they are not relevant to this particular issue. You rose on a point of order and I really want us to agree there. Actually, I rule you out of order. I do not think that, that is a point of order. You were going to have an opportunity to request for a clarification, but you opted to intervene. So, let us give someone else a chance. Hon. Chairman, you will have to proceed as you finalise. We will take another set of Members to seek clarifications; very few now.

Hon. Abongotum: Hon. Temporary Deputy Speaker, Sir, because hon. Shimbwa comes from that place, I do not mind any information from him. If you can give him another chance, it will be fine.

On the issues of Maralal, I will advise hon. Lati because it is an isolated issue. There was an issue between the police and the students. It was reported that a police officer shot at one of the student leaders. The issue has actually brought a lot of tension in

that place. So, I would advise hon. Lati to ask for a substantive answer and also confirmation that we are willing to visit that place as a Committee and come up with a report to this Parliament.

With regard to the issue raised by hon. Bollo, I want to confirm that yes, we have systematic challenges in our intelligence sector. Therefore, we need to improve on our intelligence system so that we can investigate some of those cases and come up with concrete answers to questions that are being asked by Kenyans.

The Temporary Deputy Speaker (Hon. Cheboi): Okay. Let us take four last chances. They should be very precise so that we can save on time. That would be hon. Munuve, Abdikadir Aden, Nuh Junet, and hon. Kariuki Ndegwa; in that order.

Hon. Mati: Thank you, hon. Temporary Deputy Speaker, Sir. First, I would like to empathize with my brother here because Mombasa has become a very insecure place. It started with Muslim preachers, now we have gone to Christian preachers.

What we need to do as a nation is to actually deal with the root causes of those unfortunate incidents. Our biggest problems as a country is that we have too many small and medium arms in private hands and unlicensed. That is why life has been destroyed by hooligans.

Hon. Temporary Deputy Speaker, Sir, we have a policy which we have not actually followed through on small arms or on proliferation of small arms in the region. Kenya is privileged to being the host of the focal point on small arms in the horn of Africa. It has a secretariat. But we have not seen a concerted effort by the Government to recover those arms from those wrong hands.

We have also seen a situation where, it is like we are going back to 1980s and 1990s where police were reluctant to arrest suspected criminals.

The Temporary Deputy Speaker (Hon. Cheboi): Now you can seek the clarification, hon. Munuve.

Hon. Mati: I would basically ask my friend the Chairman of this Committee, what they are doing to make sure that the conflict - the unexplained and unaccounted for deaths that are happening in Mombasa and now spreading to Samburu and other parts of the country - will not continue in our good Republic.

My last one is what the Government is doing---

The Temporary Deputy Speaker (Hon. Cheboi): That should be sufficient. Let us have hon. Aden Abdikadir.

Hon. Aden: Thank you, hon. Temporary Deputy Speaker, Sir. I rise to seek clarification from the Chairman of the Departmental Committee on Administration and National Security.

The Statement as brought by hon. Abdullswamad before this House is very sensitive and it seeks explanation on the mysterious deaths of Kenyans who are being killed extra-judicially without explanations at all. Even to add more on to that is the fact that persons who are being killed are religious leaders in their rights. Those leaders are killed on their way home when they are from preaching; either from the mosque or the church.

Hon. Temporary Deputy Speaker, Sir, when our security agents turn up after a very long time and say that they have no explanations as to who is behind those killings, it is a very worrying trend. It is an issue that can very easily be understood to be systemic killings. What is the intention of this, if there is? We want to be very candid. If the police

and intelligence officers do not know who is killing those leaders, then who else should know? We should be worried people. All Kenyans should be walking very worried and this is what is worrying. The trend that is picking is that it is moving from the killing of Muslim leaders to Christian leaders *et cetera*. If this issue is not managed it could very easily explode into situations in this country that we do not want.

Hon. Temporary Deputy Speaker, Sir, the answers given here are not adequate. The sending of Kenyans to other countries for trial is not also something that is satisfactorily explained. We have courts and judicial systems which we have very strong faith in and the rendition of Kenyans that are mentioned in this Statement is unacceptable. The Chair should demand adequate answers as to whether we have no faith in our judicial system to the extent of sending Kenyans to our neighbours to try them on our behalf.

Thank you.

Hon. Nuh: Thank you, hon. Temporary Deputy Speaker, Sir. I rise to seek clarification from the Chairman of the Departmental Committee on Administration and National Security. I would like this House to be told whether there is any single file or investigations concerning extrajudicial killings that has been completed.

There is a tendency in this country where extrajudicial killing is very rampant. We were told it will be investigated and all culprits will be brought to book. No stone will be left unturned. That is the information we have been getting since we were in school until now.

Hon. Temporary Deputy Speaker, Sir, the primary mandate of the Government is to protect the lives of its citizens and their property. There is a serious failure by the Government to protect the lives of its citizens. Then we claim that we are a stable country and such kind of things.

Hon. Kariuki Ndegwa: Thank you, hon. Speaker. In fact, we have been very much concerned with extrajudicial killings. I believe that it is clearly not in order to just kill suspects, instead of prosecuting them. I would also like to clarify something to the Chairman who made reference to the Member for Lamu West. He was actually answering the Member for Lamu East, my colleague. So, he needs to be careful when answering questions.

Having said so, I want to---

The Temporary Deputy Speaker (Hon. Cheboi): Hon. Ndegwa, I want you to specifically seek a clarification, in the interest of time.

Hon. Kariuki Ndegwa: Hon. Speaker, on the matter of extrajudicial killing, I need a proper clarification on whether the police killed the right people. We would be very worried and disappointed to see people being killed and being branded "terrorists" or whatever. So, I would like him to come out clear on this one. We need to improve our policing. We have a very poor structure in the police force. Therefore, I would like this matter looked into thoroughly, instead of having police officers just killing people to prove that they are working.

The Temporary Deputy Speaker (Hon. Cheboi): Is there anything that is not yet clear, hon. Nassir? It has to be the very last one because we have been transacting this matter for the last one-and-a-half hours. It is not right.

Hon. Nassir: Thank you, hon. Temporary Deputy Speaker. The Chairman of the Committee had made some remarks. I want a clarification so that I can be on the same

page with him. First and foremost, the name of Omar Faraj is missing from that report. The second issue relates to the matter raised by the Member for Maralal and the Member for Nyali. As hon. Junet has said, it seems that the Government has not been able to set up an independent tribunal to investigate extrajudicial killings that are suspected to have been carried out by the police. On the issue of rendition, the names of Omar Awadh Omar and Abeid Suleiman are missing in the report that has been tabled today. So, when he gives his response, he should address that bit as well.

Finally, I would like to just clarify this matter so that we can all be on the same page. On 22nd October, when I made the request on the issue of the pastors, the Speaker gave a go-ahead. The Leader of Majority Party also confirmed that a report on the killing of Christian leaders as well would be done together. So, I hope that, in a bid to save time and resources, his next response will include this bit as well since the Statement request has already been done. He was saying that, maybe, a Statement request on this second bit has to be done separately. It has already been done. So, he is only---

The Temporary Deputy Speaker (Hon. Cheboi): Did the Statement request combine the two issues?

Hon. Nassir: Yes, hon. Temporary Deputy Speaker.

The Temporary Deputy Speaker (Hon. Cheboi): Hon. Nassir, if that is the case, at the point at which he was answering, you should have raised the matter that the Statement was incomplete, so that I could give him time to go and complete it. So, the other one can still be done.

Hon. Nassir: Thank you, hon. Temporary Deputy Speaker. That is what I am requesting for, that the report should include the name of Omar Faraj and the issue of whether we should set up a separate tribunal to investigate the extrajudicial killings. It should also include the fate of the suspects that were sent to Uganda, in respect of whom there is no report whatsoever. I hope that they will also tell us whether the court that declared the renditions illegal is less of a power on the account that we have signed the East African Community Treaty.

Thank you, hon. Temporary Deputy Speaker.

The Temporary Deputy Speaker (Hon. Cheboi): Yes, hon. Chairman.

Hon. Abongotum: Hon. Temporary Deputy Speaker, hon. Munuve raised the issue of proliferation of small arms and light weapons. I agree that we have quite a lot of illegal guns in the hands of civilians. While we were in Mombasa during our retreat, I even told His Excellency the President that something has to be done about this issue. So, we will still come up with ways of addressing the problem. In fact, as a Committee, we intend to engage the Cabinet Secretary for Interior and Coordination of National Government on how to mop up illegal guns in this country.

I want to confirm to this House that, as we speak, something has been done. Of course, in Tana River County, a security operation was done, during which quite a number of firearms were recovered. Another security operation is going on in Baringo County. So far, a number of guns have been recovered. Another security operation was launched two weeks ago in Baragoi. So, something is being done along those lines, but we need to be up to speed to ensure that we reduce the number of illegal guns in the hands of civilians.

Hon. Temporary Deputy Speaker, on the issue of unexplained murders, I have stated the Government's position. I have also cited the laws that were used to send people

to Uganda. I also confirmed that the Government cannot tolerate extrajudicial killings. Let me respond to hon. Junet that, if there is any information, the files are open. He can always forward information to the relevant authorities. It will be treated in confidence.

Hon. Aden raised the issue of mysterious deaths of prominent religious leaders. I want to confirm, as stated in my Statement, that there is no systematic strategy to eliminate certain leaders. That is why the Government has opened inquest files. There was also an inquiry which was commissioned by the previous Government to investigate the issue of the late Sheikh Rogo. So, let me say that there is no systematic strategy to eliminate certain leaders.

Hon. Temporary Deputy Speaker, on the issue that was raised by hon. Junet, about the files that are complete, I may not be in a position to give him detailed information about files. I do not know from which date to which date. However, I know that some of them are complete while others are not. On the issue of poor performance by the police as raised by hon. Ndegwa of Lamu West, this is an issue that is being addressed by the Police Service Commission (Amendment) Bill, which will be tabled today or tomorrow. We will also have the National Police Service (Amendment) Bill, which is meant to address all the systemic failures within the police force. I want hon. Members to participate and give recommendations or amendments, when the Bill comes up for debate.

Lastly, I want to confirm to hon. Nassir that the issue of the three missing people will be addressed by the Committee. However, on the issue of the two pastors, the Leader of the Majority Party accepted that he will bring the report to Parliament. We want to demand that thorough investigations are done before the report is brought to the Committee.

Thank you, hon. Temporary Deputy Speaker.

The Temporary Deputy Speaker (Hon. Cheboi): Thank you very much.

Next Order! We are now on the Motion by hon. Abdullahi Mohammed Diriye. I am informed that hon. Kisozi has six minutes remaining for his contribution. If he is not present, then, perhaps, hon. Wario could take that opportunity.

Those hon. Members who are not interested in contributing to this Motion can withdraw their cards so that we give a chance to those who are interested. Hon. Dawood, proceed.

MOTION

INCREASE IN CAPITATION IN PRIMARY SCHOOLS

THAT, aware that since the inception and implementation of the Free Primary Education programme in January 2003, enrollment has increased from 5.9 million in 2003 to 8.7 million pupils currently (an increase of 47.46%) in public primary schools; further aware that in order to reduce the cost of burden of primary education to parents, the Government established the FPE annual capitation per child at Kshs1020.00 for primary schools; taking into account the need to meet the constitutional right of every Kenyan child to free and compulsory basic education; deeply concerned that the capitation grant has remained

constant at Kshs1020.00 since 2003 despite the inflationary levels having risen, thus undermining the purchasing power for schools; this House urges the Government to increase the capitation grant per child from Kshs1020.00 to Ksh.1200.00 for primary schools.

(Hon. Mohamed Diriye on 30.10.2013)

(Resumption of Debate interrupted on 30.10. 2013 – Morning Sitting)

Hon. Dawood: Hon. Temporary Deputy Speaker, I would like to congratulate the Mover of this Motion. He moved this Motion regarding Free Primary Education (FPE) last week and it is long overdue. Indeed, the amount of money being issued for FPE--- Over the last 10 years, FPE has done a lot for this country. I thank the Kibaki administration for bringing up this issue together with that of Free Secondary Education (FSE). Unfortunately, a lot of things are not free. A lot of our constituents come to us asking for money to be supplemented because what the Ministry of Education is giving them is little and it gets to them very late. Again, it is only, Kshs1,020 and that is not enough to cover the cost of books and other things associated with it. So, Kshs3,060 would be a very good figure.

The Government should think of supporting the secondary education and increasing the amount which is allocated to secondary schools. It also needs to think of working with day secondary schools which play a very important role. The Government should think of how it is going to supplement the day secondary schools as well as increase money for the boarding secondary schools in line with the proposals in this Motion.

I, therefore, urge the hon. Member to do an amendment and get secondary schools to be part of this Motion. We know that the transition rate from primary to secondary schools is not the best we can achieve. We want higher transition rates from primary school to secondary school. For that to happen we need to come up with good policies in encouraging those who have sat their KCPE to continue with education and join secondary school. We need also to establish youth polytechnics for the students who have done their Kenya Certificate of Primary Education. They normally do not have anything to look forward to during the break before joining secondary school. They need to be engaged in good practice during that time. The transition from secondary to university or the middle level colleges should be much better.

The prices of textbooks have gone up by between 50 per cent and 100 per cent. Some have gone up by about 300 per cent. The Government should come up with a way of setting standard prices which will not be increased by the publishers whenever they feel they need to make more money out of the school children.

With those remarks, I beg to support. Since the hon. Member is not here, I will propose those amendments to him. Thank you, hon. Temporary Deputy Speaker.

Hon. Omulele: Thank you, hon. Temporary Deputy Speaker for giving me this opportunity to speak to this Motion. I will start straightaway from the Constitution of this country which is our primary law. It provides under Article 53(1) that every child has a right to free and compulsory basic education. This Article is further buttressed by Article

55 which states that the State shall take measures including affirmative action programmes to ensure that the youth have access to relevant education and training.

In my opinion, this is a Motion that is fairly and squarely within the provisions of our Constitution. This is the duty that the State has. We as Parliament have a duty to our children to ensure that they have access to this basic education. This cannot be overstated. This is because we all know that the only gift that we may give to our children which is enduring is education. You may be wealthy or rich and bequeath your children with earthly wealth, but without proper education for them to manage that wealth, all of it is just useless.

I stand here today to support this Motion because we all know what this FPE Programme has done to our children. We have seen an increase in the enrolment in basic education in this country, as the Motion clearly states, from 5.9 million to 8.7 million; and this is going up. Our children in the villages all over the country today can have some basic understanding of the workings of State. This is important for a nation that is aspiring to become a developed nation.

Hon. Temporary Deputy Speaker, the sum of Kshs1,020 that the nation has been providing for this particular programme is insufficient. We all know why. It is because we have inflation and the sum in itself cannot really buy more than one or two books. This is the sum of money provided for the education of a child for an entire year. If we provide Kshs3,060 we really will not have reached the very minimum that we should provide for these children, but we shall only be making an effort towards achieving that. With Kshs3,060 we are saying that every child will be having Kshs1,020 per term. This is really a drop in the ocean, but is a step in the right direction.

In supporting this Motion, I would like to take cognizance of the good work the CDF has done in the education sector in this country. I know I cannot be contradicted if I said that the construction of physical infrastructure in our schools is being undertaken through the CDF money. Sooner than later, we shall be looking at the matter of whether or not to increase the CDF allocation; we shall be asking and urging that the allocation of CDF be increased. If both programmes move together, we shall be able to provide physical amenities for our children to learn in a good environment. We will also provide them with educational materials through this programme so that they can attain reasonable education.

Hon. Temporary Deputy Speaker, with those few remarks, I think this is a good Motion only that we should not urge the Government. We should actually propose that this should happen so that our children can have this education. I support and thank you.

The Temporary Deputy Speaker (Hon. Cheboi): Very well. Let us have hon. Bett.

Hon. B.K. Bett: Thank you, hon. Temporary Deputy Speaker. I want to say that I support this Motion and it is a fact that this amount, Kshs1,020 per student, which was set by the National Rainbow Coalition (NARC) Government is not enough currently considering the inflation which this country is facing. I want to say that it is time that this Jubilee Government makes adjustment to this amount so that our schools can cater for their requirements. The prices of stationery has been increasing over time and even in the Value Added Tax Bill which we passed, we never reduced the cost of exercise books, text books, chalk and even the cost of labour because this money is also used to cater for

subordinate staff. We all know that the minimum wage for subordinate staff across the country has been increasing over time.

So, I want to say that I am happy that this Motion has been brought before this House and it is our duty and responsibility as leaders to also support it. In so doing, we shall enable our children to continue learning because at the moment most of the parents are unable to meet the additional costs imposed by schools to supplement this capitation.

So, with those few remarks, I support. Thank you, hon. Temporary Deputy Speaker.

The Temporary Deputy Speaker (Hon. Cheboi): Now, I am giving an opportunity to a Member to speak only for six minutes because thereafter we will be going straight to hon. Fatuma's Motion and I think it is good to end with hon. Ombaka.

Hon. (Ms.) Ombaka: Thank you, hon. Temporary Deputy Speaker for giving me this opportunity. I would like to contribute to this Motion because it is very dear to my heart. What has been raised here is important that the capitation to FPE is too little to cover the cost that is required in primary schools. Since it is too little, it is becoming very clear that today most schools continue to have *Harambees* every single month. As a Member of Parliament, I have too many *Harambees* for schools simply because this capitation is very little. Most schools require not only books which this money buys for students but they need to also pay teachers as well. They need to buy desks and that becomes very expensive and they cannot afford it. Therefore, this amount that has been recommended to be increased for schools would be adequate. It will go a long way in supporting a lot of students.

Without this increase, a lot of students also drop out because they have no motivation to go to school because there are no facilities. The money that is supposed to buy books or desks is too little and so they sit on stones or they learn under trees. So, the learning environment is very harsh for them. It is not motivating. The more we increase the capitation, the better for our students. I support this very highly and I believe that more students will access school.

Hon. Temporary Deputy Speaker, the very fact that FPE was initiated and it increased the number of students in schools, means that every year more students will be admitted. The number will continue to increase and if that is the case, then the amount that has been assigned for this great work will never be enough. So, we need to continue to increase this money year by year. It is not just increasing it now and then we wait for another five years. It is important that this money should be increased on a yearly basis because the number of students that join primary schools is also increasing. So, an annual increment should be considered in the education sector.

Thank you, hon. Temporary Deputy Speaker, for giving me that opportunity.

The Temporary Deputy Speaker (Hon. Cheboi): Hon. Nderitu for two minutes and then it will spill to the next Member.

Hon. Nderitu: Thank you, hon. Temporary Deputy Speaker, Sir. This is also a Motion that is very close to my line of work. I have been in schools for many years. First of all, I would like to commend the Government for having started the FPE. It was a big dream that has come a long way. Secondly, the intention of the Jubilee Government is to go digital by providing laptops to primary school children. The only grey area has been the financing. Sometimes the money comes too late even if it is too little and sometimes

you find pupils being sent home to go and buy learning materials like exercise books, pencils and such.

I would also like to mention, and this is where I really support this Motion, that since 2003 a lot of things have changed and like other Members have said, one of the most recent is the VAT Bill that also included the price of paper. You know most of the books are made from paper and, therefore, the price of paper went up and the money is still fixed at 1,020 per pupil per year.

Hon. Temporary Deputy Speaker, the effectiveness of the system as it was said by some presidential candidates was that: *“Tunataka elimu bora sio bora elimu.”* So, in as much as this programme can be funded but there are no teachers in schools, it is useless. In some primary schools, there are only four teachers in a school of 12 streams. So, if we do not provide backup, like teachers and laboratories it will not be helpful even if the amount to cater for learning materials is increased.

The worst part of it is corruption. We know that out of the money that is provided---

The Temporary Deputy Speaker (Hon. Cheboi): Hold it there, hon. Nderitu and you will be notified that you will have eight minutes when that Motion resumes.

Hon. Nderitu: Thank you, hon. Temporary Deputy Speaker, Sir.

The Temporary Deputy Speaker (Hon. Cheboi): Now, we go straight to the Motion by hon. Fatuma and as you prosecute your Motion, Members should be alive to the fact that hon. Fatuma will have a maximum of 10 minutes. The rest of the Members will have five minutes.

MOTION FOR ADJOURNEMENT

GENDER VIOLENCE AGAINST WOMEN

Hon. (Ms.) F.I. Ali: Thank you, hon. Temporary Deputy Speaker, Sir.

I beg to move that the House do now adjourn. My Adjournment Motion is on rape and defilement of girls. I want to, first of all, thank the House for finding this Motion very important to consider.

The number of defilement and rape cases being reported every day is alarming. This is an indication of something being seriously wrong in our society or country.

*[The Temporary Deputy Speaker
(Hon. Cheboi) left the Chair]*

*[The Temporary Deputy Speaker
(Hon. (Ms.) Mbalu took the Chair]*

Defilement and rape cases are too many in this country and they range from infants to girls being defiled and abused by relatives, neighbours, religious leaders, fathers, health workers, guardians, schoolmates, school teachers, public officers and other people.

Hon. Temporary Deputy Speaker, it is even saddening that most of the cases of defilement and rape remain unreported especially in rural and pastoral regions. Every

day, the few reported cases give bizarre and horrifying stories with clear absurdity from child defilement, gang rapes, torture of women and girls for as little as Kshs50. This includes rape of grandmothers. Not even infants are safe from these evil monsters on the prowl preying on innocent girls and women. These monsters and perverts who defile and rape destroy the lives of infants, girls, women, families and communities.

Hon. Temporary Deputy Speaker, the consequences of defilement, rape and gross abuses have a life time impact on the victims. Defilement and rape is perhaps the greatest injustice a human being can expose another human being to.

In Kenya, it was reported that incidences of defilement, rape and abuses have been on the increase but majority of the cases go unreported. It is reported that one out of 20 defiled, raped or generally abused women and girls will report and this is a very sad situation. The most distressing cases have been those of children as young as three years old.

Police reported that five children are defiled, three women are raped and many are generally abused in Kenya every day. In the last five months of 2013, 1,428 children were defiled in Kenya which is an increase from 1,216 in 2012. The Population Council of Kenya statistics for 2009, 2010 and 2011 gave very high and alarming rate of defilement and rape cases of over 40,000. This breakdown is very clear. Central Province has 4,658 rape and defilement cases, Coast Province; 3,564, Eastern; 6,359, Nairobi; 3,400, North Eastern Province - for obvious reasons of many unreported cases - 1,580, Nyanza Province; 5,954 and Rift Valley; 10,054. This gives a total of 40,000 cases. This should be a worrying trend for the Republic of Kenya.

Hon. Temporary Deputy Speaker, among the defiled cases reported of 40,000, 78 per cent involved children. It is dangerous to be a woman in this country. A recent media report said that a husband brutally murdered his wife because of Kshs50. You know what that amount of money can buy but it has cost human life. Wajir County, which I represent, has experienced a series of defilement and rape cases. In the last two months, we had 21 reported cases. Fifteen cases were defilement cases and this is a very alarming situation. If we continue like this the dignity of women will be affected and it needs a concerted effort of the State and other people to curb this trend.

What is most saddening in the defilement and rape cases in that area is that the local people, where these cases happen, like the elders, chiefs and other community leaders do not see this as an abuse. The situation of the six-year old girl from Wajir who was raped a few weeks ago, and I am handling the case, is worrying. She was raped in a village which is about 15 kilometres from the county headquarters. She was looking after her parents' animals with her elder sister. She was defiled by a person known to her. The sister reported the case to the neighbours, the man was caught and the girl was taken to the local dispensary.

The saddening part was that the health centre could not examine and treat that girl. The chiefs and the elders in that area said that the girl's defilement case could not be taken to the police. The girl was kept for four days because the father was paid Kshs13,000 by the perpetrator. He was also paid eight goats. This was shared among the local elders, the chief and the Member of the County Assembly who did not find the life of that girl meaningful to the society.

After one week, the girl developed wounds; she was swollen and was taken to a nearby health facility. Because of the time taken and lack of regard for the girl-child, the

medical worker said that she was not raped. The P3 Form also confirmed that the girl was not raped. It is a very unfortunate scenario.

Those are the scenarios everywhere in this country. Health workers do not take seriously the gross abuses against women and children. The police do not have regard for the abused girls. The families of the affected victim get traumatized, stigmatized and isolated from the society.

Kenya is a signatory to the international convention and has also developed the Sexual Offences Act, 2006. Kenya has a duty to protect women and girls from abuse and punish the perpetrators and people who coerce families and victims not to report these cases.

Hon. Temporary Deputy Speaker, Sir, Wajir is a nomadic and pastoral area. The county government and the national Government have failed the young girls who are defiled all over the country. When I was developing this Motion, I thought that this problem affected only Wajir---

The Temporary Deputy Speaker (Hon. (Ms.) Mbalu): Hon. Fatuma, you should be finishing. You have 10 minutes.

Hon. (Ms.) F.I. Ali: Hon. Temporary Deputy Speaker, I am almost through. We need to enforce the Sexual Offences Act. There was a taskforce which was established in every sub-county which the Government should fund. The Government should give the necessary administrative support so that rape and defilement cases which are gross abuse of human rights of infants, children, mothers and grandmothers are completely wiped out of this country. This country is not proud because it has a bad image in terms of protecting and promoting the rights of women.

I would like to request hon. J.M. Waiganjo, the Member for Ol Jorok Constituency to second my Motion.

Thank you, hon. Temporary Deputy Speaker.

The Temporary Deputy Chairlady (Hon. (Ms.) Mbalu): Hon. Member, can you put your request? Please, can you come to the Dispatch Box?

Hon. Waiganjo: Thank you, hon. Temporary Deputy Speaker. I wish to thank and congratulate hon. Fatuma for her courage to bring forth this very important Adjournment Motion; also, for her determination to rein in on sex predators, paedophiles and rapists. It is clear that our country has degenerated or a section of our society has degenerated to very low levels and you would call them animals. Actually, they put the animal kingdom to shame.

The Sex Offences Act outlines various forms of sexual offences and it is important, while debating this Motion, to look at the Act because most people are ignorant of it. I notice that hon. Fatuma has mentioned a few of them in her Motion, but I hasten to add that apart from rape, there is also attempted rape, which is also in the Sexual Offences Act. There is also sexual assault which is a very serious offence against women. There are also compelled or induced incest acts. Obviously, this House knows that the offence of incest is rampant and happens at the confines of our families and houses. These are offences that are rarely reported to the police. There is defilement, which is very painful as it happens to small children, even as young as three years. Then there is attempted defilement. These are offences that never even get their way to our courts and when they do, it is very difficult for the rapist to get a conviction. An

attempted defiler or rapist is the one who rapes when they get another opportunity. There is gang rape and indecent acts with children or adults.

There is also the promotion of sexual offences with children, which is also a very serious offence that happens every day. There is child trafficking, sex child tourism, child prostitution and pornography. All these are offences that happen every day within our society and none of them, if any, gets to our courtrooms. Of course, we will not forget the spousal rape that also happens within the confines of our bedrooms.

But why do we have all these offences? I notice hon. Fatuma is aware that the Sexual Offences Act is a very elaborate piece of legislation, but unfortunately, it is never enforced. The reasons why there is no enforcement of some of these laws is the way our criminal justice system works. For instance, when a report of a sex offence is reported to a police station, and of course, we know that most of our police stations are manned by male police officers, the moment the offence gets to OB, it is probably recorded by a male officer. Then the matter goes to the officer commanding crime, who is also a male officer, then he allots the matter to an investigating officer, who is also male. By the time the rapist gets to court, the court is presided over by a magistrate who is a male, the court clerk is a male and the defence counsel is male. The victim is female and most of our courts do not even hear these matters in the chambers because there are no chambers in the far flung areas. So, how do you expect a rape victim to stand in the dock and get cross-examined by the rapist himself?

Therefore, most of the victims hardly report to the police station and the matters hardly get to court. It is important that while we debate this Motion, we urge certain communities which condone such acts by settling such crimes out of the criminal justice system to take them to court. Action should be taken against parents, elders, chiefs or whoever it is that decides to settle sexual offences outside the criminal justice system. That in itself is obstruction of justice. It is almost impossible for a rapist to be convicted because of the standard of proof that is required in our criminal justice system. The preservation of evidence and exhibits like the undergarments hardly happens. Victims will run and hide the filth forgetting that they are destroying evidence.

As the Members debate this Motion, they should emphasize that the Chief Justice should make regulations, not necessarily to remove the discretion of magistrates in passing sentences, but to emphasize that we should get the maximum sentence that is available in the Sexual Offences Act, which is life imprisonment. Sometimes, you find a fellow who has sodomised a young boy or defiled or attempted to defile or rape a young girl getting sentences like three years. Sometimes they even get fines against the clear provisions of the Sexual Offences Act.

So, the Chief Justice should develop some regulations where sex offenders get the maximum sentence that is available. If we do not do this, then it is an indication that we will end up defiling our Constitution. Chapter Four on the Bill of Rights in our Constitution, particularly Article 27, talks about equality and freedom from discrimination. The way we handle sex offences is a clear discrimination against our daughters and mothers. Article 28 talks about the inherent dignity and right to have that dignity respected and protected. So, these are provisions of our Constitution under Chapter Four on the Bill of Rights. Article 48 talks about access to justice. So, if we have to rein in these paedophiles and rapists, we must then follow the provisions of the law. We must be serious to enforce the provisions of the Sexual Offences Act. We must think

outside the box. We must look at the *modus operandi* within our police stations. There was an attempt to introduce customer service desks in our police stations, so that rape victims or sexual offences victims could report discretely, but this hardly happens because of either lack of resources or lack of commitment and goodwill.

I sincerely second this Motion. I wish to thank hon. Fatuma for bringing forth the Motion. I want to urge the Members that this Motion does not just stop here. It is a national disaster and we can all see it. The reported cases are the few cases that we see in our media. The media should also be very sensitive when reporting sexual offences because sometimes they expose children and women victims to a lot of ridicule. So, I urge the Members to support this Motion and urge the Government to put some political goodwill and administrative effort in our police stations. I also urge the NGOs, which purport or allege to protect children, but do not do good enough, to carry out their mandate and protect our grandmothers, mothers and daughters.

I second the Motion.

(Question proposed)

The Temporary Deputy Speaker (Hon. (Ms.) Mbalu): Hon. Members, for the direction of the House, all hon. Members contributing to this Motion are allowed five minutes each. Please take note of that.

Hon. Iringo: Thank you hon. Temporary Deputy Speaker, for giving me this opportunity to contribute.

Let me thank my sister, hon. (Ms.) Fatuma for bringing this important Motion for Adjournment. I rise to support the same with regard to our children, sisters, daughters, mothers and wives.

Hon. Temporary Deputy Speaker, this is a grave matter. As we share it in this august House, I would request those in power and those people who are involved in this cat and mouse game of trying to protect and cover up incidents of rape and molesting our female gender to be alert and know that the world is awake now. We are not going to tolerate these acts. In this regard, I am referring to the places where these incidents are reported; the police stations. There are so many incidents which happen, but when victims go to police stations, they are just ignored. That is the reason why many of these cases go unreported. There is stigma. Victims feel that even if they report the matter to the police station, nothing will be done.

The same rapists and molesters collude with clinical officers so that they hide evidence. As it has just been said here, when one is raped and they report and nothing happens, it becomes a trauma to the victim, family and even to the society. It is high time deterrent measures were taken against such victims. These acts are mostly done by drug addicts. There are even others who do it to their siblings, which is incest as it has been said.

Hon. Temporary Deputy Speaker, these sex beasts once caught should be prosecuted and put behind bars for a long time so as to deter the would be culprits. For those people who handle these cases, I would urge that desks be manned by police officers who are gentle and humble. They should not be officers who would use abusive language.

Hon. Temporary Deputy Speaker, there are also cultural issues whereby, according to some traditions, rape or even incest is not a big deal. That is why you find a father being given money to cover up such acts. We should also get rid of some cultural beliefs which take ladies or the girl-child to be just an item or something to be misused. Some parents marry off their daughters to old men because they want money. You do not want to know the future or the well being of your child. These practices should be checked because these are future leaders of this country. These will be future legislators like us. Once they are traumatized, I am sure even their lives change, they lack confidence.

I strongly support this Motion and I want the world, Kenyans and those in power to know that we Parliamentarians are serious about this issue and we need it stopped.

Thank you.

Hon. (Ms.) Ghati: Thank you very much, hon. Temporary Deputy Speaker. I am rising to support this timely Motion.

It is very unfortunate that we are talking about violence against women. Kenya is a country that the whole region is proud of. It is very unfortunate that even after we passed a new Constitution and we have a lot of legal instruments that take care of women and children in this country, we are still talking about the rising incidents of violence against women in this country. It is very unfortunate that as a country we have a problem with the enforcement of laws. We have a lot of laws in this country but we have very poor enforcement agencies. It is high time we compelled our counties to ensure that in each sub-county we have very serious gender desks to look at issues of gender-based violence.

Hon. Temporary Deputy Speaker, five months ago, we all heard about a story of a girl called Liz in Busia. This girl was gang-raped by six men whom she identified. She went to report the matter to the police and it was very unfortunate that, even after she reported to the police, she was merely told to wash off and go away.

It is very unfortunate what girls in this country are facing. The punishment these perpetrators received at the courts was just a mere light punishment of slashing and cleaning police houses. It is extremely shameful and uncalled for, for that to happen in a country which has ratified and signed so many international treaties; like the Beijing Platform for Action; the Sexual Offences Act; we also have the Act on Anti-Female Genital Mutilation.

These are serious instruments that should guide this country and we are still crying and talking about gender-based violence and issue of violence against women. It is extremely unconstitutional and uncalled for.

I want to call upon this country to take the issue of gender-based violence seriously. Our police and Provincial Administration officers should be sensitized enough. We need to do more to sensitize our chiefs about handling gender-based violence in this country. That is why we are very serious and concerned activists - I have been an activist and I am still an activist on gender-based violence. I will not allow us to come here with a Motion to gag the civil society.

The civil society has been doing work and supplementing Government work. We have services on setting up legal aids, rescue centres for female-genital mutilation cases and so on. The civil society has been doing many things in supplementing Government functions. Therefore, censoring funding for civil society will not be allowed.

I support the Motion and say that it is high time sexual violence and violence against women in this country was stopped. We are currently celebrating 16 days of activism against gender-based violence. It is high time that this House and men in this august House with wives and children supported efforts that are geared towards making sure that women and girl-children in this country are safe. We want to ensure that we are creating an environment where our young people can go to school safely without interruption.

I fully support the Motion and I want to thank the hon. Member for bringing it before this House. I want to say that it is high time we took the issue of gender-based violence seriously in this country, being supported by civil society organizations that are working around emancipating women and girls in this country.

With those few remarks, I support.

Hon. Gikaria: Thank you, hon. Temporary Deputy Speaker, for giving me this opportunity. I rise to support the Motion.

I have been listening to a few of the people who have just spoken, especially the Seconder. He actually expounded on what rape is all about. I was trying to ask myself whether it only affects women or it also occurs to men. Thanks to my colleague, hon. Nyokabi, who has just explained to me what rape is. I wanted to ask what rape is. She has actually told me that, in law, rape is penetration. That is why I wanted to understand whether it happens to only women or men. In my view, it is not just penetration. Even ejaculation has to happen because there is the aspect of verifying that semen is present. That is where all these things have started going wrong.

From statistics, Kenya is a very religious country, with over 78 per cent of her population going to either mosque or church. Unfortunately, when you hear what is happening in this country you wonder why a religious country like this one would have characters with such barbaric and inhuman behaviour. I want to agree with the Member for Ol Jorok that it is a shame and that even animals have some decorum in the way they do some things, unlike what human beings do. So, I want to support the Motion by saying that it is indeed true that rape and defilement are unacceptable in this society.

Under the Sexual Offences Act, the courts ought to assist this country by giving maximum sentences. Of course, there was a clause which sought to provide for castration in the original Bill, but it was deleted. That would have been the ultimate punishment for rapists because it is very unfortunate that young girls and mothers are sexually harassed even at employment level. You find men taking advantage of their positions to harass female employees. If we have male dominated police stations, it is good for the Government to start thinking on how we can have a desk managed by female police officers.

Of course, going by what the Member for Ol Jorok said, even the judges are male. Judges are beyond reproach. They do not look at a male rapist and see him as a man. They just see him as an offender, and they mete out appropriate punishment. Recently, the courts have been giving quite punitive penalties to rapists and defilers. Of course, most of the other issues are social problems. Our cultures also contribute to this problem, especially where parents of victims of rape or defilement get some financial gains in terms of trying to cover up an issue where one of their daughters or sister or relative has been raped. This is unacceptable but the only remedy that we have are the law courts. We

also need to actualise the penalties where maximum penalties are given to sexual offenders.

With those few remarks, I beg to support.

The Temporary Deputy Speaker (Hon. (Ms.) Mbalu): Thank you, hon. David Gikaria.

Next is hon. Susan Mbinya Musyoka.

Hon. (Ms.) Musyoka: Thank you, hon. Temporary Deputy Speaker. I want to thank and congratulate hon. Fatuma for this very important and timely Motion.

Men should realise that rape is very painful, shameful and very humiliating. It really defaces women. It is the worst violation that can ever happen to a human being. It is very painful to see that cases of rape in this country are increasing amongst our people across the country. It is happening in all communities, and not just among pastoralist communities. If we, Parliamentarians, do not do something about it, this society will not be up to anything good. We will not be free and comfortable living in Kenya. Therefore, I would like to join my colleagues in saying that we must do something about rape.

Two days ago, on Sunday, while in a church service, I was confronted with a situation where a woman had walked all the way from Mukuru kwa Njenga. I do not know how she landed in Mwala. The lady was mentally disabled. The most surprising thing is that somebody had raped her. She was there, suffering and nobody cared. I looked at her and thought of all the other women who are disabled either physically or mentally, and who land in similar situations. Anybody who rapes disabled people and children should be condemned in the strongest terms. The punishment that should be meted out to perpetrators of such acts should be very severe. It pains me to see that many of such cases go unpunished. Where one gets punished, the punishment is so flimsy that it is like a joke.

When cases of rape are reported, people do not take them serious. The victim is subjected to ridicule. She would even be told that it was her fault that she was raped. As leaders, we have to take this matter seriously. We have to take action. Otherwise, we will continue degrading women and children, and our levels of life will not be enviable. As I have said, the worst case scenario is to have a disabled person or a minor being raped. This happens every day in our communities. We have to stop it. We must have a situation where all the culprits are brought to book and given severe punishment.

As the hon. Member said, police stations are not friendly to raped women. It is not just the police stations but even hospitals. We need to train our staff to handle victims of rape properly because if time is wasted, the evidence gets lost. We need to do proper investigations on women and children who are raped. Specimens have to be collected and analysed properly, so that we can catch up with the culprits. Therefore, in supporting the Motion, I would like to say that we have to take action. We have to be strong about this because every day, a woman suffers. Every day, a child is violated. This is not good for our community.

With those remarks, I beg to support.

The Temporary Deputy Speaker (Hon. (Ms.) Mbalu): Thank you, hon. Musyoka. That was the voice of a medical doctor.

Hon. Members, we are debating the issue of sexual violence against women and girls in Kenya, which has led to deaths and the spread of HIV/AIDS due to weak

enforcement of the laws. The Motion was brought here as a matter of urgent national importance. So, let us be relevant in our ventilation of issues.

Yes, hon. Abdikadir Omar Aden.

Hon. Aden: Thank you, hon. Temporary Deputy Speaker. I rise to support this very important Motion. Indeed, in modern day society, violence against anybody should be condemned in the strongest terms possible. More so, when the violence is in the nature of rape, it even makes it more painful and indeed more humiliating thus calling for the strongest possible condemnation and action recommended in the toughest measures.

Cases of gender violence and rape appear to be increasing in Kenyan society for reasons ranging from deviation from the societal norms that existed in African cultures in the past.

These kind of actions were, indeed, condemned very strongly leading to punishment that included sentencing the person or the aggressor for life. The aggressor could be condemned in life or banished from a certain region. Sometimes they would be executed and, indeed, killed. These days, the girl-child is becoming most vulnerable. We see stories day in, day out in the newspapers of girl-children being raped in their parents' houses, in schools, and out there as they go to fetch water for their families. We do not see the same amount of convictions and punishments being given in the volume that we see of these incidents happening. This is what is very worrying. That actually means that there is a gap in our law enforcement, particularly in our police force. Some hon. Members who spoke before me said that the girl-child once abused or raped undergoes a lot of humiliation for her to prove that she was indeed harmed.

Teachers who are associated with defilement or impregnating their students should be punished. It is something that is happening quite a lot. A girl-child who has unfortunately been raped or has been impregnated should be allowed to resume classes. In the ongoing exams, we have had cases of head teachers denying innocent children an opportunity to sit exams after they have given birth or even when pregnant. We need to encourage the girl-child to continue with her education, but punish the person who has caused her harm. The girl-child should continue with her education so that she does not become condemned in life. In many cases, she was just but an innocent victim of a rape case. The situation has been that instead of the rapist being condemned and punished for that particular act, it is the girl-child now who bears the unfortunate consequences of that particular action.

Indeed, violence against women and men as well--- We have seen many cases of men being beaten and abused. We have seen men being chopped off very important parts of their lives. We need to condemn this in the strongest terms possible. There should be a task force within the police force to deal with these cases. This has become too much. There are, probably, more cases of rape than robbery in Nairobi today.

The Temporary Deputy Speaker (Hon. (Ms.) Mbalu): Hon. Member, your five minutes are over. Hon. Shukra.

Hon. (Ms.) Gure: Thank you, hon. Temporary Deputy Speaker, for giving me this opportunity. It is very unfortunate and unbearable to talk about this Motion on violence against women. This is something that touches some of us very deeply. We know that there are many NGOs and other civil society groups which champion these issues, but I do not see what they do. We cannot even see what they do. We need to discuss this matter.

We are the law makers and we need to do something about this. It is not something we can just ignore. We need to act very quickly. Defilement, rape, and sexual abuse have become national issues. It is becoming worse. For the last two months, it has been increasing. I have victims from my county and I am doing a follow up on their cases.

Last Monday, a 13 year old girl was raped and burnt. Her body could not be recognized. On 23rd of last month, I was in Meru Court with a 12 year old child who had been raped. The girl was taken to hospital and the male doctor said that he had seen nothing. I called the doctor personally because I had his name, phone number and everything. I asked him if he had examined the girl. Do you know what he told me? He told me that he did not have the equipment to use in the hospital.

This is not something that I will keep quiet about. I decided to take the girl from Meru and brought her to my house. She is in my house right now. I took her to hospital in Nairobi and we are waiting for the medical results. This happened two months ago; I hope they will see something. This little girl has been affected physically and emotionally. She cannot take a shower unless I am present. I have to sit at the entrance of the bathroom as I watch her. She cannot even stand the men who live in the House. I have to make sure that the door to her bedroom is closed and the lights are on. I am her security at night in my house where she is safe.

Hon. Temporary Deputy Speaker, I am urging this House that we need to enforce a law which will protect these young ladies. This is a girl who can tell who raped her. What about those who are mentally disabled?

The other thing we need to do is this: In our Kenyan culture, this lady should be examined by women and not men. We also need to have women magistrates presiding over these cases. We need to support that because that is what is causing these problems. These girls cannot come out to say what has happened to them.

I congratulate my sister Fatuma for bringing forth this Motion. This is an issue that affects us mostly.

The Temporary Deputy Speaker (Hon. (Ms.) Mbalu): Thank you, hon. Ms. Gure. Indeed, it is a moving story.

Hon. Members I have a lot of requests. I can see all the Members want to contribute to this urgent matter of national importance. Could we be in agreement that we reduce the talking time? How many minutes do we agree on?

Hon. Members: Three minutes!

The Temporary Deputy Speaker (Hon. (Ms.) Mbalu): Three minutes it will be.
Hon. Kimaru.

Hon. Kimaru: Thank you very much, hon. Temporary Deputy Speaker.

The Temporary Deputy Speaker (Hon. (Ms.) Mbalu): Hon. ladies, violence is not just about ladies only. Men also have very good things to talk about it.

Hon. Kimaru: Hon. Temporary Deputy Speaker, I stand to support this Motion more so because in my own constituency, last week, we had to bury a girl who was only 10 years old. This girl was raped and strangled by a pervert in the village and I know her case is not isolated. There are so many other cases of a similar nature all over the country. I think the main problem is not so much cultural behaviour but it is how we deter it. When very light sentences are meted out, I do not think the perverts will think that it is a serious matter.

We have had so many of them go to court. On the standards of establishing whether a rape was committed or not, we have some stone-age standards. For example, medical practitioners will say that the hymen did not seem to have been broken in the recent past. I do not know whether that justifies that particular rape at that time. It could be that the hymen was broken sometime back by another rapist and then another rapist adds onto the injury that was caused before.

Hon. Temporary Deputy Speaker, I think we must also try to modify our laws so that we allow a law against statutory rape. When I talk of statutory rape, a person who is below the age of consent should never be taken to have given any consent. We need to fine tune our laws such that any person who defiles a child faces the full consequences. There is no way it can be accepted that a minor can give consent.

So, as I support this Motion, and being cognisant of the need of other people to contribute, I would urge *Mheshimiwa* Fatuma that maybe we follow it up with reinforcing the law that is there. We have a law maybe on statutory rape where any person having sex with a minor will have to face the full consequences of the law. In the past, people who defiled minors got lighter sentences.

The Temporary Deputy Speaker (Hon. (Ms.) Mbalu): Hon. Member, your time is over.

Hon. Kimaru: Thank you, hon. Temporary Deputy Speaker.

The Temporary Deputy Speaker (Hon. (Ms.) Mbalu): Please, let us watch on time because all of us want to contribute. Hon. Mary Emaase, if you could take a minute, I will really appreciate so that all the Members can contribute. I know that it is a case which is in every constituency, but we are trying to balance. Thank you.

Hon. (Ms.) Otucho: Thank you, hon. Temporary Deputy Speaker. First, I must commend hon. Fatuma for this very important Motion and I want to say that this is a shame to this nation. It is a shame and it is something that should not be left to continue. It is unacceptable and I just want to refer to one more case in Busia County. Besides the girl that was gang raped, there is another young lady who was taking her child to Prison's Hospital at 9.00 O'clock in the morning and she was never seen alive again. Her body was found a few days later in a sugar plantation with her baby strangled and lying on her lap. She had been gang raped. Her bottom side had been undressed. She was buried about two weeks ago.

This is very sad. This nation has a Constitution which is supreme and anything to the contrary is null and void and, therefore, we cannot continue watching this happen in this nation. I think something needs to be done. As leaders, if there are grey areas in the Constitution, then we need to come up with laws that expressly address issues and guarantee the security of any child in this nation.

Hon. Temporary Deputy Speaker, efforts that are being put by NGOs and civil society groups are being frustrated. I remember even in that case the civil society groups came and protested against what had happened. However, some of these efforts are being frustrated by corruption either by the police or by the parents who are induced to take certain gifts so that they can withdraw the matter in order to settle it out of court. It is also because of fear of stigmatisation. It is also because of fear that the affected families will be ashamed. Most of these acts are committed by people who are very close to the children, like uncles, fathers, neighbours and they do not want to let the matter out.

So, we must condemn this in the strongest terms possible. We must ask questions like: “Why are the rapists not put on trial?” Something has got to be done by the security people. We want justice for all those young women and girls who are raped and routinely ignored by the authorities who are supposed to take action.

The Temporary Deputy Speaker (Hon. (Ms.) Mbalu): Hon. Mary Emaase, your time is over.

Hon. (Ms.) Otucho: Finally, I want to say that we need stringent enforcement laws. Thank you.

The Temporary Deputy Speaker (Hon. (Ms.) Mbalu): Dalmas Otieno Anyango.

Hon. Anyango: Hon. Temporary Deputy Speaker, thank you very much for this brief opportunity. First of all, we are really headed for serious social confusion in this country. There are other deviant social behaviours that are also proportionately increasing in our Republic. It is not just rape; it is not gang rape alone; it is not defilement alone; it is not incest alone but we also have gay life increasing in large numbers.

My hypothesis is that all these go in the same direction with the single life that is increasing in our country. In our old society, nobody was allowed to be without a wife. If you could not afford it the clan was responsible and women were given the power to discipline these men. Science tells us that as hormones build in the male, they can even become insane. I wish Fatuma had come with an actionable Motion. Bringing this as a Motion for Adjournment really is insufficient and we must follow it up with definite action.

I would wish to propose that first of all we mandate a comprehensive study out of the 40,000 victims and 40,000 perpetrators. We need clear researched information as to what motivated the action they took. The rate of 100 rapes per day is what we are facing now in Kenya. Following that kind of research, we must have the right laws and amendments so that definite action can be taken because the Adjournment Motion as it is, is not sufficient even for the Committee on Implementation to take any action. I support and request a follow up Motion that would be actionable than what we have but we cannot continue to observe this situation worsening day by day.

Thank you, hon. Temporary Deputy Speaker.

The Temporary Deputy Speaker (Hon. (Ms.) Mbalu): Thank you, hon. Member. I think we will all be able to contribute to the Motion. Hon. Bett and hon. Members, we only have one minute to contribute. I have requests from many Members like Leonard, Joyce Wanjala, Limo, Duale, Christine Ombaka, Grace Jemutai, Agostino, Joyce Emanikor and Regina Muia. I can see from all your faces that you want to contribute to this very important Motion. Hon. Bett.

Hon. B.K. Bett: Thank you, hon. Temporary Deputy Speaker. First, I want to say thank you to hon. Fatuma for bringing out this issue. I want to say this is a national issue which has to be addressed. I want to point out a case in my constituency where last week a Standard Seven girl was taken out of school by a married gentleman who had won Kshs2 million in the *Bonyeza Ushinde na Safaricom* competition. With that Kshs2 million he was able to intimidate the parents of the girl and made her leave school.

On Saturday again, another Standard Seven girl was locked in a room for four days by a married businessman. We are saying all these should not happen. We also have---

ADJOURNMENT

The Temporary Deputy Speaker (Hon. (Ms.) Mbalu): Hon. Member, your time is over. Hon. Members, as I said a lot of requests have been placed. How I wish we had more time to discuss this Motion. These are House procedures and rules. It is now 12.30 p.m. This House stands adjourned until this afternoon at 2.30 p.m.

The House rose at 12.30 p.m.