

NATIONAL ASSEMBLY**OFFICIAL REPORT****Wednesday, 4th June, 2014**

The House met at 9.00 a.m.

*[The Deputy Speaker (Hon. (Dr.) Laboso) in the Chair]***PRAYERS****QUORUM**

The Deputy Speaker: Hon. Members, I would like the Quorum Bell to be rung. We do not have quorum.

(The Quorum Bell was rung)

Hon. Members, we now have quorum. We may begin the business of today.

NOTICE OF MOTION

Hon. Deputy Speaker: Is there any Member with a notice of Motion? Hon. Wangamati. You are listed to give a notice of Motion. He is not here? Next Order!

STATEMENTS

Hon. Deputy Speaker: Okay. Today being the day that we get responses to Statements, we will go by the order as in the Order Paper. I do not see any of the Chairs who have been asked to respond. We want the Chair of the Departmental Committee on Administration and National Security to respond, following a request by the Member for Turkana, hon. Nakuleu.

Okay! He is there. Is hon. Nakuleu in the House? He is around. Okay. Then you may proceed.

EVICTION OF HON. MEMBERS FROM SAMBURU COUNTY

Hon. Abongotum: Thank you, hon. Temporary Deputy Speaker. On 19th March 2014, the Member of Parliament for Turkana North Constituency, hon. Christopher Nakuleu, requested for a Statement on the alleged attack and eviction of three Members of Parliament (MPs) from Samburu County. They are hon. Joseph Samal Lomwa, hon. Christopher Nakuleu himself and hon. Protus Akuja.

The Member alleged that the Samburu County Police Commander accompanied by other officers visited the hotel at night and ordered the MPs to leave the hotel and escorted them out of Samburu County at midnight. The hon. Member particularly sought to be informed of the following:-

(i) reasons and intentions of the attack and eviction of three MPs from Maralal Town and out of Samburu County late in the night;

(ii) the identity of the leaders who participated in the meeting at Yare Restaurant in Maralal Town who are alleged to be the major perpetrators of the violence between Samburu and Turkana communities;

(iii) action taken by the Government on the alleged public incitement of the Samburu against the Turkana community as witnessed in the foras;

(iv) action taken by the Government to ensure that business people from Turkana community and their businesses are protected; and

(v) the measures taken by the Government to restore peace in Maralal Town following the deliberate and systemic targeting and killing of people from the Turkana community, especially from Loikas, Suguta Marmar as well as Baragoi.

Hon. Deputy Speaker, I wish to respond. The Statement from the Cabinet Secretary reads as follows:-

On 30th November 2013, the Samburu County Police Commander received information that the residents of Maralal Town were planning to cause chaos and evict three Members of Parliament - the three that I have just mentioned - who were in Maralal to preside over a church *harambee*. The Police Commander visited the three Members at the hotel and, contrary to the hon. Members' allegations, provided them with overnight security until the following day, the 31st November 2013 at 6.00 a.m., when the police provided them with escort out of town.

The Police Service is not aware of any political leaders who were meeting at Yare Restaurant and who are alleged to be the major perpetrators of violence between the Samburu and Turkana communities. Similarly, the

police are not aware of any incitement of the Samburu community members against their Turkana counterparts. The Government has taken the following measures to provide an environment for businesses to thrive and to restore peace and normalcy in the affected areas:-

(i) There have been concerted efforts on peace building initiatives between the two communities through frequent peace meetings between elders and leaders from the two communities. Due to those meetings, normal business operations have resumed.

(ii) Police patrols and surveillance have been enhanced.

(iii) There is enhanced intelligent information gathering.

(iv) Security has been beefed up in the affected areas by deploying security officers.

(v) Community policing committees and *Nyumba Kumi* Initiative have been revitalized.

(vi) Officers from the Ministry of Interior and Coordination of National Government have been holding public *barazas* to sensitize members of the public on the importance of peaceful co-existence.

As a result of the above initiatives, normalcy has been restored in the area. There has been cohesive existence between members of both communities.

Thank you, hon. Deputy Speaker.

Hon. Deputy Speaker: Okay. We will give the first chance to hon. Nakuleu.

Hon. Nakuleu: Thank you, hon. Deputy Speaker. I wish to thank the Chairperson of the Departmental Committee on Administration and National Security for making an attempt to respond to my request. From the bottom of my heart, it is my assumption that the Chairperson, hon. Kamama, is not really satisfied and convinced with the Statement that he has given since it does not give a reflection of what I sought. Two, the Statement is a mere response that has been in this House for quite some time. It has been prepared by the Cabinet Secretary.

Hon. Deputy Speaker, I want a clarification on circumstances under which a very calm community would mobilise itself against visiting leaders who came for a church funds-drive. Under what circumstances would the community mobilise itself against such visitors?

Two, hon. Deputy Speaker, the response does not give the precise information that the County Commandant of Police gave us. When the County Commandant of Police visited the hotel, he met the three of us. He briefed us that he was just from Yare Restaurant where the Governor and the

Member of Parliament for Samburu West were hosting a delegation. There is a lot of distortion of the information since it does not reflect the exact scenario and situation that took place. To add to that, those of us who were victims would have been called to appear before the Committee and the Cabinet Secretary.

Hon. Deputy Speaker, when I requested for this Statement in April, I pleaded with the Speaker that we be called to appear before the Committee and the Cabinet Secretary when this Statement was being compiled and nothing was done. Now, what will prevent our community from doing the same when leaders of other communities visit our area? If a very dangerous scenario like that is taken casually against the leadership of other communities, then is that not gross intimidation? I am not at all satisfied with the response and I wish the Cabinet Secretary revisits it in the presence of the three of us.

Hon. Deputy Speaker: Your point has been made. Any other clarifications before we return to the Statement? Hon. Benson Mulu.

Hon. Mulu: Thank you, hon. Deputy Speaker. I have keenly listened to the Chair when he was giving the response. In that response, there is a statement which is a bit worrying. The Chairperson has said that the police are not aware of that incident. This is not the first time I am hearing that statement come from that Committee - in a situation where hon. Members have reported something as serious as this, and the police say that they are not aware. Is it an indication that the hon. Members are cheating or they are not being honest with themselves? This statement is a bit worrying! Maybe, the Chairperson can clarify.

Thank you.

Hon. Rotino: Thank you, hon. Deputy Speaker. I have listened very keenly when the Chairperson was responding to this question. It is time we took things very seriously when hon. Members complain. It is not just merely complaining, but there should be a reason. I want to find out something from the Chairperson of that Committee because the incident happened long time ago.

The Chairman of the Departmental Committee on Administration and National Security has said that investigations were conducted. Hon. Members will not complain for the sake of it. There must be a reason why something happened. What did the Government do from that time when this issue was raised by hon. Members? Hon. Members cannot speak just for the sake of it. There must have been something. We should stop this habit of repeating things and answering questions for the sake of it. It is painful

because some of us come from those areas where civil servants just behave casually. Things happen the way they used to happen before. Things must change and the Chairman should tell us exactly what the officer in charge investigated and what he has done to find out what really happened on that day.

Hon. Deputy Speaker: Okay, hon. Rotino. Hon. Chairman of the Departmental Committee on Administration and National Security, I hope you are noting. Your answers are becoming monotonous; they are not giving the way forward in terms of how they are being responded to.

Hon. Serut: Hon. Deputy Speaker, I have listened to the response given to the Statement sought by my brother, hon. Nakuleu. I am shocked that the same question was referred to the same people whom the hon. Member was complaining about. Could the Chairman of the Departmental Committee on Administration and National Security consider talking to the Cabinet Secretary, Interior and Coordination of National Government and other security agents to ensure that when a complaint is raised against officers in a particular area, the same officers are not allowed to investigate themselves so that we get the correct position on some of those issues?

Hon. Akujah: Thank you, hon. Deputy Speaker. When you listen to the Statement that has been issued by my Chairman - I belong to the Departmental Committee on Administration and National Security - it is shocking me. Being one of the victims who were attacked, I thought we were to appear before that Committee so that we could provide some information. That is because we were involved in that incident and we had more information than anybody else. But I am shocked to hear from the Chairman that the police are not aware of what happened. At the same time, it is the same police officer who reported to us what was happening, at midnight on that particular day. We were to leave Maralal that midnight to another place because some people were re-grouping to attack us. How come that the same police officer is saying that he is not aware of that particular incident?

Hon. Deputy Speaker, this is something which has been taken lightly and no one wants to take responsibility. If the Chair says that the Statement that was sought by hon. Nakuleu--- If you look at the question and the response, they are not matching at all. It means that these responses to statements are just written - and I do not know from where. I am not even sure if that commander was called and interrogated so that he could give some information on what transpired on that particular day.

Therefore, according to me, this is a shoddy job and we need to revoke it so that some of us who were attacked can appear before the Committee and provide information on what happened on that particular day.

Hon. Deputy Speaker, during that particular day, we did not report to the police that we were under attack. It is the police who reported to us that there were people who were re-grouping. Therefore, I do not understand why the police are again saying that they are not aware of that particular incident. Therefore, he should withdraw this Statement, go back to the drawing board and invite us to appear before the Committee.

Hon. Waititu: Thank you, hon. Deputy Speaker. I also sympathize with my colleagues and I would like to ask the Chairman of the Departmental Committee on Administration and National Security to clarify whether, due to insecurity in this country, senior police officers do not have the powers to transfer the police officer who was there. After listening to my colleagues, that was a very serious case. Some Members of Parliament were attacked. I have also heard similar problems and when you ask the Inspector-General, he says that some police officers do not have powers to transfer others until they go to the Kavuludi Commission. Could he clarify whether that is true so that this House can amend the law to give senior police officers some powers to transfer their officers?

Hon. Maanzo: Thank you, hon. Deputy Speaker. I do empathize with my colleagues in Parliament and I would like the Chairperson to clarify what security is offered to hon. Members. When hon. Members of Parliament were attacked in a dangerous place and they were to be moved away at night, what security measures and what plans are there to offer better security to Members of Parliament?

Hon. Deputy Speaker: Okay. Hon. Chairman, you can see the interest because this matter concerns hon. Members of this august House. If they cannot be provided with security, and if that attack can happen to hon. Members, what about the public? I want to agree with hon. Members that your response is totally general and is not real. The fact that you did not even call the hon. Members who were victims in that attack to give their side of the story is really not acceptable in this House. We need to take this House seriously and, particularly, on matters that concern your own colleagues, I would expect that, at least, there would have been much more care taken in the response. We are not more special than others, but because at the level that you are, you should get security when you are out of your station.

Hon. Chairman, what do you have to say because you will have to re-do this Statement because it is not satisfactory at all?

Hon. Abongotum: Hon. Deputy Speaker, first of all, I just want to say it is not constitutional. It is actually unconstitutional for anybody to stop any hon. Member or even members of the public from visiting any part of the country. This is because that is provided for in law and in the Constitution. Therefore, if anybody attempted to prevent the three hon. Members from visiting Maralal, I think it is not legal and it is unconstitutional.

Hon. Deputy Speaker, the tradition in this House has been that when a Statement is read out and the hon. Member is not satisfied, the matter is referred back to the Committee. The Cabinet Secretary is called to come and do a proper and comprehensive clarification on this. We have done this many times and I know the hon. Member, my good friend, Christopher Nakuleu, has actually asked these questions on several occasions. But the response has been interfered with by recess. Every time he asks this question, the recess approaches. Therefore, this Statement ends up being postponed.

Therefore, I want to confirm first, like we did before we went for recess, we had four Statements. One was for hon. Korere, hon. Member for Laikipia, hon. Ndegwa on somebody who was killed in Embakasi and the hon. Member of Parliament from Marsabit on the issue of Moyale. We called the Principal Secretary and all these matters were clarified. But where the Cabinet Secretary was not convinced, the matter was referred back to the responsible officer to give an appropriate response.

Therefore, on this, I want to confirm to hon. Nakuleu that, because he is not satisfied, we will re-read this Statement before the House. I want to promise that we will call him when we call the Cabinet Secretary and invite the three hon. Members and any other interested parties, most probably in two weeks' time so that these matters can be clarified because there are serious allegations. So, of course, it is wrong for anybody, like he said, to mobilize---

(Loud consultations)

Hon. Deputy Speaker: Order, hon. Members! The consultations are too high! We cannot hear the response.

Hon. Abongotum: Hon. Deputy Speaker, I want to confirm to hon. Nakuleu that it is wrong for any group of leaders or anybody to conspire to

deny hon. Members an opportunity to hold a church *harambee*. It is not within the beacons of the law and so, I want to agree with him. I also want to agree with hon. Akuja and hon. Mulu that it is not possible for the same officers who reported the matter to deny having such information. That is a bit paradoxical. When the Cabinet Secretary comes, these matters will be addressed.

Hon. (Ms.) Wahome: On a point of order, hon. Deputy Speaker. I want to raise an issue of concern in terms of interventions. I am a Member of this Committee and when hon. Members are questioning and referring to this Statement as inadequate, as a Committee's response, I do not remember the Committee being seized of this matter in any way. Therefore, I think this was initially a Statement by the Chairperson. It is unfortunate because the Committee cannot continue taking responsibility when the matter has not come before it. I would agree with our Chairperson that the matter needs to go back to the Committee. But it should not be taken as if the Committee has actually engaged in this matter.

Hon. Deputy Speaker: That is a clarification from the Committee. Hon. Mulu, do you still have another point of order on the same?

Hon. Mulu: Yes, hon. Deputy Speaker. What we are hearing from the hon. Member is very disturbing. She is telling this House that the Statement the Chairperson has issued in this House is an individual's Statement. So, is this in order? Is this the right procedure, that a Member of a Committee can stand in this House and say what has been said?

Hon. Deputy Speaker: Remember that responses to Statements come from the Cabinet Secretaries. They do not come from the Chairpersons but we expect that they would be prosecuted, at least, in a Committee meeting so that even the other hon. Members are aware of the questions that have been brought to them and the responses. Even at that point, you could even have decided at the Committee meeting that the answer is inadequate and, therefore, you need the Cabinet Secretary to be called. That way, we do not bring half answered Statements that you need to go back and repeat the process which could have been handled before bringing the answer here.

Hon. Abongotum: Hon. Deputy Speaker, first of all, I want to confirm to hon. Mulu – and it is common sense - that this is not my personal statement. I would like to remind hon. (Ms.) Wahome that I do not miss most of the meetings. When I tell some hon. Members that we have a number of questions--- Most probably she was not there when I was telling them this. So, I will encourage hon. Members to be present most of the times because sometimes I am present for like three hours and an hon. Member

just comes for 30 minutes. Sometimes, they do not even appear. So, I would encourage hon. (Ms.) Wahome to be attending those meetings on regular basis so that she knows what is happening in the Committee.

(Several hon. Member stood up in their places)

Hon. Deputy Speaker: This is a topic that can take us a long time and so, we are not going there. Proceed to complete what you are saying!

(Several hon. Members continued standing up in their places)

Order, hon. Members!

Hon. Wandayi: On a point of order, hon. Deputy Speaker. Going by the fact that it is now basically agreed that the response given by the Chair is not satisfactory, would I be in order to suggest, therefore, that instead of spending more time attempting to respond to supplementary questions, he goes back to the Cabinet Secretary to get a more comprehensive response to the original question? This will save Parliament's time.

Hon. Deputy Speaker: That sounds like a reasonable way forward. Hon. Members, the point has been made that we are dissatisfied. Let us now not start asking who is right, who is not right and whose information is correct. The best way forward for now, hon. Abongotum, since we have said that this needs to be re-done, we do not want to spend time now and again on the same Statement. Just go and do it properly, invite the Members who were involved in this, let them give you their side and investigate it thoroughly, and then bring us a comprehensive answer.

Hon. Abongotum: Hon. Deputy Speaker, when we invite the Cabinet Secretary together with hon. Members, sometimes the hon. Member is given sufficient information to the level where we do not need to bring it back here. If he is satisfied at the Committee level, that would be fine.

Hon. Deputy Speaker: That is true!

Hon. Abongotum: So, in two weeks' time, we will invite the Cabinet Secretary and the three hon. Members and any other interested party to the Committee so that we can prosecute this matter to its logical conclusion.

Hon. Deputy Speaker: Just publicize it!

Hon. Abongotum: We will do so, hon. Deputy Speaker.

Hon. Deputy Speaker: Publicize when that meeting is going on. Any hon. Member interested can then go and get that information. Not all of it needs to come back to the Floor. You can finish it at the Committee level.

Hon. Abongotum: Much obliged hon. Deputy Speaker.

Hon. Deputy Speaker: Okay! Let us move to the next response. Again, it is yours, hon. Abongotum. It was asked by hon. Wafula. Is hon. Wafula in the House?

ALLEGED CORRUPTION IN THE DEPARTMENT OF IMMIGRATION

Hon. Abongotum: Hon. Deputy Speaker, on 12th March, 2014, hon. Wafula requested for a Ministerial Statement on alleged corruption cases in the Department of Immigration. The hon. Member informed the House that in the recent past, there have been alleged cases of corruption at the Department of Immigration and, subsequently, investigations into the matter were undertaken by the national investigations agency and, consequently, a number of officers were suspended. The hon. Member particularly sought to be informed on the following:-

- (i) the findings of the preliminary investigations and the allegations;
- (ii) details of the officers suspended, designation and status of the suspensions; and
- (iii) why the suspensions were discriminatory against officers at lower cadres.

I wish to respond as follows:-

The Department vide letter Ref.No.IMM5/6/7/Vol.1(64) dated 18th July, 2013, requested the Ethics and Anti-Corruption Commission (EACC) to conduct integrity testing of systems and staff at all passports issuing centers. That is at the JKIA and all border controls under the integrity testing programme. This is an ongoing programme and, so far, the Commission has conducted random integrity tests in the department and forwarded to us their report on the findings for necessary administrative action. The following cases of officers have been filed. The names of those who have failed the test have already been forwarded to us and we have taken the required action as indicated.

There is of course--- I have given that work to hon. Wekesa. There are three officers with their personal numbers, designations, job groups and case status. I do not know whether it will be in order that I read their names. Do I have your permission?

Hon. Deputy Speaker: Yes, you may read them. It is now a public document in the House.

Hon. Abongotum: Okay. Officer number one is a lady called Joyce Gesare Mainye, Personal No.1984142054 and designation is Principal--- I

think PSC Job Group “K”. The officer was interdicted and the case is ongoing at the Human Resource Management Advisory Committee. Number two is Mose Okoth Oloo, Personal Number 20005026904. He is a Senior Immigration Officer, Job Group “L”. The officer was interdicted and the case is ongoing at the same Human Resource Management Advisory Committee. Number three is Ezekiel Otiende, Personal Number 2007134591. He is in Job Group “K”. The officer was interdicted and the case is ongoing at the Human Resource Management and Advisory Committee. Number four is Humphrey Marete Mbugi, Personal Number 2007136682. He is in Job Group “K”. The officer was interdicted and the case is ongoing at the same advisory committee. It is worth noting that any officer failing an integrity test regardless of his or her rank is dealt with in accordance with the existing code of regulations. However, in the case of the above mentioned officers, the tests were carried out at the targeted front offices and banking halls where duties are normally assigned to lower cadre officers.

Thank you, hon. Deputy Speaker.

Hon. Deputy Speaker: Okay, hon. Wekesa. You get the first chance to get your clarification.

Hon. Wekesa: Let me thank the Chairman for a very brief response. I do recall that when I asked for this Statement, I said I am not in a hurry to receive the answer. I was even ready to wait for two months. However, I am not satisfied with his response. To me, it appears like a public relations exercise between the Chairman or the Committee and the ministry. In my first request, I wanted to know the findings of the allegation towards those who have been suspended, even though we have been given four names. I wanted to know exactly the mistakes they committed. Secondly, it is obvious or an open thing to the House and even to the public that officers from the Department of Immigration, including the Director, were summoned to the Integrity House and we all know what happened on the first day. Then they went there the other day. We want to know the results of the investigations that were undertaken at Integrity House.

Thank you, Deputy Speaker.

Hon. Deputy Speaker: Now, these other Members, do you want clarifications on the same? Hon. Kiso, do you want clarification on the same or you are on a different one? Your light is on, hon. Gichigi. Hon. Ochieng, is yours on the same?

Hon. Ochieng: Thank you so much hon. Deputy Speaker. I think the issue raised by the hon. Member is very important. I just wanted to know

why the Chair could not take this opportunity to deliver a comprehensive statement on the status of the Immigration Department in this country today and why he should not take this opportunity to tell this country the plans it has. What is happening on the issue of terrorism and runaway crime? I thought the Chair should have taken this opportunity to tell this House and the country the plans that have been put in place by the department concerned to address issues of corruption. What are they doing in avenues relating to fighting of runaway crime? If you could do that, I think it would help this House. It would reduce the number of questions that would be raised in this regard.

Hon. Deputy Speaker: Okay. That is a clarification. Hon. Njagagua

Hon. Njagagua: Thank you, hon. Deputy Speaker. I was just wondering - and I am seeking your good counsel and guidance on this matter. When a Member rises or seeks a Statement from a Committee Chair or from a certain committee, there are specific queries that they raise. When we come here and we receive the responses, certain Members are very fast from the start to tell the Chairman of the committee what he should have said. Is that really in order, when we know the Statement never sought--- For instance, in the current situation today, we are being told that the Chairman should have told us about the current status at the Immigration Department, the investigations that were carried out and what we are doing about anti-terrorism. Was that specifically asked by the Member who sought that Statement? If it was not sought, then it is good to know that what you seek is what you get. Thank you.

Hon. Deputy Speaker: That seems to me to be a good point. Now, these other Members, before I give back the Floor to the owner of the question, are you seeking clarification on the same?

Hon. Members: Yes.

Hon. Deputy Speaker: So, I do not know from which point. Is it hon. Mule? Because the first two I had called said no, so, where are we? Are you on the same?

Hon. Mule: Yes.

Hon. Deputy Speaker: Okay.

Hon. Mule: Thank you Deputy Speaker, I request for a clarification on that because if you look at the Statement which has been read by the Chairman of the Committee in charge of security, as the owner of the question has said, he is very brief. If you look at the entire department, we want to know what the Government is doing to curb corruption within the entire Department of Immigration. This is the most serious entry point of

violence in this country. We know very well that most of the people are coming into the country without being screened by those officers and, at the end of the day, corruption takes centre stage at the entry points and they get their way into the country. We want to know exactly what measures the Government has put in place to curb corruption within the Department.

Hon. Deputy Speaker: Okay, hon. Bowen.

Hon. Bowen: Thank you, hon. Deputy Speaker. I think this is an issue that we had in the last Session before we went on recess. I asked a similar question to do with work permits in the Immigration Department. It is in the Ministry or Department of Immigration where corruption in this country is perpetrated.

(Loud consultations)

Hon. Deputy Speaker: Order Members! Hon. Ochieng and hon. Wandayi, please, find a better place to carry on with your consultations.

Hon. Bowen: The insecurity that we have in this country is because of the corrupt immigration officials, especially at the border points. Apart from a few, those are just junior officers because you are reading names of officers in Job Groups “K” and “L”. We want to know what the Government is doing to overhaul the whole immigration management; so that we can end this corruption that we have seen in the immigration borders and which has led to the runaway insecurity in the country. The bombings we are seeing around is because of the bribery and corruption at the border points. The youth unemployment in the country is because the Immigration Department is giving out work permits for employment which is supposed to be done by Kenyans in the name of specialization. It is not specialized at all. We have very skilled Kenyans who can do that work but every Thursdays, there are meetings at the Immigration Department.

Hon. Deputy Speaker: Now, hon. Bowen, are you still on this question or you have got your own question now? That is because you seem to be answering a different question. Hon. Ibrahim Sane!

(Laughter)

Hon. Sane: Thank you, hon. Deputy Speaker. I would like to seek some clarification on the same matter. Actually, the response of the Chair is so brief compared to what the hon. Member has asked for. He said that the tests were carried out and that the case is ongoing. Under which grounds

were the officers interdicted? How many officers were interdicted due the tests carried out?

Hon. Deputy Speaker: Hon. Members, I want to agree with hon. Njagagua. What you are now going into are things which are not in the question. Your own question states that the Department carried out investigations into the matter. The investigations were undertaken by the national investigations agency. You say that, consequent to the investigations, a number of officers were suspended. The response the Minister has given is in respect to the number of officers that were suspended. They have not gone into the details because investigations are not complete. The issue has moved to a different body. That is my understanding of this question. If Members wanted the state of the Immigration Department, then that is an issue that can be handled by a Committee in terms of a report and not as a Statement. It could come as a report from the Committee giving us the full status of the Immigration Department in the country currently, in the past and the future plans. That is a completely different Statement from the one that we have before us, in my view.

Hon. Wekesa: Thank you, hon. Deputy Speaker. Indeed, I said that Kenya has suffered a lot as a result of massive corruption in the Immigration Department. I agree with all what the Members of Parliament have raised here. A lot of legal documents, starting from birth certificates, IDs, work permits and so on are in the wrong hands. I am requesting the Chairperson of this Committee to come back with a very comprehensive response after the investigations.

Hon. Deputy Speaker: Okay. Chairperson, in my view, they are really two different matters. The Members seem to want the status of the Immigration Department. Concerning your question, I think it is sufficiently answered. The question that Members are seeking an answer to is the one on the status of the Immigration Department. That is a matter that can be taken up by the Committee. We do not even need to ask a question.

Hon. Abongotum: Hon. Deputy Speaker, to the best of my knowledge, the question is sufficiently addressed. But the issues that were raised by hon. Mule, hon. Ochieng, hon. Bowen and others--- The Statement that was requested has actually been sufficiently addressed. On the issue of the status of Immigration Department as requested by hon. Ochieng, I think that is totally a different question and it needs a comprehensive report from the Committee. If he really wants it, then I want to request him to request for a special Statement in that regard and---

Hon. Deputy Speaker: Hon. Kamama, I have just said that you do not need a Statement. You can see that it is the interest of Members. It is a topic they would like you to come and give a report on.

Hon. Abongotum: Hon. Deputy Speaker, in a nutshell, I would like to tell Members that the Government is taking the issue of corruption in the Immigration Department very seriously. It is in the public domain that the Director of Immigration Department---

Hon. Deputy Speaker: You are not giving us the Statement now. You have been asked to go and carry out investigations and then bring a comprehensive report.

Hon. Abongotum: Investigations on corruption and what else?

Hon. Deputy Speaker: On the status of the Immigration Department. What is happening there? What measures are being taken to curb corruption? That is a full report.

Hon. Abongotum: Suppose I have all the knowledge, I can inform the House in a nutshell on what we are doing. If you allow me, I can remember everything and I can tell the House what the Committee is doing.

Hon. Deputy Speaker: No! Not now. We do not have the time now.

Hon. Abongotum: Okay. Let me respond to what hon. Bowen asked. On the issue of work permits, something is being done. That section in the Immigration Department has been streamlined and the threshold has been raised to the extent that if a foreigner wants to come to this country, there must be a lot of justification. First of all, one has to have a degree and must be able to add value. In most cases, they have minimized the number of approvals. So, that issue is being addressed.

On the issue that was raised by hon. Wekesa, about the reasons for interdiction, it is because they failed an integrity test by the Kenya Anti-Corruption Commission. So, they just failed the integrity test which is close to corruption. That is the case. If the House requires a status report, that I can do in a month's time.

Hon. Deputy Speaker: The next Statement is still yours. I do not know how quickly you will handle it. The request was made by hon. Emanikor. Is she in the House? Yes, she is. Please, summarize your report.

PROTESTS BY *BODA BODA* OPERATORS IN LODWAR TOWN

Hon. Abongotum: Hon. Deputy Speaker, on 24th April, 2014, the Member of Parliament for Turkana County, hon. Joyce Emanikor requested

for a Statement regarding the protest by *boda boda* operators against exorbitant and unaffordable fines for lack of helmets which resulted to loss of life and destruction of property.

The hon. Member informed the House that in dispersing the youth, the police officers used live bullets and, in the process, the Officer Commanding Station (OCS) shot dead Mr. Eregai Kapua while Mr. Paul Mburu was shot on both legs and hospitalized at Lodwar County Referral Hospital. The Member sought to be particularly informed on the following:-

(i) why the OCS authorized the use of live bullets on unarmed protesting youth;

(ii) action taken against the officers involved and the measures taken by the Government to restore order and assure the business community in Lodwar Town of security;

(iii) whether the Government will meet the cost of treating the injured person and the burial cost of the dead;

(vi) the deterrent measures that the Government will put in place to avoid similar incidents in future; and

(v) the Government's plan to assist the *boda boda* operators in the country in terms of training on road use and traffic requirements, considering that most of them cannot afford formal training.

Following a series of serious accidents involving motor cyclists in Turkana County, most of which were caused by unlicensed and incompetent riders, the police embarked on routine raids, targeting traffic offenders in a bid to return sanity on the roads and minimise accidents. As a result, a number of motorcycle *boda boda* operators were arrested and charged before a court of law, where fines ranging from Kshs3,000 to Kshs15,000 were imposed on offenders, depending on the charges against each offender. The fines and sentences passed against offenders over time ignited tension with *boda boda* operators protesting that the fines had been too high and punitive.

Hon. Deputy Speaker, on 13th April, 2014, several *boda boda* operators demonstrated within Lodwar Town, during which they barricaded all roads and the only two main bridges on Turkwel and Kawalaze rivers, which form the main exit and entry points of the town. The demonstrations heightened tension and forced several business people to close shops and supermarkets, besides paralysing the traffic flow. At about 11.30 am, the Officer Commanding Station (OCS), Lodwar Police Station, mobilised a contingent of police officers and police reservists and proceeded to Turkwel Bridge where, on arrival, the demonstrators turned riotous and engaged the

officers in running battles. Several shops were looted until the following day, 14th April, 2014, when the situation normalised.

Following the incident, Case File No.CR822/155/2014 was opened by the District Criminal Investigations Officer (DCIO), Turkana Central, and investigations are ongoing. Once investigations are completed, the file will be forwarded to the Director of Public Prosecutions and appropriate actions will be taken in accordance with his advice. A spent cartridge which was recovered at the scene by members of the public is still being held by the relatives of the victim. Efforts to retrieve the same for investigations have been in vain.

Hon. Deputy Speaker, the Government does not intend to meet the hospital and burial costs since it has no voted provisions to cater for such expenses. In order to prevent recurrence of such incidents, the Turkana County Security and Intelligence Committee is sensitising the local *boda boda* operators on the importance of attending driving schools and obtaining certificates of competence and the need to observe the safety measures in place to prevent accidents and deaths on the roads. Further, several public sensitisation forums on road safety, law and order have been held in the area. There is also need for the local leaders to sensitise the area residents on the need to observe the law, obey traffic enforcement officers and seek dialogue to avoid unnecessary demonstrations and battles.

The riots attracted the local residents thus outnumbering the officers, forcing them to withdraw and seek reinforcements. The mob pursued the officers and attacked them with stones, metal bars and clubs. Consequently, some officers sustained injuries as follows:-

1. Administration Police Constable (APC) Ben Korir sustained serious chest injuries.

2. Police Constable (PC) Sammy Nyagah Ndwiga (driver) sustained deep cuts on his forehead.

3. Chief Inspector Evans Omuga sustained injuries on his shoulders and the right hand. His ribs were also fractured.

Hon. Deputy Speaker, in the course of the demonstrations, the rioters attempted to snatch an official Ceska pistol from the OCS. In an attempt to defend himself, the OCS shot in the air to scare away the mob. This forced the mob to scamper in all directions, leading to some of them sustaining various injuries, while others were run over by motorcycles. The OCS then got a chance and managed to seek refuge at the Divisional Police Headquarters. Later on, a report was received at the station to the effect that

one of the youths, namely, John Eregai Kapua had died, and another one was seriously injured, with claims that the death was caused by a gun shot.

Thank you.

Hon. Deputy Speaker: Yes, hon. Joyce Emanikor.

Hon. (Ms.) Emanikor: Hon. Deputy Speaker, I am surprised that the Chairman's narration is a list of injuries sustained by police officers. He has not actually addressed the question. I asked why the police used live bullets on unarmed youths, and what action has been taken against the police officer who shot dead one of the youths and injured another. Those questions have not been answered. The only question that the Chairman has answered is the fact that the Government is not compensating the costs that I have highlighted. He also said that the fines ranged between Kshs2,000 and Kshs3,000. The youths were fined between Kshs10,000 and Kshs15,000. Actually, Kshs10,000 was the least. He only talked of running battles. There were shootings. People were killed. You cannot equate chest injuries to deaths and the gun shot injuries that the youths sustained.

Therefore, I am dissatisfied because the Question has not been answered.

Thank you.

Hon. Deputy Speaker: Do I see a further clarification request by hon. Wandayi?

Hon. Wandayi: Thank you, hon. Deputy Speaker. I have been listening keenly to the Chair as he gave his response to the Statement request.

(Loud consultations)

Hon. Deputy Speaker: Order, hon. Members! Your consultations are too high!

Hon. Wandayi: Hon. Deputy Speaker, it would be important that the Chair comes back to this House with a comprehensive policy statement from the Government because what they are talking about in terms of *boda boda* operators clashing with the police is simply the symptoms of the problem. The root cause is obviously unemployment. So, could the Chair come back to the House with a more comprehensive policy statement on what the Government is planning to do in the short-term and the long-term in so far as tackling the issue of unemployment is concerned?

Hon. Deputy Speaker: Hon. Wandayi, do you not think that you are loading the Chairman with too much?

Hon. Wandayi: Hon. Deputy Speaker, the issues are tied. The issues of insecurity and *boda boda* riders cannot be separated from that of unemployment. More importantly, since *boda boda* is a phenomenon that is here to stay with us due to the Government's failure to tackle unemployment, could the Chair come back and inform us what measures the Government is putting in place to ensure that motorcycle *boda boda* riders are trained by the Government? The Government has a duty and responsibility to train *boda boda* operators, so that they can ride on our roads safely.

Thank you.

Hon. Deputy Speaker: Yes, hon. Timothy Wanyonyi!

Hon. F.K. Wanyonyi: Thank you, hon. Deputy Speaker. First, I would like to declare that I am a Member of the Committee and proceed to seek clarification from the Chair. If I heard him right, he said something about Government's plans to train *boda boda* riders. I do not know how the Government plans to do so, and how they are going to come up with such a programme.

If the Government has such plans, when is it going to be done, how, from where and when?

Hon. Deputy Speaker: Okay, hon. Francis Waititu

Hon. Waititu: Thank you, hon. Deputy Speaker. I want the Chair to clarify whether he now understands that there is a devolved government. Are they going to give some responsibilities of training *boda boda* people to the county government, especially the governors before the national Government comes in? What are you doing to enable the governors train *boda boda* riders?

Hon. Deputy Speaker: Hon. Paulata Korere

Hon. (Ms.) Korere: Thank you, hon. Deputy Speaker. I wish the Chair of the Committee would have clarified what action the Government intends to take on the policemen who are using live bullets on peaceful demonstrations. I think that habit by the police is getting out of hand. Recently in Laikipia, most hon. Members of this House saw the police dragging me on the tarmac and firing live bullets on 250 women from my constituency who were just demonstrating peacefully. I still carry the spent cartridges of the live bullets which were fired by the police. It is a high time we have the Cabinet Secretary (CS) coming to answer those questions here. That is because some of the responses they give in this House are actually demeaning and disgusting!

Hon. Deputy Speaker: Okay. Hon. Christopher Nakuleu.

Hon. Nakuleu: Thank you, hon. Deputy Speaker. I wish to seek a clarification on two issues. The *boda boda* association in Lodwar has got some form of leadership. If there was a misunderstanding between the *boda boda* operators and the police, the police hierarchy ought to have consulted the leadership of the *boda boda* association. This issue ought to have been resolved forthwith. My question is this: Why has the Kenya Police formed a habit of taking the law into its hand, even in situations where methods of resolving disputes are very clear?

Secondly, the Government has said that it is not ready to foot the bills of those victims of the conflict and yet, the Government is the custodian of security apparatus. It has an opportunity to protect the lives of those people. My opinion is that the Government is trying to abdicate its role and it must meet the medical bills of all those who suffered in the course of the police and *boda boda* operators conflict. Thank you.

Hon. Deputy Speaker: Okay. Chairman, please, respond quickly and briefly. Try to summarize the answers. We keep repeating this. Time is not on our side.

Hon. Abongotum: The clarifications were also many but I will ---

Hon. Deputy Speaker: But some of them are saying the same thing.

Hon. Abongotum: I will be very brief, hon. Deputy Speaker. I will start by saying that the police are not authorized to use live bullets, unless their lives are threatened. That is very clear and even the National Police Service Bill that we passed recently in this House has those provisions. So, it is only when their lives are threatened.

Hon. (Ms.) Emanikor on the issue of fines, I said that they were fined between Kshs.3000 and 15000. So, I agree with her. I just want to say that if there are issues that she wants clarified, I can still organize this together with the other Statements so that the Cabinet Secretary can come and clarify, at least, on the areas that she is not convinced or satisfied with.

Hon. Wandayi wants a comprehensive policy statement on training and employment. First, I just want to inform the House that the taxes that are being imposed on *boda boda* riders are actually done by county governments. I want you to liaise very closely with the county government and even with the Members of County Assemblies (MCAs) so that they can ask some of these questions in the county legislative assemblies. If possible, we want to encourage the county governors, through the Ministry of Devolution and Planning, to ensure that youth are trained and also not charged exorbitantly. We want that done. We will liaise with the Ministry of Devolution and Planning on that one.

On the comprehensive statement on the issue of unemployment as requested by hon. Wandayi, I think that falls under the Committee on Labour and Social Welfare. They can address that. I will be ready to address the security element. I think this answers the Statement that was requested by hon. Wanyonyi. I want to convince him that the Ministry of Interior and Coordination of National Government, Ministry of Transport and Infrastructure and Ministry of Devolution and Planning will work closely to come up with a comprehensive policy on training. The youth require sufficient training because we are actually losing many of them on our roads. So, that is going to be addressed by that.

I was not informed that hon. (Ms.) Korere was frogmarched by the police. We need to confirm that. On the use of live bullets on demonstrating mothers, it is not good if it happened. But I do not know if the hon. Member can distinguish between a cartridge of a live bullet and a cartridge of ---

Hon. Deputy Speaker: It is not in order for you to seek clarification and then you leave the Chamber. Do not even continue on that because the hon. Member is not there to listen to the clarification. Please, move to another issue.

Hon. Abongotum: So, on the issue of live or blank cartridges, it can only be done by ballistic experts. It is not easy. You can actually see a cartridge from a blank bullet. That is for experts to determine.

Lastly, on the question by hon. Nakuleu, I think the concern is okay. But we need, as a House, to vote for this money. If you want the medical bills of anybody who is involved in an accident in this country to be footed by the Government, you need to appropriate funds. I think the Budget and Appropriations Committee can handle that, if it is acceptable. So far, there is no vote to take care of that.

Thank you.

Hon. Deputy Speaker: Okay hon. Members, that brings us to the end of Statement responses. We now want to move to the next Order.

BILLS

First Reading

THE KENYA AIDS CONTROL AUTHORITY BILL

*(Order for First Reading read- Read the
First Time and ordered to be referred to*

the relevant Departmental Committee)

Second Reading

THE VICTIM PROTECTION BILL

(Hon. (Ms.) Odhiambo-Mabona on 30.4.2014)

(Resumption of Debate interrupted on 30.4.2014)

Hon. Deputy Speaker: The hon. Millie Odhiambo.

Hon. (Ms.) Odhiambo-Mabona: Thank you, hon. Speaker. I had already commenced moving and I just want to say that this Bill, from what is provided in the long title, is an Act of Parliament to give effect to Article 50(9) of the Constitution to provide for protection of victims of crime and abuse of power. It is meant to provide for reparation and compensation to victims; to provide special protection for vulnerable victims and for connected purposes. If you look at Article 50(9) of the Constitution that it seeks to give effect to, it provides that:-

“(9) Parliament shall enact legislation providing for the protection, rights and welfare of victims of offences”.

This law mainly seeks to give effect to Article 50(9) of the Constitution. What informed this law was the way the law treats victims *vis-a-vis* the offender. I want to seek your indulgence. I know that you are not supposed to read but I am referring to my notes on the iPad, so that it does not appear that I am reading and also because we reduced time and it is very short to move this.

What informed this was the way the law treats victims *vis-a-vis* the offenders.

(Loud consultations)

Hon. Deputy Speaker: Order, Members! When the business of this House begins, your legislative function starts. Please, Members, can we give the Member a chance? Remember we have been saying that we have so many Private Members' Bills which have not been passed. So, can we give each other time so that we can prosecute them quickly?

Hon. (Ms.) Odhiambo-Mabona: Hon. Deputy Speaker, it is presumed that the State will treat the victims with dignity and protect their

rights. But that is not the case. If you look at Articles 49 and 50 of the Constitution on what the Constitution provides on the offender, you will find that you have very lengthy provisions in relation to offenders of crimes. But when you look at the victims of crime, there is very little. It is only a paragraph that some of us pushed through when we were doing the constitutional review process. If I go to the Bill, it defines the victim of crime as any natural person who individually or collectively has suffered harm, including physical or mental injury, emotional suffering or economic loss or violation of fundamental rights and includes, where appropriate, the immediate family or dependants of the direct victims and persons who have suffered in intervening to assist victims in distress or to prevent victimization.

I just want to be very clear that a victim of crime is not always a witness of crime, and a witness is not always a victim. I am saying this because we have had preliminary engagements with the Committee on Justice and Legal Affairs and, at one point, there was confusion that the Victims of Crime Bill is about witness protection. We have a legal domain that deals with witnesses of crime and a witness is not always a victim. You find instances where the victim is deceased or incapacitated and cannot be a witness and many instances where the witness is not a victim, but merely a person who can attest to allegations by the victim. Currently, we have separate legal regimes. For witnesses, we have a very comprehensive way and for victims, there is none except the constitutional principle that we are seeking to give effect to now.

Although this Bill talks of victims of crime and abuse of power, there is very little mention that we have given of abuse of power. The reason we did not pay too much attention to the issue of abuse of power is that, at the point I was drafting this Bill, it was immediately after the post-election violence and there were so many victims of post-election violence. If we had put the abuse of power within that context, it would have been seen that we were politicking. So, I deliberately omitted too many inclusions on abuse of power. I am, however, hoping that because our contexts are different now, the Justice and Legal Affairs Committee can take that up and beef up this Bill and protect victims of abuse of power. Indeed, about three of the Statements that have just been read have to do with abuse of power, especially police power. So, I am hoping that the Committee on Justice and Legal Affairs would also take that up and look at how they could beef it up.

The person I am referring to is any person who has ever been a victim of any crime. If you have ever been carjacked, your house has ever been

broken into and anything of yours has ever been stolen or you have been a victim of assault or any crime, this is what this Bill is talking about. This Bill seeks amongst other things, in Part I, to provide principles for dealing with victims of crime, including the protection of their dignity, non-discrimination, right to be heard, ensuring victims do not suffer secondary victimization when they appear before the police and other justice processes, being sensitive to special circumstances of each victim, for instance, their religion, age, their right to legal---

(Loud consultations)

Hon. Deputy Speaker: Order, Members! The consultations are too loud. Please, Members, we do not want to repeat this. We have just started and we do not want to start throwing people out of the Chamber. Please, consult quietly.

Hon. (Ms.) Odhiambo-Mabona: Hon. Deputy Speaker, they are actually not interrupting me. So, I can proceed. It goes to talk of being sensitive to special circumstances of victims like religion, age, right to legal and social services and protection of vulnerable victims.

In Part III, it talks of protection of victims of crimes which entails preliminary assessment of victims and filing of reports, clarifying the nature of the victim or victims. It also talks of victims' details. For instance, like in the Westgate Mall, when there were many victims of crime, there was so much confusion in the way we dealt with it. This Bill says that when you have mass victimization, there must be an authority that writes the details of those victims, that writes where we do not know the person, maybe, because they are unconscious or dead, that you must write what they are wearing. If I am a victim today and I am dead, God forbid, you will say she was wearing pink, she was wearing a pair of trousers; she had a very fancy hairstyle or any other such distinguishing marks. It also talks of confidentiality of victim's information, security of victims and psychological support and victim's impact statement when the matter is before court.

Under Part IV, it talks of victim services, which includes provision of information to victims of crime. It provides the structure and operation of what should be given to the victims, its structure and operations of the justice system. The lawyers who are here, especially those who have practised in the criminal justice system, will tell you that there is normally confusion. Sometimes you appear before court and you are not told the date or you are given the wrong date. You are not told when your matter is

coming up or you are told that you were not there and your case is dismissed yet you were waiting at another corner. So, it obligates the court to give correct information to victims and social support especially where the victims are vulnerable.

It talks of the role of lawyers and the status that should be given to victims. Sometimes, victims do not understand when they see one lawyer speaking to the other, they think they are colluding. So, they need to understand the role of lawyers, the dates and location of hearings and where an accused person is to be released from custody, due date of release should be communicated. The means of victims to report any case of intimidation and threats by an accused person and means for the victim to contact the Board on Power of Mercy and giving views under Article 133(3) where the Government is likely to release a person that caused the original victimization is important information.

Part V talks of Victim Protection Trust Fund that has contribution from NGOs and Government organizations. There is a victim surcharge levy and we have very carefully not included money from Government coffers because then, that would have been a different route. When we appeared before the Budget and Appropriations Committee, the Chairman - and I am glad he is here - had indicated that, that is one of the things that they would be very eager to seek an amendment on in order to see that the Government provides money for this. I am reliably informed by the Committee on Justice and Legal Affairs that preemptively, they have pushed for a further allocation of Kshs80 million to deal with the issues that are arising from this.

Part III talks of protection of victims as I have indicated. Part IV is on victim services and Part V is the Victim Protection Trust Fund. Part VI is the Victim Protection Board. Again, because of time, I cannot go through the details. Monitoring is contained in Part VII and then we have the miscellaneous provisions in Part VIII.

Because of time, I would just want to say that we have spoken with the Chairman of the Justice and Legal Affairs Committee, who has requested my indulgence that I move and have the Bill seconded. Then we defer the Bill to next week so that the Committee can file a report. I do not oppose that. I am willing to negotiate and talk about how we can incorporate issues that have to do with witness protection which, again, I have indicated clearly may be very related, but not the same.

With those few remarks, I beg to move that the Bill be now read a Second Time and request my brother, hon. Augustine Neto, to second.

Hon. Deputy Speaker: Agostino Neto.

Hon. Oyugi: Thank you very much, hon. Deputy Speaker. First, I would like to congratulate my very able sister for bringing this particular Bill. I really think it takes the hawk eyes of a serious legislator to see that there is a lacuna in the law. Article 50 of the Constitution is very robust in terms of providing for fair hearing processes and also providing for the offenders of crime, but pays very little attention to victims of those crimes and, of course, Parliament is under obligation under Article 50(9) of the Constitution to enact such a law. Actually, Parliament is being compelled under Article 50(9) of the Constitution to provide for legislation to protect victims. I really think this particular Bill was long overdue. I think it is really ripe.

Hon. Deputy Speaker, hon. Millie Odhiambo, of course, has taken us through the various provisions of the Bill. But I would like to speak to a couple of specifics of the Bill. One, the Bill provides for the protection of victims of crime and abuse of power. You appreciate that there are often times when people are victims of crime and yet, they are treated like the ones who are criminals in the first instance. Half of them are not given information which this Bill seeks to do. The Bill will be compelling various Government agencies to provide the victims of crime with better information and proper support services. Of course, she has enumerated how victims stay in court not knowing that there are issues taking place or not being given sufficient information in terms of how to help them get justice and this Bill seems to do actually that.

The Bill also provides for reparation and compensation of victims. Quite often, you have criminals being charged and people being jailed for acts that they did, but no one ever bothers about compensation of the victims. So, I really think offering reparations and also compensating the victims is something that ought to have been considered and I really think this Bill does well in terms of enumerating how that is going to happen.

It also speaks to the provision of special protection to vulnerable victims of crime and many times, the people who are victims of crime have been treated in manners that reduce or diminish their dignity and I really think that anchoring that in law is sufficient and very useful.

Hon. Deputy Speaker, the Bill does seek in Article 3(c) to promote co-operation between all Government departments and organisations involved in working with victims of crime. You appreciate that half the people who are engaged in the justice process face a number of conflicts. Those are the people in the Director of Public Prosecution (DPP) Office, the police and the Administration Police (AP). All the people who work with the victims half

the time are not working in harmony and, sometimes, it makes it really difficult in terms of ensuring that the victims get justice. So, there is, therefore, need to have people who are working with victims to work together as inter-agencies in a manner that is well co-ordinated.

Hon. Deputy Speaker, I think Section 4 of the Bill is fundamentally important. It does set out the fundamental principles that various bodies dealing with the victims ought to feel and I think part (c) speaks very well about the dignity of victims, that it shall be preserved at all the stages of the trial. I speak with consideration and in mind people who, perhaps, would be rape victims and people who have been victims of other inhuman sexual acts. Sometimes, if you see the way the victims are treated, you will really think that it was their fault or that the fellows were either raped or subjected to whatever that befell them and I really think that there is, therefore, need to emphasise that the dignity and all that happens to them from pre-trial to post-trial phase should actually be taken into consideration.

I really think Article 4 is speaking to victims being treated in the manner that takes care of their cultural values, interests and beliefs. It is something that is worth noting because then, of course, you have people of the Muslim faith, the *Akorinos* and other people who have different cultural attributes that would want to be treated differently, and that their cultural and religious faiths are taken into consideration.

The Constitution, of course, in Article 50 speaks very well to the right to a counsel, fair trial and being informed sufficiently of the case that is before you. But, again, the victims also ought to be having the right to legal and social services of their own choice, things that they like and the manner that they like them.

Hon. Deputy Speaker, the Bill sufficiently provides for mandatory information being given to the victims. Of course, the right to information is a constitutional principle under Article 35. But I really think that, that has an effect in terms of giving the information and it ought to be emphasised especially when you are dealing with victims of crime. I really think that Section 11 of this particular Bill, has sufficiently dealt with it well.

Section 15 of the Bill provides for the protection of the victims fund. Half of the time, victims also need to be facilitated and I really like the fact that she drew a correlation between the witness protection and also the victim's protection. It does not make so much economic or justice sense to have witnesses facilitated and yet, you cannot have victims being facilitated. I really think that there is, therefore, a need to have a victim's fund that will be helping the victims themselves either to attend court or facilitate them in

terms of their welfare issues so that they are able to listen to and walk through the justice process sufficiently.

Hon. Deputy Speaker, there is created in this particular Bill the Victim Protection Board and I really think that it has very interesting functions. Section 20 speaks to the functions of the Board being to advise the Cabinet Secretary or inter-agencies on activities aimed at protecting victims of crime and implementing the rehabilitation programmes of the victims of crime. I really think a board of this nature would be useful in terms of supporting the work of the Cabinet Secretary in terms of helping in the justice system in line with Article 50(9) of the Constitution.

Hon. Deputy Speaker, Section 22 of the Bill speaks to monitoring of the victims protection programme. Kenya is very good with making very interesting and robust laws. But if at all there is no monitoring and follow up mechanisms, half the Bills that we bring into place do not really see the light of the day. I am really happy with Section 22 which provides for a monitoring mechanism to ensure that the victims of crime are sufficiently protected. The aspirations of this particular Bill is to protect the victims of crime and providing them with better information and support services, compensating them and giving them reparations and also providing for special protection of the vulnerable. I am hoping that the monitoring mechanism that is envisaged under Article 22 of this particular Bill will live to see that we can realise the aspirations of this particular Bill.

I would like to stop by congratulating my sister once again and to request Members of this House to, please, support this Bill and, perhaps, give sufficient proposals on how to make it better.

Thank you, hon. Deputy Speaker.

(Question proposed)

Hon. Deputy Speaker: Samuel Gichigi.

Hon. Gichigi: Thank you, hon. Deputy Speaker. I rise to support this particular Bill and I will begin by congratulating the drafter and Mover of this Bill. It is true that our current Constitution has gone a long way to take care of the rights of---

Hon. Deputy Speaker: Hon. Gichigi, we have an intervention by hon. Chepkong'a. What is your point of order?

Hon. Chepkong'a: Thank you, hon. Deputy Speaker. I have consulted with the Mover of the Bill and we have agreed that the Bill be stood over; the reason being that this matter is still pending before our

Committee. We had a retreat in Naivasha where the stakeholders met. We are meeting the Witness Protection Agency who will be making a presentation with regard to the amendments that we are seeking to make in this Bill. We hope to file our report by Tuesday next week and so, pursuant to Standing Order No.96, I beg to move that the debate be now adjourned pending the filing of the Committee's report on Tuesday. I have the concurrence of the Mover of the Bill.

Thank you.

Hon. Deputy Speaker: Okay. Who is seconding you? Do you have a seconder to your proposal?

Hon. Chepkong'a: The Mover herself.

Hon. Deputy Speaker: Is it procedural?

Hon. Chepkong'a: Hon. Deputy Speaker, I will ask hon. Millie Odhiambo-Mabona to second it.

Hon. Deputy Speaker: That is okay.

Hon. (Ms.) Odhiambo-Mabona: Yes, hon. Deputy Speaker. We have already spoken and, therefore, I second.

(Question proposed)

(Question put and agreed to)

(Debate on the Victim Protection Bill deferred)

Second Reading

THE PHYSIOTHERAPISTS BILL

Hon. Deputy Speaker: Hon. Members, I have been informed that the next Order had been deferred to allow the Committee to complete its report. I want to find out from the Mover whether that is the position.

Hon. Lenard Sang.

Hon. Sang: Thank you, hon. Deputy Speaker. I hereby wish to inform this House that the Bill has rightly been referred to the Departmental Committee on Health where I am a member. We have discussed with the leadership of the Committee and we are finalizing the report. We wish to beg that we defer this Bill to next week on Wednesday.

Thank you.

Hon. Deputy Speaker: That Order also is deferred.

(Debate on the Physiotherapists Bill deferred)

Next Order.

Hon. Deputy Speaker: Are you on a point of order, hon. (Ms.) Nyamai?

PROCEDURAL MOTION

LIMITATION OF DEBATING TIME

Hon. (Ms.) Nyamai: Yes, hon. Deputy Speaker, thank you. I beg to move the following Motion:-

THAT, pursuant to provisions of Standing Order 97, this House resolves that the debate on the Bills appearing under Order Nos.11 and 12 be limited to a maximum period of one hour and thirty minutes; with five minutes for each hon. member and ten minutes for the Leaders of Majority and Minorities Parties; five minutes for the Mover in moving and five minutes in replying.

Thank you, hon. Deputy Speaker.

Hon. Deputy Speaker: What reason do you have for this?

Hon. (Ms.) Nyamai: Hon. Deputy Speaker, I am bringing up this Motion because we have so many Private Members' Motions that need to be prosecuted and many hon. Members would like to get involved in contributing to them. That is the only way many hon. Members can have a chance to speak to the Motions.

Thank you.

Hon. Deputy Speaker: Do you have a Secunder to your Motion?

Hon. (Ms.) Nyamai: I hereby request hon. Benjamin Langat to second the Motion.

Hon. Langat: Thank you, hon. Deputy Speaker. I wish to second the Procedural Motion. If you look at the Bills listed on the Order Paper, some of them are just amendment Bills and they have just one or two pages.

We have Bills which are big. Even in the House of Commons, those Bills which are small in size do not pass through the procedures because they have just one or two lines. Therefore, I think even going forward in this House, we need to see Bills which really require going full-length and determining how many hours we should spend on the Bill given the size.

Therefore, I would want to support the Motion in that respect; that every Bill is seen in its own merit, given the size, so that we allocate time according to the size of each Bill.

Therefore, I would like to second and urge hon. Members to support the Motion so that we can become efficient in this House as we transact more Bills going forward. I have seen the Order for Private Members' Bills. I think in addition to what the Chair of the Departmental Committee on Health is proposing, I would propose that we look at how to create more time so that we are able to clear those Bills as soon as possible.

I have also seen that we are postponing Bills because Committees have not acted on them. Our Standing Orders are clear that you can debate a Bill even if the Committee has not finished its work on the Bill. Therefore, I want to second and ask hon. Members to support.

Thank you.

Hon. Deputy Speaker: Hon. Members, that is in order.

(Question proposed)

Hon. (Ms.) Odhiambo-Mabona: On a point of order, hon. Deputy Speaker. Just for clarity, before we went on recess hon. Gladys Nyasuna Wanga had moved a similar Motion. I do not know why we are moving this because I am presuming that, that Motion still stays. That is why I have moved my Bill for ten minutes. I had a balance of eight minutes.

Having said that, I would also want to ask the House Business Committee about it, because from what I am hearing from the Mover, it seems to be a little different from what the Seconder is saying. I was actually just about to move a similar Motion before they did theirs. But my Motion was to extend the time. The reason I was going to give--- I do not know if I should repeat.

Hon. Deputy Speaker: Yes, because you were talking while I was getting some guidance.

Hon. (Ms.) Odhiambo-Mabona: I was just saying that last time, before we went on recess, hon. (Ms.) Nyasuna had moved a similar Motion which I presume still stands. I do not know the essence of moving a similar Motion.

Secondly, just before this Motion was moved, I was about to move a similar Motion but on the opposite, seeking to allocate more time. I am raising the point of order in respect to what the Seconder did. While speaking, he said that we will be targeting specific Bills, but while moving I

did not hear the Mover talk about targeting specific Bills.

I am saying this because, if you look at the Bill that is seeking to amend the Children Act, it is talking about only two or three sections of the Children Act. If that is the case, then we could talk for about five minutes. I think that is injustice, but it makes sense. But when you are talking about substantive Bills like the Statute Law (Miscellaneous Amendments) Bill which we were talking about yesterday, it talks about seven Bills. You cannot limit hon. Members to contribute for five minutes; history will judge this Parliament very harshly.

I want to encourage the House Business Committee (HBC) to go and sit and think about this very carefully. I raised it yesterday with the substantive Speaker, that we are not taking this House very seriously. The HBC needs to either include time for a further sitting on Thursday morning or include Friday. That is because our work is very heavy. But talking for five minutes only for a legislative agenda, we are not serious.

Therefore, I would want to encourage first, if you can give direction on the issues that I have raised on whether this vacates the previous order and, two, whether the Mover and the Seconder are speaking the same language on what is before us. Is it in respect of specific Bills as they come or are we moving specific Bills as they come? Is it only in relation to these two or are we seeking a blanket approval that will operate from now on? For the longer Bills, how much time are we going to give? I felt harassed speaking for ten minutes on issues of victimization. It is not in order. Some of us are willing to sit here until midnight on Thursdays, but we need to take the HBC seriously.

Thank you.

Hon. (Ms.) Nyamai: Hon. Deputy Speaker, I just wanted to clarify that I am referring to Order Nos.11 and 12 for today. I feel that hon. Langat and I spoke to the same matter but only that he gave an exemption to Bills where we may seek an extension if it requires more time. I hope that this is in order. In addition to this, looking at the Private Members' Bills that we have, it is a long list, from hon. Members who are keen and others who are asking how long it is going to take before their Bills are executed. So, if we can adjust time as per the Motion that I am moving, it means that we will handle two Bills on a Wednesday morning. That is the purpose of this and also looking at the international meetings and conferences that we attend, 15 minutes for a Mover is not really a short period or five minutes for someone who wishes to support or not is adequate time, if hon. Members prepare adequately.

Hon. Deputy Speaker: Just to clarify, you know that in our Standing Orders, we already have what is always put at the back of our Order Paper stating exactly how long the business should take. There is 45 minutes for the Mover and a maximum of 20 minutes for replying. So, that is already in the Standing Orders. When we are making any change; when we are deviating from the Standing Orders like she has proposed, then we have to give it and that is why she is very specific that it is only with respect to Items Nos.11 and 12. But what is in our Standing Orders is what is the norm but when we deviate then that is when we are giving these specifics. It is your word against somebody else's in terms of how long. You might find it inadequate for what you have to say and for another hon. Member it is more than adequate. For others, some of them may not even understand or have not taken the time on it. So as much as you are, I do not know whether it is casting aspersions to say that we are not taking legislative work seriously; it is for this House and these hon. Members to begin to be very clear that the House business starts from Order No.8. That is when the House begins to transact business. When hon. Members come only for Statements, we have not started the business of the House. The real business of this House is from Order No.8. I think it is important and I totally agree that, that part up to the end, the last Order is what we need to take very seriously. Of course, not all of us will be interested in everything but, at least, where you feel that you have expertise or an area where you feel you have an interest in, take time and research. I am told that you all now have research assistants in every Committee. Use this staff to enrich your debate so that you can take more than the five minutes that hon. (Ms.) Odhiambo-Mabona is canvassing because you have seen that some hon. Members would want to say two or three sentences and make their contributions. Let us enrich our debate by more research.

Hon. Members, we do not want to deal with this so can I put the Question so that we can move on with the debate?

Hon. Maanzo: On a point of order, hon. Deputy Speaker. It should be subject to not include Order No.12 in that because Order No.12 is very substantive. It is coming from our side of the coalition.

Hon. Deputy Speaker: So you want to exclude Order No.12?

Hon. Maanzo: I propose an amendment to exclude Order No.12.

Hon. Deputy Speaker: Are you moving an amendment?

Hon. Maanzo: Yes, to exclude Order No.12.

Hon. Deputy Speaker: Then move it!

Hon. Maanzo: Hon. Deputy Speaker, I am moving an amendment to exclude Order No.12 in that it is substantive; it comes from our part of the coalition. The original Mover had not consulted us before talking about our own proposal by hon. Ngong'o. They did not consult us on this particular one and Order No.12 is substantive.

Hon. Deputy Speaker: I am told that this matter was debated in the House Business Committee (HBC) where both sides - the Majority and the Minority parties - are represented. This is not a matter that we are just canvassing here, it was brought there.

(Hon. Kangara stood up in his place)

Hon. Kangara, are you a Member of the HBC?

Hon. Kangara: On a point of information, hon. Deputy Speaker. The CORD coalition is represented in the HBC and this decision was taken there where the Leader of Minority Party of the said coalition sits. I am also a Member of that Committee. So, we were properly consulted, we discussed the matter and as the HBC, we agreed on it.

Hon. Deputy Speaker: In the interest of trying to make progress, the large number--- All of you have been complaining that none of the Private Members' Bills are getting finished. They are so many of them and yet nobody is saying that theirs has been completed. So in that respect, we have to find a formula, therefore, reducing your debate to one hour and a half. That is why I was saying we should do more research so that we speak less; so that your points are concrete and you are not thinking about them and taking a very long time to prosecute what you need to say. Allow me to put the Question.

(Question put and agreed to)

Second Reading

THE ALCOHOLIC DRINKS CONTROL (AMENDMENT) BILL

Hon. Ichung'wah: Hon. Deputy Speaker, as I move this Bill, I want to begin first by paying my very deep respects to the tens of our citizens who lost their lives recently when we were on recess in over five counties; Makueni, Kiambu, Embu and two other counties. They lost their lives and

many other hundreds of them lost their eyesight and are suffering numerous health problems out of alcohol abuse.

The principal objective of this Bill is to increase the functions of the National Authority for the Campaign against Alcohol and Drug Abuse (NACADA).

[Hon. Deputy Speaker left the Chair]

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

Hon. Temporary Deputy Speaker, one specific function and objective I intend to give to NACADA will be the provision of support and assistance in establishment of treatment and rehabilitation programmes and centers in this country. As you may be aware, alcoholism and abuse of alcohol in this country has been a problem that has bedeviled it for many years.

Hon. John Mututho did bring the principal Act, what is called the Alcoholic Drinks Control Bill of 2010. I seek to bring amendments to this Bill. We want to create an environment where part of the money that is allocated to this agency goes into establishment of rehabilitation centers and treatment programmes that will help many of our citizens who are suffering from alcoholism and alcohol abuse. It is important, and that is a second principal of this Bill, to recognize alcoholism and misuse of alcoholic substances as a disease. You will realize that the second bit of the amendment that I seek to move is to have the agency and indeed the Government recognize alcoholism as a disease and the many disorders that emanate from misuse of alcohol. We need to recognize the diseases as defined by the World Health Organization. If we do that, then the agency and the Government will be able to access more funding in the same way malaria and HIV/AIDS are able to access global funds from the World Health Organization. Through that assistance, we have Antiretroviral (ARVs) centers established. Other African countries, through funding by the World Health Organization and other donor agencies, have benefited immensely. When we recognize alcoholism as a disease, we will be able to access more of this fund.

I am also looking at our public hospitals. You recognize that in this country a majority of the rehabilitation centers that are there that deal with drug and alcohol abuse are basically in Nairobi and the areas surrounding Nairobi. These centers are out of reach for the ordinary citizens. You

recognize that many of the poor Kenyans that lost their lives in the three or five counties when we were on recess are not Kenyans who ordinarily would afford the rehabilitation centers that exist in this country. To be admitted and treated in these centers, one has to pay an average of Ksh120,000 per month to a high of around Ksh600,000. These are amounts that are truly not affordable to the hundreds and thousands of Kenyans who are losing their lives through alcohol abuse.

The other thing that we seek to do in these amendments is also to ensure that there is true accountability in what NACADA does with the funds that they collect from the Kenyan public, especially the funds that they are collecting from bar owners and other people who are involved in bar business. I have heard sentiments from those who sit in the Budget and Appropriations Committee that they had given NACADA an allocation. Being a member of the Public Investments Committee, which has an oversight role over NACADA, I can tell you Members that indeed hundreds of millions of the money that goes to NACADA goes to waste. About 35 per cent of the money that goes to NACADA is supposed to go into advocacy and that is what is stipulated in Section IV of the principal Act of 2010. The money was designed to go back to the counties of the constituencies and districts where this money is collected, but that 35 per cent is given back to the District Commissioners who are supposed to conduct advocacy programmes. Since almost each and every constituency today has a district, you will bear me witness; I have never seen any advocacy work being conducted by the District Commissioners and Provincial Administration, as it were. It is these that I seek to correct. The funds are supposed to do substantive work that can help the people of this country who are suffering from Alcohol abuse.

You can imagine, if in this country we had systems and structures that are functional, what would happen to the hundreds of people who lost their lives? I remember vividly reading in one of the local dailies about a lady in either Embu or Makueni narrating how they wake up at about 4.00 a.m. or 5.00 a.m. in the morning to go and drink illicit brews before the chief and the police wake up and start patrolling the area. Anybody who is waking up at 4.00 a.m. to go and drink; hon. (Prof.) Nyikal who is here can tell us that, that is a person who is sick. Until and unless we recognize alcoholism as a disease and not as a habitual leisure activity, we will not be able to deal with the problem of alcoholism. You realize that what killed people recently is not alcohol *per se*; when the “Mututho law” came and we said we need to package liquor in a certain way and restricted the packaging to bottled

packaging, many of our people abandoned traditional liquor; liquor like *Muratina*, *busaa* and even *chang'aa*. *Chang'aa* in the past never killed people in this country. But what is happening is because we allowed people to package all manner of drinks. People have started packaging chemicals and dangerous poisonous substances that are now killing our people. Therefore, it is important that we use the funds that we are getting for NACADA to educate our people on these other alternative traditional liquors.

The final objective of this Bill is of course to recognize--- I can see hon. Benjamin may want to join me in the class of those who are not drinkers. I can say hon. Lang'at is Chair of the Committee on Finance, Planning and Trade. We also suffer from the problem of very high taxation on alcoholic drinks thus making them highly unaffordable to a majority of our people. As much as we want to encourage our people to drink alcoholic drinks that are hygienic and alternatives, we also have an obligation to create an environment where locally manufactured alcoholic drinks benefit from tax remissions or a tax regime that is encouraging those who are brewing hygienic and good alcoholic drinks. That is what the last bit of this amendment seeks to do; to encourage the Cabinet Secretary responsible for finance to implement such tax policies and measures that will encourage locally manufactured drinks that comply with the objects of this Acts.

The objective of the principal Act as moved by hon. Mututho was to encourage the consumption of hygienic and good alcoholic drinks in a responsible manner. I, therefore, want to encourage Members to come out and support this Bill because it is one that will be showing that we, as Members of Parliament and leaders of our people, care. It will not just be reactive when we lose people to these alcoholic drinks, but we are proactively moving legislation that will help people access drinks that are good and affordable because there are those who must live with a drink. We must provide them with drinks that are affordable and healthy.

Hon. Temporary Deputy Speaker, I want to beg Members to support this Bill. I know many of them may want to move amendments to this Bill. However, I was very cautious and careful not to touch on anything to do with licensing because you recognize that the licensing of sale of alcohol and its distribution is now a function of the county governments. A number of Members approached me with regard to this matter, but I deliberately avoided that subject because we do not want to have this Bill go to the Senate. I encourage hon. Members to move as many amendments as they

may want, but on issues that will not touch on money matters and county governments.

I beg to move that this Bill be read a Second Time and ask my good friend, hon. Kanini Kega to second.

Hon. Kanini Kega: Thank you, hon. Temporary Deputy Speaker for giving me this opportunity. I rise to second this very important Bill by the Member for Kikuyu, hon. Ichung'wah. First of all I want to recognize and honor posthumously my good friend, our departed hero, the MP for Gatundu South who after acknowledging that there is a huge problem of alcoholism gave out one of his houses in Runda to be used as rehabilitation centre. We should now go beyond looking at this issue from a philanthropic point of view to entrenching it in law.

It was painful to see over 100 young men and women die after being poisoned by what was supposed to be beer. It happened in Makueni where my good friend, hon. Maanzo comes from. It also happened in Embu and Kiambu. It is high time we bit the bullet and agreed that alcoholism is not just a lifestyle issue rather it is a problem that we have at the moment.

We have lost many young men and women who we believe are the engines that are going to push this country to the next level. During recess we went to our constituencies. Sometimes when you want laborers or people to do certain jobs, you do not find people to do such work. In fact, we had an instance which was aired on one of the leading television stations whereby the young men are not ready to work; it is actually women who are doing the manual work. When you inquire and check you realize that the young men are indulging in alcohol drinking. It is high time we set up rehabilitation centres from the constituency level. As I said earlier, these cases are not isolated; they are happening all over the Republic. It is important that special funds be set aside to set up affordable rehabilitation centres. At the moment, for any person to be admitted to a rehabilitation centre it costs about Kshs100,000. How many of those young people can afford that amount of money? At the end of it all we are attending burials of young people in an unprecedented manner in our constituencies. Most of those deaths are attributable to alcoholism.

I look back at my days as a young man and I remember seeing one of the leading brands written, "*Baada ya Kazi*". Those are the days people used to work from morning until evening and then enjoy a cold beer or something. These days you find people indulging in alcohol very early in the morning, say, at 5.00 a.m. or 6.00 a.m. You then ask yourself what work they have done for them to qualify to take those drinks. We need to look at

this matter in a very bipartisan way because it touches the fabric of our society.

The Mover of the Bill alluded to the fact that we need to reduce taxes on un-malted beer. There was a time the Keg Beer was not taxed. We had quite a number of people drinking Keg. The taxes were re-introduced and people are running away from contemporary beer; they now prefer the illicit brew. We also need to criminalize those people who are distributing poison in the name of beer. It is high time those unscrupulous businesspeople who are taking advantage of the Kenyan population were told that enough is enough.

With those remarks, I beg to second this important Bill.

(Question proposed)

The Temporary Deputy Speaker (Hon. (Ms.) Shebesh): Hon. Members, as I call out those who are going to speak, I would like the Deputy Leader of Majority Party to give guidance with regard to the Chairperson of the relevant Departmental Committee because we plan to complete the Second Reading of this Bill. You could help us get the Chairperson, hon. Kamama or his Vice-Chairperson.

Hon. Lang'at: Hon. Temporary Deputy Speaker, as I start to contribute to this Bill, I would like to send my condolences to the families which lost their loved ones in Embu some weeks ago. The challenge of alcoholism is becoming a national problem. I support this Bill so that we give more powers to NACADA to be able to move across the country and educate our youth on the effects of alcoholism. Our youth are spending many man-hours drinking. It is sad that some of these young men wake up very early when the police are still asleep so that they can have a drink. This is a serious national problem which needs to be addressed.

I think NACADA has been doing some good work although it looks like in many occasions they are reactive. I want to encourage my good friend, hon. Mututho to be more proactive on this issue so that we do not appear to be reacting when there is a problem. We want to give him those powers so that he is able to execute his mandate, but we will also demand that he performs the job.

With regard to the issue of duty remission which my good friend here is advocating for, I agree with him, but I do not think this is the right Bill to include issues of duty remission. Perhaps, he needs to consult so that we get

the right place to put this clause. This is because the issues of taxes fall under another purview.

If we want the Cabinet Secretary to give exemption on duty, let us do it in the right place. Having said so, let me say that I support the idea. The ideal situation in this country would be to ban consumption of all alcoholic drinks, but that is not possible because people must drink. So, since the ideal situation is not achievable, we must give room. For those who manufacture quality beers, we must make them cheaper, so that people can access quality beers as opposed to making them too expensive and then we have our youths hiding somewhere and drinking poison in the name of beer. We must be honest to ourselves – that the ideal situation is not achievable. So, what do we need to do? We need to give the main manufacturers some consideration, so that they can manufacture quality products that target low income consumers, so that we do not continue losing them as they go and hide somewhere and consume poisonous drinks.

The Temporary Deputy Speaker (Hon. (Ms.) Shebesh): Your time is up, hon. Langat!

Hon. Lang'at: Thank you very much, hon. Temporary Deputy Speaker. I was seconding the other Procedural Motion. It affects me.

With those remarks, I beg to support.

The Temporary Deputy Speaker (Hon. (Ms.) Shebesh): Yes, hon. Moses Injendi.

Hon. Injendi: Thank you, hon. Temporary Deputy Speaker. Before I make my contribution, I would like to welcome my girls from Malava Girls High School. Unfortunately, they are leaving but I would like them to feel welcome at the gallery.

I rise to actually oppose the Motion because, personally, I feel that going into rehabilitation centres would be like encouraging young people to get into excessive drinking. I would recommend that instead of spending money on rehabilitation centres, it would be better to spend the money on controlling the consumption of alcohol. It is like we have very many centres that are providing alcohol. We have many persons supplying substandard alcoholic drinks. If we can empower the Mututho group to control the supply of such drinks, it will not be necessary for us to establish treatment centres as proposed.

Personally, I have been at a place of work where some people have been victims of alcoholism. When such persons were asked to go for treatment, they refused. Those who went to rehabilitation centres for treatment eventually returned home and continued with the same habit.

So, I oppose the Motion on those grounds.

Thank you.

The Temporary Deputy Speaker (Hon. (Ms.) Shebesh): Yes, hon. Christine Ombaka.

Hon. (Ms.) Ombaka: Thank you, hon. Temporary Deputy Speaker, for giving me the opportunity to contribute to the Motion.

I support the Motion because alcoholism has now become a national disaster. It is very sad that people who drink and go through alcoholism are not young people alone. I used to associate alcoholism with young and jobless people who are idle, and who just want to take alcohol, so that they can pass time. However, even adults now are victims. Alcoholism is breaking homes. Many people are dying. Many more people are breaking their families. You find adults and young people sleeping on the streets. It is a bad sight. It means that the country is going through a hard time. Very soon, we will not have people who are strong enough to bring development to this country.

I believe that joblessness is partly the cause of this problem. There is too much idle life because young people, who are strong, have nothing to do with themselves. In the village, they can definitely not afford the kind of drink that we would recommend – drink that is hygienic, well-packed and safe. Since they are unable to afford good drinks, they go for the cheap ones. They come up with their own kinds of alcohol. That is why you find that they use all sorts of substances to make alcohol at home. Their alcohol is made in the village. There is nobody to check. It is dangerous but they do not care. They take it simply because they want to pass time.

Hon. Temporary Deputy Speaker, I believe that education is still key in everything that we do. We do not have much public education on the dangers of alcoholism. People drink but they really do not know the dangers of the habit. They only begin to realise how dangerous it is when somebody has died. Such experience is also short-lived. Within a short time, they are back at it. So, we need to begin to impart public education not only in schools but also in various gatherings like in the churches and youth centres. There are many youth groups in the village. If we inject public education, a lot will be achieved. Just like cigarettes, the manufacturers of alcoholic drinks must indicate the dangers of the substance on the package. People need to know the dangers of alcohol consumption.

It is sad that nobody can come out very strongly to talk about the dangers of alcoholism. Manufacturers of alcoholic drinks would not want the dangers of alcoholism made public because they want to sell and benefit

from them. It is time we came out strongly in the area of alcoholism because it is damaging the entire country. People are dying. We get calls from abroad when Kenyans out there read headlines that a lot of people have died in one area or the other. It is portraying Kenya as a drinking nation – a nation that cannot control alcoholism. That is really a bad image for our country.

Hon. Temporary Deputy Speaker, as I support the Motion, I believe that we can still push for the control of alcoholism for the betterment of our country.

Thank you.

The Temporary Deputy Speaker (Hon. (Ms.) Shebesh): Yes, hon. Abdikadir Omar of Balambala!

Hon. Aden: Thank you, hon. Temporary Deputy Speaker. Let me take this opportunity to also support this amendment Bill and say that, indeed, going by the deaths that we have seen as a result of the alcohol menace in the last few weeks, as a responsible leader, even though I do not drink, this kind of amendment to this law will come in handy to give a hand to the Mututho team to create rehabilitation and treatment centres, so that we can care for the unfortunate aftermath of the kind of things that we have seen happening in the last few weeks.

As a Member of the Budget and Appropriations Committee we are, indeed, prepared to financially support the Mututho team, so that the proposed rehabilitation centres can be created and funded, so that we can deal with the problem of alcoholism. I would like to say that, indeed, it is not only alcohol that has caused havoc to the lives of many Kenyans.

Hon. Temporary Deputy Speaker, as a House, we have sent a very strong signal to the NACADA that they also need to look at other drugs that are affecting the lives of many Kenyans. The use of hard drugs and the uncontrolled use of even some of the allowed drugs like *khat* is causing a lot of problems to the lives of many Kenyans in the region I come from. Many young people are suffering. Some of them do not go to school or work. They are losing out on their family work because of the abuse of these otherwise allowed herbs or shrubs that Kenyans are using.

Therefore, I want to call on the NACADA not to wait for devastations to happen for them to act. They should proactively be engaged with the society; communities, churches and mosques and find ways of how to control the abuse of some of the stuff that is allowed.

Hon. Temporary Deputy Speaker, because of the interest shown by many other hon. Members on this amendment Bill, I wish to end my

contribution by saying that I support this Bill. We should allow and support NACADA to control this menace.

Thank you.

Hon. Wetangula: Thank you, hon. Temporary Deputy Speaker. I wish to support this amendment. We realize that what is going on in this country is driven by greed and uncontrolled use of alcohol and substance abuse among our young people. If the Government can regulate the use of the otherwise traditional alcoholic drinks like *busaa* and *muratina*, this is something that can be done. These drinks are much healthier than what people are drinking today.

When I say “driven by greed” I refer to the unscrupulous businessmen and women who use dangerous chemicals to adulterate the drinks that they sell to the people. That is why we end up with many dangerous drinks which kill and maim the people. If we empower NACADA and also use the proposed tax that will come out of this regulation, we can set up rehabilitation centers to rehabilitate people. Otherwise, the youths have been lost to alcohol. If you look at it critically, there is a generation that has been lost to alcohol abuse. If you go to some slum areas especially areas that fall in my constituency, you will find that these people drink from morning to evening. They do nothing. They wake up on a drink and just end up being hopeless. They do not work. They do not do anything. That is also an area that we need to look into and empower NACADA to regulate.

There is some jurisdiction where we know that the tax that comes from alcohol is labeled as sin tax. This sin tax is used to rehabilitate and protect the victims of alcohol abuse. So, if we can come up with a tax regime that can regulate this, then we can rehabilitate some of our youths who are lost to alcohol.

Rehabilitation centers in this country are very expensive. Most of them are run by NGOs. Most of the times, the people who abuse alcohol have no access to these facilities. So, if the Government can come up with proper facilities that can rehabilitate the victims of alcohol and other substance abuse, it will be better for the country. Also, we have institutions like the Kenya Bureau of Standards which are mandated to deal with standards and I do not know how some of the drinks that people take have authorized stamps of KEBS. I do not know how they manage to get it. But if that goes through their laboratories and still end up in that kind of situation, then we must re-look into how to deal with this situation.

I support this Bill because it will go a long way to regulate and control some of these abuses we are seeing in our society and loss of lives. I beg to support.

Hon Waiganjo: Thank you, hon. Temporary Deputy Speaker for also giving me an opportunity to ventilate on this very important piece of legislation. I want to congratulate the Member for Kikuyu for bringing it to the House.

It is obvious that alcoholism and drug abuse in our country is at crisis level. I would have hoped to see hon. Ichung'wah even proposing more amendments, so as to encompass other hard drugs. We know *cannabis sativa* or *bhang* is also widely abused. However, I am happy with these amendments because he proposes rehabilitation centers. He also proposes education to the public on the benefits of using affordable alternatives to dangerous liquor.

This has an important import in that for those who cannot stay without a drink, they are being given an alternative and particularly so because the other problem we have is the dominance of the market by the big players. We know, for instance, the Kenya Breweries has completely dominated the beer industry leaving out other traditional brewers like the *muratina* and *busaa* that have been referred to and even *chang'aa*. In fact, I do not see the reason why *chang'aa* should not be legalized and encouraged.

The other thing I want to say is that alcoholism has completely decimated some of our populations in different parts of this country. There are areas or counties that births have come to a halt. It is worse than a contraceptive and it is not intended. We have obviously seen demonstrations from our womenfolk saying that the men folk have failed to carry out their conjugal responsibilities because of excessive drinking. You can see every day on our roads young people sleeping around and not doing anything because of the high level of addiction that some of these drinks bring to them. Most of our youths have lost their jobs and the immorality level has also gone up. So it is a menace that is touching on the fabric of our society. This is the high time to rein in, particularly on those who brew dangerous poisons and sell them to our youths and our general population as drinks.

Most importantly, there is no pride in failing in conjugal responsibilities because of drinks. There is no pride in getting one child or two children. You know we talk about family planning and think that it is very important to have just one child or two children when you can even afford to bring up six, seven and even ten. This is the time to encourage our population to procreate more. We procreate and bring up important members

of our society. Even then, this Bill is important because it will edge out pretenders who set up rehabilitation centers or people who run rehabilitation centres with an aim of exploiting our people. At this point in time, this Bill is bringing in law in certain institutions so that they will go out of their way to make sure that we have rehabilitation centers that are well equipped and are run by professionals.

I am aware of certain NGOs which set up rooms pretending that they are rehabilitating drug abusers yet they are exploiting them. They even use them as sex slaves. Others even use them as conduits for human trafficking. So, these amendments may appear to be minor, but they are going to touch on the very wide fabric of our society.

The Temporary Deputy Speaker (Hon. (Ms.) Shebesh): Your time is up, hon. Member. Just conclude because your time is up. The microphone has gone off because we said five minutes. Hon John Nyagah.

Hon. J.M. Nyaga: Thank you, hon. Temporary Deputy Speaker for giving me this opportunity to contribute to this Bill. First, I would like to congratulate hon. Ichung'wah for this amendment. I am one of the Members of Parliament who are highly affected by this menace.

Last month I lost 43 of my constituents. It is very painful because within a span of three days, I lost 43 of my constituents who were all in one village. First and once more, I want to send my condolences to those families. Two, I want to thank Members of Parliament from Embu County, religious leaders, the business community and more importantly the Government because of the contribution they made for the burial preparations.

Hon. Temporary Deputy Speaker, many people have been driven to taking these illicit drinks because of poverty and joblessness but that does not mean that we should allow people to take them. Two, we have people, even if you arrest them today because of distributing illicit drinks, the following day you will find them selling the same drinks. No matter how much we try to empower NACADA and the Kenya Bureau of Standards, you find them selling the same drinks. Therefore, we should come up with a system, whereby we impose punitive penalties such that once you are arrested selling illicit drinks you do not go back to that business.

It is a pity that we have got people in this country who are protected. You find in a village that a certain seller is protected by the Commissioner or the Officer Commanding Police Division (OCPD), but we do not want to go into that. I saw a County Commissioner suspending Sub-county Commissioner and the Officer Commanding Station (OCS) but we do not

want it to be a public relations exercise. We want this one to continue so that in future if one is arrested selling such illicit drinks, then action is taken against him or her.

The Kenya Bureau of Standards is another area where we have problems. Those drinks which are sold have a label or tag that shows that they are fit for human consumption. What is happening with our KEBS? This is because you find that those drinks are labeled and they are sold in our bars and not only in the slums. Therefore, there must be something wrong with KEBS and I think it is high time that this House comes up with laws which are going to protect our people. Even we, Members of Parliament, who drink should be wary of them. Fortunately, I do not drink. You come across that drink in a bar, you take it and then you become a victim. Therefore, it is important to come up with laws which will protect our people.

For NACADA I would suggest that---

The Temporary Deputy Speaker (Hon. (Ms.) Shebesh): Your time is up hon. Member. Hon. James Nyikal. Please we said five minutes per each Member since there is so much interest. Let us try to keep it that way.

Hon. (Prof.) Nyikal: Thank you, hon. Temporary Deputy Speaker. I rise to support this Bill because the main object of this Bill, as I see it, is really to enable us to recognise in law and in all our programmes that excessive drinking or alcoholism is actually a disease. We need to treat it as a disease that needs to be prevented, controlled and treated and that is the essence of this Bill and that is why I support it.

If you look at the World Health Organisation definition of “health”, it is not just the mere absence of disease but complete mental, physical and psychological well being and not just the mere absence of disease. Those who take excessive alcohol are sick. Do not try to lecture or take people where there is addiction to alcohol because they will not recover that way. They need treatment and hence the need for programmes for prevention and the need for centres where they will be treated. We must recognise this in our country as a public health problem.

There are many types of alcohol, but there is only one alcohol we can drink and that is ethanol. Although you can drink it, the final effects on health are grave but the problem we have is that we do not only drink ethanol here but we are drinking other alcohols like methanol and all the rest of them, including formalin which is related. Therefore we need severe public health programmes to educate people on the effect of ethanol which

we drink and also the problems of other alcohols that are associated with it and we have not recognised that.

I also want to say that it is important that this Bill, as we support it and as we amend the parent Act, must really take into consideration the involvement of the Ministry of Health. In fact, at the time that the legislation of NACADA was in place many of us felt that perhaps NACADA should have been under the Ministry of Health but be that as it is now, I think we must involve the Ministry of Health. This is because when we set up these rehabilitation centres, basically to a large extent you will need health personnel and, therefore, the involvement of the Ministry of Health is key. If you look at the principal Acts that are being amended and what they are saying, the purpose of this one is to advise the Minister on the harmful ingredients of alcohol drinks required to be prohibited. That is a technical issue. The other one is to advise the Minister on the levels, tests and methods used in determining alcohol drinks. Those are technical issues.

Therefore, hon. Temporary Deputy Speaker, I really must say that we must really involve the Ministry of Health. We must put these programmes in place. I heard somebody wondering whether we should not use these drugs elsewhere. The truth is that excessive use of alcohol is a disease and must be treated as such, with public health and treatment efforts that are required.

I also support the concept of actually targeting tax and particularly as some people said, the sin tax so that the money that arises from this actually can be used in the treatment, rehabilitation and programmes to prevent alcohol use.

Hon. Temporary Deputy Speaker, we should also---

The Temporary Deputy Speaker (Hon. (Ms.) Shebesh): Your time is up. Hon. Naomi Shaban.

Hon. (Dr.) Shaban: Asante sana Mheshimiwa Naibu Spika wa Muda kwa kunipatia nafasi hii ya kuweza kuunga mkono mabadiliko haya na mapendekezo haya ya kubadilisha sheria ambayo inasimamia maswala kuhusu unywaji wa pombe hapa nchini. Nataka kuunga wenzangu mkono kwa kumpongeza Mheshimwa Ichung'wah kwa kuleta mabadiliko haya ambayo yataweza kusaidia zaidi watu wetu wengi ambao ni watumizi wa pombe. Pombe kwa wingi ni hatari kwa maisha. Pombe haswa kwa wengi wetu hatujaona umuhimu lakini kwa wale ambao ni watumiaji wa pombe ambayo ni wapigaji kura wetu na ni Wakenya wenzetu, ningependa kusema ya kwamba kuna pombe ambazo ni za kienyeji ambazo kuna umuhimu wa hizo kupatiwa nafasi wananchi waweze kunywa bila wasiwasi wowote bora

wasipitisha kiwango fulani. Sheria hii haswa inazungumzia maswala ya kuhakikisha kuwa kutaweza kuweko mipango kabambe na Serikali ya kuwezesha wale ambao wamezidiwa na shida hii na wenye kupenda kunywa pombe zaidi ya kiasi kuweza kusaidika.

Mheshimiwa Naibu Spika wa Muda, na swala hili la kuweza kuwapatia sehemu ambazo wanaweza kuenda kupata matibabu ni muhimu sana. Maanake unywaji mwingi wa pombe kweli ni ugongjwa na pahali ambapo wataweza kuenda kupata matibabu bila kusumbuka na kuweza kurudia maisha yao ya kawaida na kuweza kujumuika na wenzao kwenye maendeleo ya nchi hii, swala hili ni swala ambalo tunatakikana kuliunga mkono.

Mheshimiwa Naibu Spika wa Muda, pombe ambazo ndugu yetu Mbunge Kimani Ichung'wah hakutaja ni kama pombe za mnazi. Ndugu yangu, hayati Karisa Maitha alisema kwamba mnazi ni chakula. Ni kweli pombe inatoka kwa minazi na ni pombe ambayo inatumiwa katika maeneo ya Pwani. Pia, kuna pombe zinatengenezwa kutokana na asali, ndizi kama vile *mbeke* na *busaa*. Kuna pombe tofauti tofauti ambazo zinatumiwa na watu wetu hapa nchini. Pia ni pombe ambazo zinaweza kusaidia watu ili wasinunua zile pombe ambazo ni za bei ya juu.

Bi. Naibu Spika wa Muda, wahenga walisema, “mwacha mila ni mtumwa.” Pombe hizi zimehusishwa sana kwa maswala ya kinyumbani, kama vile kulipa mahari na sherehe zote zinazoendelezwa nyumbani.

Kwa hivyo, tuungeni mkono swala hili ili Serikali iweze kutengeneza maeneo ambayo wale wana matatizo makubwa wanaweza kusaidika. Lakini ukweli in kwamba, pombe nyingi ni hatari kwa maisha ya wale wanaokunywa; iwe ni pombe ya kienyeji ama pombe zile zetu tunatumia wakati tunafanya sherehe zetu. Tujue kwamba pombe ina hatari. Pombe inaumiza haswa maini ya binadamu na ikisha choma maini, maisha yanakuwa mafupi na hutaweza kuungana na wenzako.

Bi. Naibu Spika wa Muda, ijapokuwa pombe ni hatari, ni maisha pia. Kwa vile wananchi wetu wamependekeza sana wapate kinywaji na kuburudika na kinywaji hicho, ninaomba kwamba wakati tunatengeneza haya yote, Wakenya wakunywe kwa kiasi; wasizidishe kwa sababu ukizidisha pombe itakuwa sumu.

Asante sana, ninaunga mkono Mswada huu.

The Temporary Deputy Speaker (Hon. (Ms.) Shebesh): Hon. Daniel Maanzo, find a way of being generous to other hon. Members because there is so much interest on this Bill. Please, you do not have to take a total of five minutes, do what hon. Shaban has done.

Hon. Maanzo: Thank you, hon. Temporary Deputy Speaker. Let me say that I thank hon. Ichung'wah for bringing this Bill and I support it.

Recently, in my constituency I lost 20 people to poisonous alcohol. When it was analyzed it was found that it had methanol, while the original alcohol is made of ethanol. Methanol is poison.

Hon. Temporary Deputy Speaker, alcohol which killed my constituents and people in other parts of the country – in fact, over 100 people died of poisonous alcohol. The poisonous substance was manufactured in Kenya. It had even the KEBS symbol and was done by people who actually participated in a criminal activity resulting into deaths of many people. In one of the homes in Makueni, Kithuki; I lost 12 people in a village and seven children were left without a father and a bread winner. All of them are in primary and secondary schools. Therefore, alcohol has devastating effects when it turns out to be so.

I support the amendments. We should have rehabilitation programmes which are supported by the Treasury and also recognize alcoholism as disease. What is the way forward so that we do not lose people again in this way? How do we implement these new proposals so that Kenyans can benefit from this law?

Hon. Temporary Deputy Speaker, the rehabilitations have to be of reasonable standards and should be done by experts so that people can be rehabilitated to lead better lives. I have seen proposals by NACADA suggesting that small businesses be started by these people.

Also on Uwezo Fund, such affected homes should be given priority so that they can begin businesses in order not to participate in consumption of excessive alcohol. Although alcohol is addictive and subsequently leads to diseases, it would also be prudent to be able to begin manufacturing traditional alcohol but with control. When traditional alcohol does not ferment quickly, there is always a tendency by some of the brewers to add methanol to make alcohol, and it tastes like alcohol but it is poison.

Therefore, I support this Bill and the programmes that should be expedited so that we may save lives and make sure that such a thing does not happen again in future. It should also be made criminal and very serious steps should be taken against the culprits because people who kill others through manufacturing poisonous alcohol are actually murderers. Therefore, they should be charged with murder.

In the last incident, nobody has been charged with the murder of over 100 people. I think relevant authorities should move as fast as possible and

get these people charged. There has to be a system of compensating people who die through negligence.

Thank you and I beg to support.

Hon. Iringo: Thank you, hon. Temporary Deputy Speaker. I rise to support this Bill and congratulate hon. Ichung'wah for the bold move he has taken to bring this Bill to this House.

First, I support the amendment that alcohol has become a national disaster. We get several deaths and officers are sacked but nothing happens after that. Those aggrieved are left with their families to suffer the consequences. There are no follow-ups done. I support that this should be taken as a national disaster. Rehabilitation centres should be opened within our counties so that we can rehabilitate those who have been addicted and their conditions are almost irreversible. The cost of rehabilitation should be made affordable.

Hon. Temporary Deputy Speaker, I have a case in my constituency where a family is toiling to get their son to a rehabilitation centre because of alcohol. The charges at the rehabilitation centres in Nairobi are very exorbitant and people cannot afford them. The boy is still languishing down there at his home and the parents have nothing to do.

These alcoholic drinks which we are talking about pass through the hands of the Government and the Kenya Bureau of Standards. I take exception with them because these drinks which kill our people have their labels. If you go to *muratina* or *busaa* and whatever we take down in our villages, we have not heard people dying out of them.

Therefore, even those officers are sacked irrationally because people have died, what can they do if a bottle is labeled and has got the KEBS label? The chief does not know which label is genuine and which one is not. We should start with the brewing points. Those people who had brewed the drink that was sold in Makueni, Meru, Embu or any other part of the country should have been arrested. Therefore, I do not support the sacking of the administrators on the ground. We should sack those corrupt officers who give licences to people who brew these drinks.

Hon. Temporary Deputy Speaker, most of the people who take this alcohol are poor people in our society. These are people who have no jobs and have nothing to do. That is why they drink these killer drinks. We need to create jobs for our people. We should educate our people to get involved even in self-employment so that at least, idleness can be curtailed and at the same time they do not get time to take alcohol.

Finally, NACADA should be encouraged and given more powers to encourage drinking of alcohol during the right hours, which I support solely. People have turned drinking to be a 24-hour business. Those who drink should do so with limits and when appropriate.

Thank you, Temporary Deputy Speaker. I beg to support.

Hon. Anami: Thank you, hon. Temporary Deputy Speaker. I would like to support this amendment Bill and thank my brother, hon. Ichung'wah, for bringing it to this House.

Essentially, alcohol is a form of beverage, like other beverages. But alcoholism goes beyond it because taking alcohol is highly addictive. It takes people to this condition of alcoholism very easily. Therefore, we need to deal with this issue of alcoholism. I want to agree with those who have alluded to the fact that alcoholism should be treated as a disease.

Hon. Temporary Deputy Speaker, indeed, it is a disease because when you go beyond the measure you can take of alcohol, you become alcoholic and start suffering from alcoholism. It has grave effects on the health of individuals. It also has effects on productivity; both economic and human. So for this, as a Government, we must take interest in treatment. First of all, recognizing the levels of danger and then treating it by establishing rehabilitation centers. I want to say that in establishing those rehabilitation centers, we should do it equitably. We should go further and say every county should have, at least, a minimum number of rehabilitation centers.

As things are now, we have rehabilitation centers but they do not have the necessary facilities. They are also not equitably distributed across the country. We also need to recognize that there is no community or national entity that does not have its traditional foods and beverages. Some of these alcoholic drinks and beverages are very important to communities for their identity and continuity. They need to take certain levels of alcohol without getting into the dangers of it. So, we need to have capacity building programmes that will help those who are managing these drinks not to use poisonous substances because we have lost many lives.

We also need to sensitize administrative entities to make sure that they do not criminalize alcoholics. If you throw a person suffering from alcoholism in cells, you only make the situation worse because he gets depressed. Those people need to be taken to hospital. You cannot take a sick person to a police cell. That person should be taken to hospital. We need to take those people to rehabilitation centers for treatment.

The brewers of the alcohol, especially the traditional ones, need to be given accolades because they are safeguarding a heritage that we need to

share with the rest of the world. We need to investigate what it is they have that we can adopt and develop so that it is used in modern life.

The Temporary Deputy Speaker (Hon. (Ms.) Shebesh): Your time is up!

Hon. Anami: There is a lot we can say about this, but I support.

Hon. Gichigi: Hon. Temporary Deputy Speaker, I rise to support this Bill and like my colleagues, I congratulate my brother, hon. Ichung'wah for acting on this prevalent problem. The reason I support this Bill is because it brings clarity on the function of the establishment of the rehabilitation centers. As we speak, it is an issue that has not been addressed by the law and it is left to any person. It is not a responsibility of any person as per the law but now it is. This is a law that we need to pass very fast because under the current Budget for the next financial year, NACADA is getting funding for this purpose of establishing rehabilitation centers.

We have a problem in the country, in that there are few centers. Where I come from in Nyandarua County, we do not have one and sometimes we get into problems trying to transport a person with alcoholism to some centers in Kisii. It is, therefore, very costly. I have had a look at the principal Act and it gives NACADA and other Government agencies the duty to sensitize and educate masses so that we can prevent alcoholism. Apparently, this has not been done and this Bill is now dealing with the consequences of that failure.

The adage “prevention is better than cure” is exactly what we ought to focus on. Looking at the amount of money that we are spending in our hospitals trying to treat people who are not only suffering from the effect of the poison that they are drinking as alcohol but also the habitual drunkards suffering from liver failure, we are using so much money. Secondly, we have the problem of catering for the vulnerable groups that are left behind by people who die from the usage of alcohol; the widows, orphans and widowers. It is a big problem and even if you go to your constituency and look at the number of orphans that you have to give funding through bursaries or cash transfers, people are suffering. Some people are also literally the living dead. Some of the people you meet out there are living dead. The guy is there, he has not left us but he is not with us. He is literally dead because of alcoholism.

On the issue of taxation, for a certain period I think since 2007, the law was that the Keg beer was not attracting Excise Duty. What happened is that most of the people shifted from the ordinary bottled beer to the Keg beer. The Government realizing that it was losing a lot of tax; it reintroduced

the Excise Duty on the Keg beer. Perhaps, we need a scientific study and research---

The Temporary Deputy Speaker (Hon. (Ms.) Shebesh): Your time is up!

Hon. Gichigi: I support this Bill and ask NACADA to up their game.

Hon. (Ms.) Odhiambo-Mabona: Hon. Temporary Deputy Speaker, I stand to support. I want to congratulate hon. Ichung'wah for this Bill which is an amendment Bill. What I like about it is that it is declaring alcoholism a disease. I think in the last Parliament I was very involved in this issue and when we spoke to several hon. Members, each and every one I spoke to was affected very directly either their brother, sister, husband or wife was directly affected by alcoholism.

By treating this issue, I hope for most of us when we are talking, we are thinking of the poor, miserable who died yet it affects us even the elite. I want to say that even as I am speaking to another hon. Member who said it does not concern him, he was saying his father was not there for him to educate him because he was an alcoholic. It affects each one of us in a very personal way. Once it has been declared a disease, then I want to encourage the hon. Member who was saying that even when those people go for rehabilitation and they come out there is no change, to be patient. When a person is sick, they are not in control of how fast or how well they get. So, we need to start as a country understanding alcoholism as a disease. I have walked the path with people who are trying to get off alcoholism and they get frustrated because those people do not understand that they are trying and they cannot. When the Government puts rehabilitation process in place, it will be helpful and so I support hon. Ichung'wah.

The Temporary Deputy Speaker (Hon. (Ms.) Shebesh): Member for Turkana East.

Hon. Ngikor: Thank you, hon. Temporary Deputy Speaker for giving me this chance to give my views in support of this Bill. I think this is the right time for us to find out how we can assist Kenyans who have been dying day by day because of this alcohol. It is time to support NACADA and give them power so that they can control the use of alcohol in this country. I support the Members who have already talked of the issue of creation of rehabilitation centers. Those centers are supposed to be created in all sub-counties so that those who have been affected can be supported and come back to their normal life. The other issue is creating public awareness, so that the Ministry concerned can be given funds, with which

the public can get awareness on use of alcohol and through that, so many people will benefit and will support the control of alcohol.

The other issue is that Kenya is a working nation and our economy depends on the youth and people affected in this country through alcohol, majority of them are the youth. If we support NACADA, the youth will be assisted and they will support our country because this is a working nation. If we leave it the way it is now, those youth will be affected and our nation will lose focus when it comes to economy. When we talk of local brews; this is where the problem is. You find our local people just drinking from morning and yet we have allocated time for drinking in bars. We need to make it uniform even for those local brews so that people will just not wake up in the morning and start drinking, yet they are supposed to work. There is no need for us to call some *busaa* others *chang'aa* and others. That is where the main problem is. We need to support NACADA so that policies can be put in place to safeguard the control of local brews to allow people to take it at the right time and also to have a limit. Not just to take it the way you want up to evening. The other thing is to have laws for implementing this amendment. It is not just the issue of just coming up with the amendment then we leave it that way. We need to have some laws to govern the amendment, so that when we start implementing it, if somebody goes against it, they should face the law. There is need for us to support even the implementation of policies by the Ministry.

Thank you, I support.

The Temporary Deputy Speaker (Hon. (Ms.) Shebesh): Thank you, your time is up. This is the last Member who will be speaking before I give the Mover the Floor. I really apologize. There is too much interest but let us have just one hon. Member. This is a conversation worth having another time.

Hon. Oyoo: Thank you very much, hon. Temporary Deputy Speaker for giving me an opportunity to air my views on this very important amendment Bill. I want to oppose this amendment very vehemently although it is pitting me against my very good friend, hon. Ichung'wah. I believe giving money to NACADA or empowering NACADA to put up rehabilitation homes would be like empowering too rich property owners for a purpose that they may never serve the ultimate interest of this country. The Government needs to put its act in order. The only way of controlling excessive drunkenness and drug abuse and rehabilitation cases in this country, is to retrain the Provincial Administration so that the chiefs and their assistants desist from this attitude of taking bribes from illicit brewers

so that the OCSs and OCPDs and the Administration Police do not have a next source of income permanently from illicit brewers. The Government needs to walk its talk and retrain the Provincial Administration to get tough and to make sure that illicit brew is out of place. I remember during the Nyayo era, Rift Valley was ravaged by excessive *busaa* drinking. President Moi just put his foot down and banned *busaa* drinking in Rift Valley and it stopped. The boys started going to school again. They are now reasonable people, some of them are DCs, Permanent Secretaries and others. This is what we should implore the current Government to do and not to hide behind NACADA, that we want to put rehabilitation centers which will force the Government to buy high end homes in Runda to transform them into rehabilitation homes. This will be a drop in the ocean.

The other way is, Kenyans like emulating their leaders and the leaders must now walk their talk. They must stop excessive drinking in public places, so that our young children will not see them drunk and emulate them and think it is a privilege to drink because they see their leaders drinking. The Government should enforce and ensure that leaders of certain caliber starting from Members of Parliament should be drinking in clubs or high end hotels which are not inhabited by young boys and girls. We should also be able to control excessive drinking, rather than talking about rehabilitation homes.

The other way would be for the Government to spend or rather, divert the budgetary provision that would have been taken to rehabilitation homes to the village polytechnics. Develop more village polytechnics, improve the existing polytechnics and take the children there, let them work, let them train and learn how to be self employed so that they are forever preoccupied instead of being idle because an idle mind is the devil's workshop. The Government should also do enough to create jobs, so that we have jobs for our children and not create rehabilitation homes for people who walk to bars and walk home when they are drunk. They get spoilt then we want to spend more money rehabilitating them! I intend to oppose this and let my good friend, hon. Ichung'wah not mistake me. This is the view, that young Kenyans must not be rehabilitated; they must be taught to desist from excessive drinking and must never be allowed to see their leaders excessively engaged in drunkenness.

The Temporary Deputy Speaker (Hon. (Ms.) Shebesh): Thank you. Hon. Member, your time is up. Hon. ole Ntutu will be responding on behalf of the Committee on Administration and National Security.

Hon. ole Ntutu: Thank you, hon. Temporary Deputy Speaker for giving me this opportunity. I just want also to join my colleagues first of all to say that this issue of alcoholism is a disease. The Government has been taking it very casually as though it is just another issue. I want to say that on behalf of the Departmental Committee on Administration and National Security, we have indeed put measures particularly through NACADA, that they must come out very clearly on how to prevent alcoholism. I also want to join one of my colleagues who has just spoken about funding of NACADA. We have so many laws in this country, but the biggest problem is implementation. The “Mututho law,” is there but it is not being implemented properly. I think we would not have lost so many Kenyans at this particular time, if it was implemented. The problem that we have in this country is that addiction to alcohol is very high. This does not affect the poor only. I want to disagree with those who say that alcohol addiction affects only the poor. Even in this House we have people who are addicted to alcohol. We really need to help our brothers. The only way we can do that is by funding NACADA. The moment we give NACADA enough funds, it will be up to them and the Ministry to fight alcoholism.

I agree with one of my colleagues who said that we need to create a fund to build rehabilitation centers all over the country. The problem of alcoholism does not affect Central Province or Ukambani only; it is all over the country. We must, therefore, come up with measures to ensure that our people do not die. In fact, I lost about four people in my constituency – I do not know if you heard this over the radio. Luckily, the people there asked one of the distributors who had brought the alcohol to take it first so that they could tell whether or not it was good alcohol. Fortunately or unfortunately the two people who took the alcohol died there. It is unfortunate, we lost them. Had they taken the alcohol to the centre, we would have lost so many people because it was a market day.

On behalf of the Departmental Committee on Administration and National Security I would like to say that we support this Bill because it will go a long way in fighting alcoholism.

Thank you, hon. Temporary Deputy Speaker for this opportunity.

Hon. Ichung’wah: Hon. Temporary Deputy Speaker, I would like to donate seven minutes to hon. *roho safi*; hon. Nassir, one minute; hon. Kiragu, one minute; hon. Leshoomo, one minute; hon. Duale, one minute; hon. Kiptui, one minute; and hon. Mary Mbugua, one minute.

The Temporary Deputy Speaker (Hon. (Ms.) Shebesh): Please, stick to one minute. I will just put off the microphone.

Hon. Njuguna: Hon. Temporary Deputy Speaker, first of all, I want to thank hon. Members on behalf of the family of the late hon. Joseph Ngugi for your support. On behalf of that family, I thank you very sincerely.

Secondly, I would like to bring to the attention of hon. Members that hon. Ngugi was very committed to this subject of drug abuse and alcoholism. Indeed, he was running a rehabilitation centre at Garden Estate called Bridgestone Rehab Centre. He had a passion for this subject. On his behalf, I would like to say that I support this Bill.

This Bill recognizes alcoholism as a disease and, indeed, it is a disease when you take into account the number of people dying out of alcoholism; the compromise of alcoholism in terms of the economic productivity of this nation; and the social and cultural values. Alcoholism kills more people, perhaps, more than road accidents. Recently, it killed 100 people. It is even worse than the Westgate killings where we lost 67 people. For me, it is a real problem and, particularly in Central Province. Excessive drinking in Central Province is a real problem and it should be declared a national disaster. It not only kills people, but we have people who are walking corpses; they are unproductive to their families, the nation and to themselves.

I support the Bill.

Hon. (Ms.) Mbugua: Thank you, hon. Temporary Deputy Speaker for giving me this chance to support the amendment. I want to thank hon. Ichung'wah for the amendment.

May I say that alcoholism is evil. As people say, it is a disease but it is evil. It has changed our happy homes to unhappy homes. Many children, including students, are getting killed by alcohol. I would like to say that this evil should be dealt with without any delay. That is why I have stood here to support this amendment Bill. It is timely.

Hon. Temporary Deputy Speaker, people say that charity begins at home. East or west, home is best. Therefore, this evil---

The Temporary Deputy Speaker (Hon. (Ms.) Shebesh): Hon. Mbugua, your time is up!

Yes, hon. Duale!

Hon. A.B. Duale: Hon. Temporary Deputy Speaker, I want to thank hon. Ichung'wah. I can see that he has followed the footsteps of hon. Mbadi in bringing up matters that affect the people. Hon. Mbadi brought an amendment to the Value Added Tax. Hon. Ichungwah has brought an amendment to the Alcoholic Drinks Control Act. Last night I pushed in the House Business Committee that this Bill be brought to the House today. I am sure that the Leader of Minority Party will agree with me. This is despite

my coming from a constituency where the population is 80 per cent Muslims. For us Muslims, we will not have a problem of deaths arising from consumption of alcoholic brews. However, I have a huge population from my neighbourhood of Ukambani, for whom we have created jobs in Garissa. I have people from the whole of lower Mwingi, Ukasi and Kitui counties. One of the greatest sources of employment for residents from the larger constituency of the Leader of Minority Party is my constituency.

I do not want his people and many other Kenyans who do not profess the Islamic faith to go through the problem of alcoholism. This amendment Bill is timely. I would urge my colleagues that, in fact, it should up next week for Third Reading. We should bring the necessary amendments and have the President assenting to the Bill before the end of the month, so that our people's lives can be saved.

Thank you.

The Temporary Deputy Speaker (Hon. (Ms.) Shebesh): Yes, hon. Nassir!

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

I would like to, first and foremost, thank hon. Ichung'wah for bringing this excellent amendment Bill to the House. However, there is something which needs to be clarified. It is true that we have the problem of alcoholism in this country but the major problem that is found in the area that I represent in this House is drug addiction and drug abuse. This particular Bill talks about setting up a rehabilitation centre. The funding for the rehabilitation centre is meant to come from a levy that will be taxed from the sale of alcohol and alcohol-related products.

The current anti-narcotics law says that funding for rehabilitation centres has to come from income that has been attached on drug dealers but since that law was enacted, we have not been able to see proper drug dealers being taken to court. So, we are having a major problem. So, when this amendment Bill comes up for Third Reading, we will be seeking to amend it. The current rehabilitation centres within the Coastal region are only four, which can take a maximum of 320 people every year, out of 700 new drug users every year.

The Temporary Deputy Speaker (Hon. (Ms.) Shebesh): Your time is up, hon. Nassir!

Yes, hon. Nyenze!

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

I want to congratulate and thank the Member for Kikuyu, hon. Ichung'wah, for bringing this very important amendment Bill to the House. We have lost very many Kenyans. I do not know where to start from because the church that I attend does not allow worshippers to take alcohol. I am sure that my pastor is watching. If I had the power and authority, I would request that hon. Kimani Ichung'wah goes ahead to propose a total ban to alcohol consumption. There have been over 100 deaths. In Kitui County alone, we buried 20 people. Many other places were also affected. If possible, there should be some amendments to provide for alternatives to illicit brews. One of the alternatives could include stopping levying tax on Keg, which was a better alternative to illicit brews. Since the Government levied tax on it, the price of Keg went up, and Keg disappeared.

The Temporary Deputy Speaker (Hon. (Ms.) Shebesh): Time is up, hon. Nyenze!

But because of my faith, I urge hon. Kimani Ichung'wah to move and amend it, so that we can ban all alcohol consumption all together.

The Temporary Deputy Speaker (Hon. (Ms.) Shebesh): Hon. Members, the putting of the Question will be done in the afternoon.

ADJOURNMENT

Therefore, this House stands adjourned until this afternoon at 2.30 p.m.

The House rose at 12.30 p.m.