

# NATIONAL ASSEMBLY

## OFFICIAL REPORT

Wednesday, 8<sup>th</sup> August 2018

The House met at 9.30 a.m.

*[The Deputy Speaker  
(Hon. Moses Cheboi) in the Chair]*

### PRAYERS

### QUORUM

**Hon. Deputy Speaker:** Order, Hon. Members! We do not seem to have attained the required quorum. I, therefore, order the Quorum Bell to be rung for 10 minutes.

*(The Quorum Bell was rung)*

Order, Members! There seems to be a lot of excitement in the House this morning, which I do not to understand. We now have the required quorum and, therefore, business will proceed.

### MOTIONS

#### REVIVAL OF THE CASHEWNUTS INDUSTRY IN KENYA

THAT, aware that agriculture is the mainstay of the Kenyan economy, contributing to food security and employment of rural households; further aware that cashewnuts are mainly grown in the Coast region of Kenya, producing about 10,000 metric tonnes of the nuts valued at Kshs264.9 million; recognising that Kenya has a potential to produce more than 63,000 metric tonnes valued at over Kshs1 billion; noting that the sub-sector has the potential to create many employment opportunities through value addition and fetch the Exchequer millions of shillings through exports; deeply concerned that cashewnuts farming in Kenya has continued to face key challenges among them, low producer prices, which has seen many farmers cut down their trees; appreciating that Kilifi, a region at the coast of Kenya, used to be a major producer of cashewnuts in the 1980s, but the production has since dwindled, which led to among other things the fraudulent sale of the Kilifi Cashewnuts Factory, loss of livelihood for farmers and subsequently increased poverty levels; this House urges the Government to put in place measures to revive the cashewnut industry in the country.

*(Hon. Owen Baya on 25.7.2018)*

*(Debate concluded on 1.8.2018 – Morning Sitting)*

**Hon. Deputy Speaker:** This Motion was dispensed with. What remained was for the Question to be put, which I proceed to do.

*(Question put and agreed to)*

**Hon. Owen Baya** (Kilifi North, ODM): On a point of order, Hon. Deputy Speaker.

**Hon. Deputy Speaker:** Hon. Yaa, what is it? What is out of order? I know this was your Motion and it has just passed.

**Hon. Owen Baya** (Kilifi North, ODM): It has just passed, but I have one important thing, Hon. Deputy Speaker.

**Hon. Deputy Speaker:** What is it?

**Hon. Owen Baya** (Kilifi North, ODM): One, to thank Members. When this Motion came up last week, I was not around and I did not have opportunity to respond.

**Hon. Deputy Speaker:** What is it, again, you are saying, Hon. Yaa? You have raised a point of order, but there is no specific point of order that is used to thank Members. What is it? You did not thank Members?

**Hon. Owen Baya** (Kilifi North, ODM): I did not thank Members. I want to use this opportunity to say thank you very much to the Members and also inform the House that we have had discussions with the Kilifi County Governor and agreed that after the passage of this Motion, we will bring together all the counties that grow cashewnuts to do a Bill. I want to invite other counties, especially Tharaka Nithi, which has started to grow cashewnuts, to come on board.

Thank you very much, Hon. Deputy Speaker.

**Hon. Deputy Speaker:** You are completely out of order, of course. What you have done is to sneak in responding to Members at the point when the matter has already been dispensed with. Members, whenever we rise on a point of order, let us specify the Standing Order that has been violated. Yours was not anything against the Standing Orders. If it is just thanking, you have already thanked Members. So, we can proceed and do other business.

Before we go to the next Order, let me recognise in the Speaker's Gallery, students from Kapkenda Girls' High School from Keiyo South Constituency, Elgeyo Marakwet County, and a delegation of clergy from the African Independent Church of Kenya, led by Bishop Macharia Muhia, the Bishop of Nakuru West Diocese. Other members of the clergy are:

- (i) Rev. Joseph Karuku;
- (ii) Rev. James Kariuki;
- (iii) Deacon Joseph Mwangi;
- (iv) Moses Njuguna;
- (v) John Waweru;
- (vi) Deacon Wilson Ngugi;
- (vii) Deacon Hosea Muhia; and,
- (viii) Pastor John Muhia.

*(Applause)*

Hon. Members, it is not usual for us to read out names of people in the Speaker's Gallery, but I am informed that this is the anniversary of elections. I am sure you might have forgotten. It was on 8<sup>th</sup> August that you were elected. I am told the clergy are here to bring their blessings.

Maybe, more than that is that they come from Kuresoi North Constituency. I need not to say anything more.

*(Laughter)*

I hope the Leader of the Majority Party will next year bring Imams to also bring their blessings. We are happy to receive the clergy.

In the Public Gallery, we have students from Bishop Muge Memorial School from Mosop Constituency, Nandi County; Stone Town Academy from Lamu East Constituency, Lamu County, and St. Claire's Primary School from Sigowet/Soin Constituency, Kericho County. They are here to know what we do as the National Assembly. Let us proceed.

ESTABLISHMENT OF NATIONAL RUGBY STADIUM AND HIGH PERFORMANCE CENTRES OF EXCELLENCE IN EVERY REGION

THAT, aware of the economic, health, social and cultural benefits of sports; further aware that Section 4 of the Sports Act (2013) provides the functions of Sports Kenya which includes, among others, the establishment, management, development and maintenance of the sports facilities; recognising that rugby in the country has experienced tremendous growth and is one of the fastest growing sporting activities in the country; appreciating that the Kenya Rugby Union management has been instrumental in spearheading the sport regionally and internationally thus setting the country as a rugby powerhouse globally; deeply concerned that despite the various achievements and international glory that the sport has brought to the country, there is no single national rugby stadium; this House urges the National Government to establish a national rugby union stadium in the country, and high performance centres of excellence in every region with a view to providing quality sporting infrastructure, promoting the sport, and providing facilities where talent scouted can be nurtured.

*(Hon. Gideon Keter on 1.8.2018)*

*(Resumption of Debate interrupted  
on 1.8.2018 – Morning Sitting)*

**Hon. Deputy Speaker:** Hon. Members, I want this to be very clear. We are not putting the Question on this Motion. It has a balance of 12 minutes. So, maybe, a Member or two will have opportunity to speak to it. What we are putting the Question on is an amendment which, just to refresh the memory of Members, reads:

THAT, the Motion be amended by deleting the word 'union' appearing immediately after the phrase 'stadium in the country'.

*(Question, that the word to be left out  
be left out, put and agreed to)*

*(Question of the Motion as amended proposed)*

**Hon. Speaker:** We will, therefore, be debating the Motion as amended for the remaining 12 minutes and then we will have the Mover to reply. I see Hon. Pukose on top of the list. Do you want to speak to it?

**Hon. Robert Pukose** (Endebess, JP): Yes.

**Hon. Deputy Speaker:** I hope you will take a few minutes so that another Member can also have time. I hope you did not speak.

**Hon. Robert Pukose** (Endebess, JP): I did not, Hon. Deputy Speaker.

**Hon. Deputy Speaker:** Proceed.

**Hon. (Dr.) Robert Pukose** (Endebess, JP): Thank you, Hon. Deputy Speaker, I support this Motion by Hon. Keter on the establishment of a national rugby union stadium in the country. We are aware that the Kenya rugby team has been performing tremendously well. One of the manifestos of the Jubilee Government, when we were seeking for votes, was establishing stadia in the country. Establishment of stadia is also a function of county governments. In my county of Trans Nzoia, Kenyatta Stadium, which was the premier stadium within the North Rift area, is a pale shadow of itself. This is one stadium that I would urge the Ethics and Anti-Corruption Commission (EACC) to look into. We are aware that the county government set aside money for the construction and rehabilitation of Kenyatta Stadium, but its land has been grabbed. The county government has failed for the last five years to rehabilitate the stadium and make it better. This is among the key pillars that the county government of Trans Nzoia is supposed to have initiated among other things that have failed to be started such as the referral hospital and the bus stage. It is a shame that with all that kind of corruption happening in that place, heads are not rolling.

Coming to the centres of excellence and high-altitude training centres, our athletes especially from Trans Nzoia have no facilities for high-altitude training yet they perform excellently. So, this is a challenge for the county government to look into and ensure that a high-altitude training centre is started.

With those few remarks, I support this Motion.

**Hon. Deputy Speaker:** Hon. Members, since we had 12 minutes and that was inclusive of the Mover responding, I think it is now time for me to give the opportunity to the Mover to respond, but even as I do that, let me also recognise the leadership and management of the Rugby Union plus Mr. Gangler and his team in the Speaker's Gallery. They are in the House to participate in this specific proceeding and specifically monitor the Motion that is being moved by Hon. Keter. I am also told that Hon. Keter was once either a rugby fan or player. Hon. Keter, proceed.

**Hon. Gideon Keter** (Nominated, JP): Hon. Deputy Speaker, I would like to donate two minutes to Hon. Aluoch to contribute. Then I will reply.

**Hon. Deputy Speaker:** I would have been very reluctant, but looking at the size of Hon. Aluoch, he either could have been a former rugby player himself or his son could be. Hon. Aluoch, proceed. You have two minutes.

**Hon. Olago Aluoch** (Kisumu West, FORD-K): Thank you, Hon. Deputy Speaker. I thank Hon. Keter for giving me this chance and, indeed, this Motion is timely. There is need for

Kenya to have rugby centres in all our constituencies. When I see rugby leaders here, I know that this matter is serious. We have had discussions with them and I know this is necessary. As I stand here, 42 years I ago, I played rugby, but now I am the proud father of one of the best talented coaches of Kenya, Curtis Olago, who is a friend of the guys who are here and who has been coaching the Kenya Commercial Bank (KCB) Club for the last six years and excels every year.

So, even in my family, rugby is close to our hearts. I support Hon. Keter's Motion that we should have these centres in every constituency. In fact, last week, my son had to go for high performance training in Cape Town because we do not have any around here. He came back in the country three weeks ago and his friends here know that. This Motion is timely.

Thank you, very much.

**Hon. Deputy Speaker:** Hon. Keter, the time is yours. No more donations.

**Hon. Gideon Keter** (Nominated, JP): Thank you, Hon. Deputy Speaker. First of all, I would like to thank the Members who overwhelmingly supported this Motion. It cuts across all the edges and political parties. It showed a good picture out there that this House is mindful about the development of our young men.

I would like to say that through this Motion, we are going to produce many sportsmen in the country and eliminate a lot of challenges many young people have been facing especially while travelling from one region to another looking for a facility. We know the challenges that young people are facing especially in this era of unemployment. In the past, we have had a lot of young men going to other countries to look for opportunities to participate in sports or migrating to other areas. The Government has been spending a lot of money renovating stadia, which we all know have not benefited the larger population because their decentralisation has made them not available in various regions.

So, setting up these centres of excellence and specifically a rugby stadium will enable this sport to grow. As these stadia become multipurpose, many people benefit including people living with disabilities because in Olympics, they also participate. Through this, we are going to discover a lot of sporting games. I know of a game that has not been introduced in Kenya and I am very sure it is going to win in Olympics and other competitions. Archery is a simple sport. If young people are given facilities, they are going to participate, win and put Kenya in good light.

So, I thank the Members and I hope this will be considered in the next budget. We do not want to make a proposal in the House that lacks funding. So, we will follow it up with funding and ensure that it is implemented.

Before I conclude, I would like to send my condolences to one of our sportsmen, Nicholas Bett, who put Kenya on the map as one of the champions and won in the 400 metres. He died this morning. I am saddened by that. He was one of the many young people I was fighting for in this House and I know the entire sporting fraternity is mourning his death. I wish the community and family God's peace. May his soul rest in peace.

Thank you.

**Hon. Deputy Speaker:** Very well, we also send our condolences. Let me take this opportunity to thank and congratulate Hon. Keter because he has been very active in matters that he was nominated for. As you are aware, on Friday, he will be handling matters youth here. He has been doing quite some work and it is good to recognise that. So, let me congratulate you.

I will proceed and put the Question now that we have completed this. Looking at the House, we have quorum to transact this business.

*(Question of the Motion as amended put and agreed to)*

*Resolved accordingly:*

THAT, aware of the economic, health, social and cultural benefits of sports; further aware that Section 4 of the Sports Act (2013) provides the functions of Sports Kenya which includes, among others, the establishment, management, development and maintenance of the sports facilities; recognising that rugby in the country has experienced tremendous growth and is one of the fastest growing sporting activities in the country; appreciating that the Kenya Rugby Union management has been instrumental in spearheading the sport regionally and internationally thus setting the country as a rugby powerhouse globally; deeply concerned that despite the various achievements and international glory that the sport has brought to the country, there is no single national rugby stadium; this House urges the National Government to establish a national rugby stadium in the country, and high performance centres of excellence in every region with a view to providing quality sporting infrastructure, promoting the sport, and providing facilities where talent scouted can be nurtured.

**Hon. Deputy Speaker:** Next Order!

CONSTRUCTION OF POST-TRAUMA CARE FACILITIES FOR SURVIVORS  
OF SEXUAL AND GENDER-BASED VIOLENCE

THAT, aware that every person has a right to freedom and security which includes the right not to be subjected to any form of violence from either public or private sources; recognising the crucial role of women in the preservation of African values based on the principles of equality, peace, freedom, dignity, justice, solidarity and democracy; determined to ensure that the rights of women are promoted, realised and protected in order to enable them to enjoy fully all their human rights; recalling that international laws and conventions such as the Convention on Elimination of all forms of Discrimination against Women (CEDAW), United Nations (UN) resolutions 1325 and 1820 abhor violence against women as it hinders the progress of women and perpetuates their subordinate status; noting that the Maputo Protocol on the rights of women which states that parties shall adopt and implement appropriate measures to ensure the protection of every woman's right to respect for her dignity and protection of women from all forms of violence, particularly sexual, physical and verbal violence; deeply concerned that most survivors of sexual and gender-based violence (SGBV) continue to lack post-trauma care due to lack of adequate shelters/safe houses; acknowledging that despite enactment of various laws addressing sexual and gender-based violence such as the Sexual Offences Act, 2006, the Witness Protection Act 2006, the Female Genital Mutilation Act, 2011, the Victim Protection Act, 2014, the Protection of Domestic Violence Act, 2015; there is high rate of sexual and gender-based violence crimes with an equal or higher number of survivors all over the country; this House urges the National Government to set aside funds to facilitate the construction of post-trauma care facilities

and ensure existing ones are rehabilitated and equipped to offer temporary stay for survivors of sexual and gender-based violence (GBV) across the country.

*(Hon. (Ms.) Jessica Mbalu on 1.8.2018)*

*(Resumption of Debate interrupted on 1.8.2018 – Morning Sitting)*

**Hon. Deputy Speaker:** This one is by Hon. Jessica Mbalu. We are resuming debate on this particular one and we have an hour and 35 minutes. Members will be speaking for five minutes. Hon. Members, it is good for you to plan yourself so that we do not cut you before you either support or oppose it.

I will start with Hon. Mutua Barasa, who is on top of the list.

**Hon. Didmus Barasa** (Kimilili, JP): Thank you, Hon. Deputy Speaker, for giving me this opportunity to support this very important Motion. We are fully aware that these people suffer and they take time to recover. So, setting up these trauma centres will assist them recover, collect themselves and move forward. It is also very important, while supporting this Motion, to note that we really need to be serious in terms of implementing whatever this House approves. That is the only way we can give Kenyans value and appreciate ourselves. Coming up with such a Motion and debating it requires a lot of thinking and research. The only way to complement such efforts is to ensure that whatever we approve is implemented. Approving or supporting and implementing are different things altogether.

This is a Motion whose time has come. We have a lot of victims who are struggling to recover from such criminal activities of rape, molestation and gender-based violence. Every day, you see people on social media being abused. Such centres will assist the victims to recover faster. We ask security agencies, as we try to assist the victims to recover, to ensure that the criminal elements and gangs who perpetuate these heinous acts are prosecuted. For this very reason, I support this Motion.

**Hon. Deputy Speaker:** Let us have Hon. Maanzo for five minutes.

**Hon. Daniel Maanzo** (Makueni, WDM-K): Thank you, Hon. Deputy Speaker, for giving me an opportunity to support this very important Motion. Only recently, there was a lady who was assaulted in my constituency and the assaulter disappeared. I had to look for young men to look for him. They found out that he had escaped to another constituency. He was arrested. When he was charged in court, he pleaded guilty and he is being sentenced today in Makueni Law Courts. Once this lady is out of hospital, depending on what happens in court today - you know, for any case of assault and causing serious bodily harm, one can easily get out on a fine or a short jail term – her life could be in danger. One could even appeal. Therefore, once an assaulter like that is free, he could easily repeat the act and the life of the victim will be in danger. So, it is important that we have a victim protection centre, probably per constituency, county or we can begin at the level of regions, namely, the former provinces. Women or men who suffer trauma as a result of gender-violence, domestic violence or any other type of violence and fear for their life can have a place where they can get protection.

Many Acts of Parliament have been passed on this matter and the Mover cited all of them. We have the Female Genital Mutilation Act, the Witness Protection Act and the Victim Protection Act. We have all manner of Acts, including one that deals with sexual offences. Even when someone gives evidence in court, at times, they are at risk and they need some protection. When one has been assaulted or he is in an abusive home, they need some protection. I have said

this applies to men, women and even children. Therefore, setting up these centres is important. We should implement it under all these Acts, which we have already passed as a House. It is actually at the tail end. It is just a matter of the House making budget provisions in future and the relevant Government agencies beginning to put in place plans so that Kenyans who suffer from trauma can be protected. We know of Nzomo's case from Makueni, but there are many other cases which have not been reported. If we do that, we shall be able to fulfil the promise in our Constitution that every person should feel safe in this country.

This is not a matter of local arrangements. There are international protocols which support the same. It is a worldwide movement such that victims or people who feel insecure for one reason or another can be protected by the State.

I really thank Hon. Jessica Mbalu for bringing this Motion although she had contemplated it earlier before the incident in Makueni, which is now under control. It should serve as an example so that many other Kenyans do not emulate Nzomo of Makueni and assault their spouses to the extent of almost killing them. In fact, Nzomo should have been charged with attempted murder and not just assault. We thank God he pleaded guilty and did not have to take the court system and the investigators through a hard time of proving that particular offence.

Once in a while, as a lawyer, I assist the Federation of Women Lawyers (FIDA) to prosecute matters of this nature as a volunteer. I know they are working hard on this and it will be good if, as a country, we protect victims of all manner of violence. Thank you, Hon. Deputy Speaker.

I beg to support.

**Hon. Deputy Speaker:** Let me give the opportunity to a gentleman known as Hon. Lekumontare Jackson of Samburu East. Of course, you know I know the other name, but I am not going to mention it now. Proceed.

**Hon. Jackson Lekumontare** (Samburu East, KANU): Thank you, Hon. Deputy Speaker, for the opportunity. We agree that there are victims of sexual harassment. This centre is very important. It will help. However, I hold a different opinion because if we say that we are going to create so many centres, we are going to be a country of centres on papers because implementation will be a problem. It is not only sexual harassment that traumatises an individual. I believe in Kenya there is no crisis when it comes to sexual harassment. Recently, in this House, we passed the creation of some centres. If we just propose to create centres and we are not able to effect the proposals, it will lead to a very big problem. It is very important to have trauma centres for survivors of sexual violence. We can create trauma departments in hospitals to deal with such matters instead of creating so many centres which the country cannot implement.

It is not true that it is only sexual violence that traumatises people. Looking at what happened with regard to the bus accident which was carrying students just two days ago, those parents are traumatised. We did not say that we should create a centre because of that one particular incident. It is necessary that we have those centres, but they should not be stand-alone. They will be a department in hospitals. I do not support those centres because of that reason. Those centres can help the victims. We have laws to take care of people who do those kinds of things. The victims can be helped by the departments within our hospitals. We cannot manage all those centres.

I oppose the Motion.

**Hon. Deputy Speaker:** Let us have Dr. Tecla Tum.

**Hon. (Dr.) Tecla Tum** (Nandi CWR, JP): Thank you, Hon. Deputy Speaker. I support the Motion on establishment of post-trauma centres in the country. Quite a number of women



and children have been sexually abused in the country. Last week, a woman was murdered by her husband in my ward. She was abused. We remember the incident at Moi Girls High School and many other cases. We know those men and women are rotting in their homes. There is no one to assist them after the abuse. They will be counselled and given psychological treatment at those trauma centres.

In countries like the United States of America (USA), there are many centres which attend to women and men who have been abused. It is not a matter of going to hospital where it is done in one hour. As a social worker, I know that treatment of somebody who has been abused calls for a period of six months up to one year. There is need to develop post-trauma centres. I know some women who have been sexually abused. Some of them have said that they will not get married. It is not a joke. It is not a matter which can be addressed in one hour. It is a serious problem. Our boys have been sodomised and they need counselling. They need treatment. There are women who are rotting in their homes because they have been abused and have no one to share their agony with. They go back to their parents and the parents tell them to just go back to their houses. Those women cry day in, day out. They have no one to share with what they are going through.

We need those centres. They should be established next week, if not tomorrow. Women in this country are sexually abused. Boys are sodomised. In our cultures, you do not share when you are abused. We have laws like the Sexual Offences Act of 2006 and the Protection Against Domestic Violence Act of 2015, but nothing is happening.

I support this Motion. Thank you, Hon. Jessica, who introduced it. You will heal the women of Kenya who are crying in their homes. We need treatment, post-trauma counselling, healing and reconciliation. No other person can do this apart from social workers and psychologists. Doctors only treat when the victims have been abused or when they perform surgery, but they cannot treat their emotions or their hearts. They cannot treat everything.

I support this Motion and call upon the honourable ladies in this House to support it. Our girls and women are crying in their homes and nobody has listened to them. Doctors cannot do what is required.

I support the Motion 100 per cent.

**Hon. Deputy Speaker:** Let us have Hon. King'ola Makau, Member for Mavoko.

**Hon. Patrick Makau** (Mavoko, WDM-K): Thank you, Hon. Deputy Speaker. From the outset, I must congratulate the Member for bringing this Motion to the House.

Given the stress levels in the world, maybe because of poverty levels or hard economic times, we have seen not only gender-violence, but some of the survivors are never lucky. They end up being killed. Establishment of such trauma centres will help the victims in getting education. Most women and men do not know or understand how to conduct themselves when they are accosted. When we have such centres, citizens will be advised and educated on how to handle such situations. We have seen girls and boys raped, but they do not know how to handle it. Some of them wash themselves up even before they go to hospital.

Trauma counselling begins at the police stations where victims report the incidents. The establishment of such centres means that there will be care, support, counselling and timely treatment. I agree with Members that even boys are being subjected to this. Recently, we saw a video of a lady kicking a man because of Kshs200, and the video went viral. I have not seen reactions from the public like the incident involving Daudi Nzomo, who was recorded battering his wife. It is high time we treated men and women equally. We cannot say that it is only women who are being subjected to this. Boys have been sodomised left, right and centre, including by

people we entrust their care such as priests and family members. Cases of incest have risen. We need a culture change the world over.

I have seen female genital mutilation included in the Motion. There needs to be education so that the communities who practise it should stop. Once a woman has been genitally mutilated, she never enjoys sex. Some of them do not get married. Social workers at trauma centres should advise parents of such young people that mutilating a woman's genitals is a crime and abuse of her rights to enjoy sex.

**Hon. Deputy Speaker:** I do not want you to use that word too many times even if I know where you come from. Just proceed, Hon. King'ola.

**Hon. Patrick Makau** (Mavoko, WDM-K): Hon. Deputy Speaker, most of the ladies who work for NGOs that campaign against female genital mutilation know what happens to women who undergo the practice in their old age. It could look like it is a good practice when you are young because it is a gateway to getting married, but once you realise what you are missing out, that is when you see most ladies campaigning against that which you refuse to hear.

I propose to have someone from the Ministry of Health in every location to champion the campaign against sexual and gender-based violence. More than 50 per cent of the victims do not report. They suffer in silence. This Motion has come at the right time. It is an idea whose time has come. We cannot avoid it. I am very happy because this Motion has come at a time like this. I congratulate Hon. Jessica. I know she comes from Makueni where Mr. Nzomo made our community look like we are women batterers. I want to assure this House that Kamba men are some of the best men in this world. It is known that we do not beat women. I am sure the Bible says that a jealous man does not show mercy.

**Hon. Deputy Speaker:** I have not disconnected you because you have said that Kamba men are good. I have done it because your time is over.

**Hon. Patrick Makau** (Mavoko, WDM-K): I did not see any warning.

**Hon. Deputy Speaker:** It is okay. Those were your five minutes. What else did you want to say? You finalised on a high note. Let us give the opportunity to another Member. Hon. Wetangula, Member for Westlands. He is not in the Chamber. Hon. Nangabo.

**Hon. (Ms.) Janet Nangabo** (Trans Nzoia CWR, JP): Asante sana, Mhe. Naibu Spika kwa kunipatia nafasi hii ya kuchangia Hoja hii.

Kwanza, nataka nichukue nafasi hii nimshukuru Mhe. Jessica kwa kuleta Hoja nzuri ambayo inahusu watu ambao wamedhulumiwa katika jamii.

Ni ukweli kwamba wanawake wamedhulumiwa sana. Wanatendewa unyama na wenzetu wanaume. Ukikuja katika eneo Bunge langu, tuko na Agricultural Development Corporation (ADC) ambayo inachukua watoto wetu, haswa wale ambao wanatoka katika jamii maskini. Mwishowe, badala ya kuwalipa fedha zile wamefanyia kazi, wanawadhulumu hawa watoto kimapenzi na kuwaumiza. Iwapo tutakuwa na vituo kama hivi katika nchi yetu ya Kenya, vitatusaidia kwa sababu watu ambao wameathirika watapata nafasi ya kwenda huko, waangaliwe na watibiwe.

Wiki mbili zilizopita, nilikuwa na mzee wa mtaa ambaye anafanya kazi vizuri. Kwa sababu ya wahalifu ambao wako miongoni mwetu katika sehemu hiyo ya milimani, huyu mama alidhulumiwa na wakora ambao waliingia kwa nyumba yake. Saa ingine, kwa sababu ya umri, mtu hatembeji akisema kuwa amenajisiwa. Kama tutakuwa na vituo kama hivi, itakuwa ni nafasi nzuri ya mtu kwenda kueleza amedhulumiwa na mtu fulani.

Katika jamii, tuko na walemavu wa kike ambao wanadhulumiwa. Tusipokuwa na vituo kama hivi, itakuwa ni njia mbaya sana kwa sababu wengine hawawezi kutembea mpaka mahali

hapo. Lakini kama tuko navyo na vinajulikana kwamba viko wazi, itakuwa ni rahisi sana hata kwa mtu ambaye anataka kuokoa mlemavu. Atajua kwamba kuna kitengo fulani cha watu ambao wameathirika katika jamii. Kulingana na Katiba yetu, kila mmoja wetu ako na usawa wa maisha yake kuhakikisha kwamba analindwa kama Mkenya yeyote. Vile Mheshimiwa amesema hapa, ninaona litakuwa ni jambo nzuri sana iwapo Serikali itachukua Hoja hii na kujenga vituo hivi mara moja. Itatuokoa sisi wamama katika nchi yetu ya Kenya. Walioathiriwa wataweza kupata matibabu na usadizi mwingine.

Nashukuru sana, Mhe. Naibu Spika. Pia, nashukuru dada yangu, Mhe. Jessica kwa kuleta Hoja hii katika Bunge la Kitaifa. Naomba wenzangu pia tuungane pamoja na tumpatie *support* kulingana na Hoja hii.

Kwa hayo machache, nashukuru sana, Mhe. Naibu wa Spika.

**Hon. Deputy Speaker:** Hon. Yusuf Halima.

**Hon. (Ms.) Halima Mucheke** (Nominated, JP): *(Inaudible)*

**Hon. Deputy Speaker:** Use the next microphone because that one is not clear.

**Hon. (Ms.) Halima Mucheke** (Nominated, JP): Thank you, Hon. Temporary Deputy Speaker for giving me this opportunity to add my voice to this very important Motion, which was brought to the Floor of this House by Hon. Jessica Mbalu.

Gender-based violence affects all aspects of a woman's health; physical, mental, reproductive and behavioural. It has led to death and depression. We have seen that many of the victims require counselling and encouragement in order to carry on with their day to day lives. It is known globally that 38 per cent of all women murders are usually committed by intimate partners. Trauma can lead to alcohol abuse, permanent disabilities and even injuries. As a woman, female leader, mother, sister, I would like to support this Motion, which says that post-trauma care centres should be established in every constituency as stated by Hon. Mbalu.

Thank you, Hon. Deputy Speaker. I support the Motion.

**Hon. Deputy Speaker:** Let us have Hon. Wambugu Ngunjiri. He is not in the Chamber. Let us have Hon. Seroney Kipkorir. He is also absent. Hon. Ngunjiri, were you consulting another Member? You have the opportunity to contribute. Press the intervention button.

**Hon. Ngunjiri Wambugu** (Nyeri Town, JP): Thank you very much, Hon. Deputy Speaker. I stand to support the Motion on the establishment of post-trauma care centres.

As a community and society that is progressing through democracy, I want to focus my attention on how we politick. When we think about gender-based violence, a lot of us tend to be biased towards violence against women. When you look through a lot of the Acts that have been passed, a lot of them are biased towards women. Most of us behave well in society because there are consequences when you behave badly. First and foremost, even as we look at the establishment of setting up post-trauma care centres, it will be important for us to look back into the laws that exist on what we do to people who are involved in gender-based violence. I will talk about cases that we have had. We had a couple of cases of ladies who were attacked and beaten in Nyeri sometime back and this was recorded on video. You realise that a lot of times, in such attacks, people are asked to sit down, talk and sort it out. That removes the fact that a lady or man has been assaulted.

It does not matter that you will sit and agree to move on. The reason for this Motion that has been moved by Hon. Mbalu is that people should look at what happened to the person who was assaulted. I am talking about the loss of dignity, the embarrassment and humiliation. Those issues can be sorted out not only by the trauma centres, but also by implementing the laws that speak against people who assault others. It is one thing to take a person for therapy in a trauma

centre... If nothing happens to the aggressor, I do not think you would be dealing with the issue of gender-based violence wholly. In fact, you would be dealing with it only from the victim's side.

It is also important, as a House, to think very seriously about the actions that have been taken against the perpetrators of gender-based violence. Part of the treatment of a victim of gender-based violence emanates from them seeing the persons who assaulted them facing the full force of law.

Hon. Deputy Speaker, I support this Motion, but I would also like to suggest that as we set up trauma centres across the country, we also need to insist that action is taken against those who mete violence upon others.

Thank you.

**Hon. Deputy Speaker:** Since I have given a chance to Members on my right, let me look for a Member on my left side. They are way below in my list. So, we will go to Hon. Mboko Khamisi. Hon. Members, even if your name is on top of the list, sometimes there are other considerations. I also need to balance the opportunities for both sides. Hon. Mishi Mboko is number seven on the list, but I notice I have given more chances to speakers on my right side.

**Hon. (Ms.) Mishi Mboko (Likoni, ODM):** Ahsante sana, Mhe. Naibu Spika. Kwanza nataka kumshukuru sana Mhe. Jessica Mbalu kwa kuleta Hoja hii katika Bunge la kitaifa. Hii ni Hoja muhimu sana haswa tukizingatia matukio ambayo tumekuwa tukiyaona ambayo ni dhuluma dhidi ya watoto wetu wa kike na hata wa kiume.

Kenya imefanya mikataba pamoja na nchi nyingi ulimwenguni. Mikataba hiyo, pakubwa, inahusu jinsi tutakavyoshiriki katika kuangamiza dhuluma za kijinsia manyumbani kwetu.

Tumeona wasichana wengi wadogo wakinajisiwa na wale wa kiume wakilawitiwa. Mara nyingi uovu huu hutendwa na jamaa wa karibu sana katika jamii zetu. Makaazi haya tunayozungumzia yakitengenezwa, watu waliodhulumiwa watapata mahali pa kupumzika na kupata ushauri. Aidha, watapatiwa matibabu na mwelekeo mwema wa kurudia maisha yao ya kawaida. Tendo la kunajisi ama kulawiti humpa anayekosewa hofu na kumfanya ajihisi si binadamu wa kawaida tena. Wakati mwingine utapata watu wakiwakejeli na kuwashushia hadhi waathiriwa wa matendo hayo maovu. Kwa sababu hiyo, ni wazo zuri kwamba waathiriwa wapate makaazi ambamo watatuliza mioyo na akili zao. Jambo hili si gumu kutekeleza katika nchi yetu ya Kenya. Sasa hivi tuna hazina ya *National Government Affirmative Action Fund*. Hazina hii inasimamiwa na akina mama 47 ambao wanawakilisha kaunti za taifa letu. Kutoka kwenye hazina hiyo, tunaweza kupata pesa zitakazotumika kutengeneza *Rescue Centres* ambazo Mhe. Jessica Mbalu amezungumzia katika Hoja yake. Vile vile kuna misaada mingi kutoka mashirika ambayo sio ya Serikali. Kuna wafadhili wetu nchini ambao wanataka kusaidia katika kukabiliana na dhuluma kama hizi tulizozitaja. Ingawa hivyo, mara nyingi tunapata habari kwamba pesa zimetumiwa kwa njia ya kiholela na pia haziwafikii waliolengwa, yaani waliodhulumiwa.

Tukishatengeneza makao haya maalum ya waathiriwa, itatulazimu kuweka mikakati na mifumo makhususi ya kuhakikisha matumizi mazuri ya pesa. Hivyo, tutahakikisha pesa zimewafikia waliolengwa. Makao hayo pia yatatuwezesha kupata takwimu sahihi kuhusu visa vya dhuluma dhidi ya wanyonge. Sasa hivi kuna watu wengi ambao wanapata matatizo lakini wamejificha na wamenyamaza. Ni kwa sababu hawajui watapata afueni kutoka wapi. Hawajui ni taasisi gani ambayo inaweza kuwasaidia kwa njia ambayo haitawaibisha ama kuwakejeli.

Sharti pia hospitali za kitaifa zitenge sehemu za kuwakagua na kuwahudumia waliodhulumiwa. Juzi tumeona jinsi mama mmoja kutoka sehemu ya Ukambani alivyokuwa

akipigwa sana na mume wake. Mama kama yule pengine akirudi katika familia kama bado hajapata ushauri, ...

**Hon. Deputy Speaker:** Your time is over. Next is Hon. Gakuya Wanjiku, Member for Kasarani.

**Hon. (Ms.) Mercy Wanjiku** (Kasarani, JP): Thank you, Hon. Deputy Speaker. I rise to support the Motion by Hon. Jessica Mbalu that the construction of post-trauma care centres should be done in all constituencies. Trauma affects all gender. It is only that men are not able to express themselves. Women are called the weaker sex because they shout more.

I recommend that reports about cases of violence be kept well in these centres. The centres should also offer treatment to the victims of gender violence. During the post-election violence many women suffered. They suffer more because they do not have jobs. In my constituency, there are many youths who do not have jobs and they could be assisted in these centres.

Culture, with regard to violence, has really affected us. In some communities, when such violence happens they hide it, but when we have these centres in place it will be possible to ensure that victims of violence are taken care of. None of them should be left out. We should not take up something and leave it midway. We need to ensure that we mainstream it by giving it the resources that it requires. When a case is reported, we should follow up on it. We have enough facilities existing even before we think of setting up the centres in every constituency. Once the centres are set up, we will be in a position to work closely with them to ensure that we get rid of this vice.

We should ensure that we work with speed because it is happening daily. In yesterday's news, there was a lady who suffered in the 2017 post-election violence. People went to her home and raped her and she was infected with HIV. Right now, she is struggling alone. We should make sure that we support the people who are suffering silently. When we do not do that, our society will go backwards. If we ensure that we do the right thing, our country will not keep on suffering. Most women have suffered. They have been suffering silently. For women, it starts from young girls to the old ones. We fit everywhere and we are suffering. There are others who are not able to talk it out. If we set up offices out there, where everybody can air their concerns, even if it is in secret, we will be able to ensure that information that is being given out is safeguarded and handed over to the right offices. With that, we will be able to protect our women from violence.

I support.

**Hon. Deputy Speaker:** Hon. Amin Kassim, Member for Wajir East.

**Hon. Rashid Kassim** (Wajir East, WDM-K): Thank you, Hon. Deputy Speaker, for giving me a chance to give my contributions on the setting up of trauma centres. Gender-based violence is a common phenomenon that cuts across all boundaries, be it geographical, racial or religious. It has affected all societies that Kenya is comprised of. The perpetrators include people we know. Parents and caretakers are included. Even law enforcers have not been spared in terms of the ability to meet those kinds of challenges. One thing we have realised is that the vulnerable, in terms of the percentages that we have, is that nearly 70 per cent of women are affected by sexual-based violence. It is affecting our mothers, sisters and daughters. Men and young boys have equally not been spared particularly on this one. The consequences of gender-based violence are many. It has affected societies and individuals. Even the future of individuals has been affected by this. It is devastating.

One thing we have realised over the past few years is that society has resorted to gender-based violence. This violence is happening in our homes and every other place. We are not able to do much audit in terms of trying to give counselling and attention to the affected individuals. One thing I have realised in my constituency is that young girls have been affected and have nowhere to run to. The law is not giving them justice. We have realised that immediately they are taken to the police, the kind of interrogation they undergo is so thorough that they cannot approve. Even the stigma that arises out this is so much. It has affected the future of young girls. The society is not very supportive. Instead of giving young girls a shoulder to lean on, society is stigmatising them. These are issues that affect our society. It is in the media and everywhere else. Victims have not been given a chance to recoup their lives. Neither have they been given the necessary attention.

Setting up of trauma centres in various constituencies will make individuals who have been affected to recover. Even the disabled have not been spared. Even the most vulnerable in our society are affected and they have nowhere to run to. If we establish trauma centres in every constituency, we will be able to alleviate the devastation that our young men and women are facing.

Thank you.

**Hon. Deputy Speaker:** Let us have Hon. Onyonka.

**Hon. Richard Onyonka** (Kitutu Chache South, FORD-K): Thank you, Hon. Deputy Speaker, for giving me this opportunity to discuss such an important matter. First, I would like to thank Hon. Jessica Mbalu who has worked tirelessly to bring this Motion to the House.

The issue of trauma for the survivors of sexual and gender-based violence is a matter that we need to give the seriousness it requires. To a large extent, if you look at the daily newspapers and listen to the radio, sometimes, you wonder whether we are in a democratic country that believes in law, equity, fairness and justice. It is important that we recognise that women have a very critical role to play in our country. Women are the custodians of our country. Our mothers and sisters are the ones who painfully take care of us by feeding us and making sure that we are taken care of when we are born. They are the ones who pass to us our culture from an early age until we become mature. To a large extent, because of our cultural tendencies, as Africans, we have ended up mistreating our mothers, sisters and aunties.

I do not want trauma to be a matter to be exclusively aligned towards women. Recently, we had a *mzungu* man in Mombasa who was violating more than 25 boys. We must be able to set up mechanisms of dealing with such trauma. When a woman is violated physically, psychologically or whichever violation that takes place, once they are able to get out of that violation, they need to be taken through mental and physical health management until they are able to be brought back into society so that they can become useful members of society.

Kenya has always signed international protocols. I agree with Madam Mbalu. We have signed every protocol pertaining to the matter of sexual gender violence. Somehow, our police have not been trained to deal with that matter effectively. Government agencies sometimes trivialise this matter. There have been instances where somebody who goes to the police to report is told: “*Ni nini ilikufanya uende huko?*” Such things! We also need to go back and look at the structures we have, legal or otherwise. We need to look at the agencies which are supposed to arrest the violators of those rights and make sure that this matter is dealt with effectively.

I also support what my colleagues have said. Once the construction of these facilities is done – I hope it will be done in every constituency – we must make sure that we have personnel who will deal with this matter.

With those few remarks, I support the Motion.

**Hon. Deputy Speaker:** Member for Kirinyaga Central, Hon. Wambugu Munene.

**Hon. Munene Wambugu** (Kirinyaga Central, JP): Thank you, Hon. Deputy Speaker, for giving me this chance to add my emotion to this Motion. At the outset, I congratulate Hon. Jessica Mbalu for bringing this timely Motion. It is true that we are living in interesting times – a time when gender-based violence has become the order of the day.

As I speak, I have in mind what happened within Kirinyaga County just about a week and a half ago, where a woman was forcefully circumcised. We may say she was mutilated in the process by the husband, under the guise that she was too hot to handle. That woman comes from my constituency, but got married in Mwea Constituency. I think my friend, Hon. Kabinga wa Thayu, can confirm that. As we speak, that woman is admitted at a normal hospital – Karira Hospital. The family members approached me on Monday about the settling of the hospital bill. They are in fear because after the woman was mutilated and taken to hospital, the residents lynched the mother of the husband. The husband has been arrested. So, there is this question: Even when she is released from the hospital, where will she go? If there was a centre for rehabilitation and taking care of people in this kind of situation in Kirinyaga Central or Mwea, I believe we would not be having that problem.

Gender violence should extend to the boy-child or the men. As everybody is aware and it is a matter of public knowledge, especially in Nyeri and even in Kirinyaga, we have reached a situation whereby we have seen so many men being battered by their wives. Even as we establish those centres, we also need to take care of the aspect that men or the boy-child can go there when those scenarios occur. The way things are we will always have people who do not want to live straight lives. We will always be having crooks and criminals who think the best thing they can do is to visit violence against the opposite gender. Much as we punish them and there are criminal laws to punish them, we need to start focusing on what to do in support of the victims so that they can also be rehabilitated back into society and be able to pick from where they were before those kinds of things were visited on them.

With those few remarks, I beg to support and thank the Mover of this Motion.

**Hon. Deputy Speaker:** Very well. Hon. Ibrahim Sahal.

**Hon. (Ms.) Nasri Ibrahim** (Nominated, FORD-K): Thank you, Hon. Deputy Speaker. I congratulate Hon. Jessica for bringing this important Motion which will help our community.

Post-trauma disorder can appear in any age. It is more common in young adults. Women are twice as likely to develop Post-Traumatic Stress Disorder (PTSD) as men. Research has demonstrated that trauma therapy helps patients confront painful memories and feelings.

The PTSD may contribute to the development of many other disorders such as the anxiety disorder, the major depression disorder, substance abuse, dependency disorders, alcohol abuse, conduct disorder and mania. It causes serious problems thus its early diagnosis and appropriate treatment is of paramount importance.

I support.

**Hon. Deputy Speaker:** Hon. Bishop Mwangaza Kawira.

**Hon. (Ms.) Kawira Mwangaza** (Meru CWR, Independent): Thank you, Hon. Deputy Speaker. I am glad to have this opportunity to support this Motion by our sister, Hon. Jessica Mbalu. It is on the construction of post-trauma care facilities for survivors of sexual and gender-based violence.

Gender-based violence against women and our girls is still a thorn in the flesh in Kenya. The magnitude is so worrying. Gender-based violence is a major threat to our development,

especially in Meru County. This is occurring in our homes. Victims do not have a place they can run to. It is still happening in our schools, streets, places of work and even our worship centres. There is great need to construct such centres in every sub-county, not only in our counties.

As you know, the perpetrators include our husbands, parents, family members, teachers and law enforcement authorities. We need a centre where our girls, women and young boys can run to. If we say they can only run to our churches, police stations or any other place, they might not get the help that they need. The perpetrators also do not spare our disabled girls. We need such centres in every sub-county, especially in Meru County. A study in Meru County shows that girls below 14 years are the most affected. This is from the parents who are raping our girls. We had a case in North Imenti last week. A man raped a nine-year old girl. Fortunately, the man was arrested. My question is: Can this young girl be taken back home? We need a centre where we can take these young girls after cases of rape and others.

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

*[The Temporary Deputy Speaker  
(Hon. Patrick Mariru) took the Chair]*

I support this Motion by our sister Jessica by saying that, in Meru, we have so many demonstrations. It is not because they need roads, water or construction of schools, but because fathers and men have raped so many young girls. We need such a centre. I am very fortunate today that, as the Woman Representative of Meru County, I am in the process of constructing one. I appeal to every Woman Representative of this Parliament to have such centres so that we help our girls and women down in our villages.

Thank you, Hon. Temporary Deputy Speaker.

**The Temporary Deputy Speaker** (Hon. Patrick Mariru): Very well. Shall we now have Hon. Mohamed Hussein?

**Hon. (Ms.) Asha Hussein** (Mombasa CWR, ODM): Ahsante sana, Mhe. Naibu Spika wa Muda.

Kwanza, naunga mkono Mhe. Jessica Mbalu kwa kuleta Hoja hii. Naiunga mkono kwa sababu itakuwa vyema Serikali itakapoweza kutenga pesa hizi kujenga vituo hivi vya ushauri dhidi ya ubakaji na dhuluma za kijinsia. Tunaona watoto wetu wakiteseka sana katika jamii. Wanapopata matatizo, kudhulumiwa na kurudi nyumbani, wengine huenda wakarukwa na akili. Kuna wale wamerukwa na akili kwa sababu ya ubakaji na hivyo, kupoteza hamu ya kuishi katika jamii. Serikali itakapotenga pesa hizi na vituo hivi kujengwa ili hao watoto wetu na akina mama wanaodhulumiwa waweze kupata ushauri na kuondoa unyanyapaa katika jamii, itakuwa heri. Mtoto anapobakwa ama mama kupigwa na mumewe kupita kiasi, hawa hujitenga katika jamii; hata jamii inawatenga wadhulumiwa hao. Kwa hivyo, vituo hivi vya ushauri vitawawezesha wao kupata ushauri mzuri na kuondoa ule unyanyapaa katika jamii na wao kuweza kurudi kufanya kazi zao kama kawaida.

Kwa hivyo, naunga Mkono Hoja hii na nasihi Serikali itenge fedha ili vituo hivi vijengwe na waathiriwa waweze kupata huduma hii.

Ahsante sana, Mhe. Naibu Spika wa Muda.

**The Temporary Deputy Speaker** (Hon. Patrick Mariru): Hon. Wachira Kabinga.



**Hon. Joseph Kabinga** (Mwea, JP): Thank you, Hon. Temporary Deputy Speaker for giving me this chance to contribute to this very important Motion by our colleague, Hon. Jessica Mbalu. When we talk about trauma, we all think about some physical sickness or look at it in terms of physical appearance. But at the outset, I want to say that trauma is about the heart and mind. So, when we take victims to hospitals and assume that they will be able to go back to their normal lives, we are lying to ourselves. Gender violence and other violence including terror attacks, injuries or crime cause a lot of trauma to the victims. My brother from Kirinyaga Central just mentioned one of them where recently, one of our very good ladies in Mwea was mutilated by her husband in the name of making her a woman. Although that lady is being treated currently, when she comes out and goes back home, we shall assume that all is well. But I can confirm, out of experience from my previous job, that all will not be well for this lady. She will not live a normal life until some serious counselling is done. For this to be achieved, we need those centers.

As we look at our country, this is the way to go. We are having so many things that are causing trauma to our people. We are having so many crimes that are causing trauma to our young girls and boys. There is also poverty that is also causing trauma to most of our people and so, specialized counseling centers that will look at cases like gender violence, is the way to go for this country. To implement the request of this particular Motion, our Government can simply use some of the existing facilities. In my constituency, there is a whole facility under Wamumu Correctional Center where they have more than 100 acres. What the Government should do, is go to such an area, build a good center to serve not just Mwea, but the entire county and the neighbouring counties.

I want to urge that this should be taken seriously. I know we have passed so many Motions in this particular House. All of them are pending. We urge the Implementation Committee to take some of these things seriously so that we can save our people from the sickness of their minds and hearts that they are living with. Without going further on this, I want to say that we can even include this as part of our disaster management. Most of the victims of disaster end up being traumatised. Even as we budget for our disaster management, this is something we can budget for and have trauma counseling centers in every constituency. Certainly, as I said, my constituency in Mwea is very ready and we can have a center in Wamumu Correctional Center without the Government spending more resources. We have structures there that can easily be converted to become a regional counselling center for the Mt. Kenya Region.

Thank you, Hon. Temporary Deputy Speaker, I totally support.

**The Temporary Deputy Speaker** (Hon. Patrick Mariru): Hon. Odege Mboya, Member for Nyatike.

**Hon. Tom Odege** (Nyatike, ODM): Thank you, Hon. Temporary Deputy Speaker. Before I add my voice to this important Motion, I would like to start by saying that we have enough laws in this country to curb gender violence. The major challenge we are facing as a country is purely on implementation. When we talk about the policy, children and gender offices in our country, you will realise that those offices are entrusted to curb gender violence in our country. But when you look at the performance and the weaknesses that we are facing as a country, and how our people are suffering, we have a lot as a House to ensure that all these laws are enforced so that we can ensure that our people are secured. We have amended so many Acts in this Parliament and we have enough laws to protect our children, women and men who are culpable of gender violence. Because of laxity in implementation, that is why we are finding

ourselves on the Floor of this House with such kind of a Motion which is very important and key when you look at the situation we are facing in our country today. There are a lot of iniquities and our people are suffering in silence.

Allow me to support my colleague, Hon. Jessica who has proposed this Motion. If we can devolve this important facility up to the lowest level, you will find that those who are suffering in silence will find an opportunity of coming up to be assisted. As we speak, almost 90 per cent of culprits are not reachable because all those facilities we are talking about are not within their reach. Even if you tell someone to report to the police, they already know the answers they are going to get. The police officers, the office in charge of children and those entrusted with matters gender should be friendlier, approachable and be in a position to help our people. As legislators, we have a responsibility to go out and sensitise our people and make them ready to come out and speak about the ills that are facing them within the community. Today, there are a lot of fears and our people are continuously being molested and they are not ready to come out and share whatever is happening to them. Allow me to support.

Thank you, Hon. Temporary Deputy Speaker.

**The Temporary Deputy Speaker** (Hon. Patrick Mariru): We shall now have Hon. Njiru Muchangi

**Hon. Eric Njiru** (Runyenjes, JP): Thank you so much, Hon. Temporary Deputy Speaker for giving me an opportunity to add my voice to this very good Motion by Hon. Jessica Mbalu. In the recent past, we have seen in the media, in the newspapers and in *WhatsApp* groups, instances of women beating up men and men beating up women. I would say that violence anywhere against women hinders their progress. Violence anywhere against men too hinders their progress. I wish to support this idea of having post-trauma care facilities in every constituency in the Republic of Kenya so that those affected can get an opportunity to be listened to and live their lives in full.

As we construct those post-trauma care facilities, we should also tell the gender departments in the various parts of this country that they should be more proactive in sensitising our societies on the ills of gender-based violence. When you look around, you will realise that it has become a common practice in many parts of our country.

I support.

**Hon. Fabian Muli** (Kangundo, Muungano): Thank you, Hon. Temporary Deputy Speaker. I rise to support this Motion and congratulate Hon. Jessica Mbalu for coming up with it. The Motion is very important for our communities. It is true that research shows many people are violated. This gives them the attitude to engage in fights any time. Despite that fact, we lack recreational facilities within our communities. We used to have playgrounds in the estates, but they are all gone. Even in villages, we do not have recreational facilities.

When you talk of guidance and counselling, it is based on the health status. Consultation is only for HIV and cancer patients. The question is: What about victims of violence? We have the National Gender and Equality Commission. This Motion is properly directed to that commission. They promised us that they were going to spread their wings within the country. This is one Motion we want them to seize and go all over in the country to offer guidance and counseling to the affected people on how to live in the society.

I want to give a scenario of what happened in Makueni. Recently, there was a fight between a man called Nzomo and his wife. He will go to jail and the wife will still remain in trauma. He was a casual labourer providing for the family. This lady will be depressed: the husband is in jail. The lady will probably come from a violence centre, but there would be

nobody she can depend on. So, as I congratulate my colleague and support this Motion, we need to move very fast in terms of saving people in the society. We should not wait for people to get sick or when disaster has struck for us to work. We are coming from violent elections. Any time our people get into problems, they are left at the mercy of guidance and not having anything to rely on. It is high time this Motion was taken care of. It needs to go to the NGEK so that they implement it immediately.

Thank you, Hon. Speaker.

**The Temporary Deputy Speaker** (Hon. Patrick Mariru): Hon. Hulufu Oda.

**Hon. Hassan Hulufu** (Isiolo North, KPP): Thank you very much, Hon. Temporary Deputy Speaker, for giving me this opportunity to speak to this important Motion. I would like to start by thanking Hon. Jessica Mbalu for bringing this Motion to the House for debate. I support it.

Gender-based violation is a very serious human rights issue. It is also a very big social problem. There is an upsurge of gender-based violations in this country. Of course, when we talk of gender-based violations, it is not only women who are normally targeted. In as much as most of the victims are women and children, we also have instances where men suffer gender-based violations in some parts of this country but, because of cultural reasons, the cases are rarely reported.

All the same, I think it is important for us, as a country, to have a fund which is proposed through this Motion. That will help us set up post-trauma care facilities which will provide one-stop support centres for the survivors. It has been proven that our normal health facilities cannot provide the quality of services required by gender-based violence survivors. When we have post-trauma centres which are fully funded, well equipped and with all cadres of professionals required, we will be able to provide comprehensive support to victims of that vice in our society.

Survivors of gender-based violations normally require emergency medical support. For instance, victims of rape may require post-exposure prophylaxis (PEP) which needs to be administered quickly. There could be instances where there are some injuries which need to be attended to. Above all, they also require psycho-social support and proper counselling for them to recover psychologically and be able to go back to their communities and lead a normal life. At the same time, they require social support. For them to seek justice, they require such centres to be fully equipped with forensic capabilities so that evidence can be collected, preserved and properly documented so that the perpetrators can be taken to court and be prosecuted and, therefore, the survivors can be enabled to see justice.

As I conclude, I would like to say that this is a timely Motion. We require those centres in all parts of the country. We require them not only in constituencies, but also at the lower levels. Some constituencies are very vast and it is not easy for all persons to access the services from such facilities.

I support the Motion. Thank you very much.

**The Temporary Deputy Speaker** (Hon. Patrick Mariru): Shall we now have Hon. Murugara.

**Hon. George Gitonga** (Tharaka, JP): Thank you, Hon. Temporary Deputy Speaker. I also rise to support this Motion. I begin by thanking Hon. Jessica Mbalu for bringing the same; it is quite timely and very important, especially in respect of health matters touching all citizens of Kenya, whether women or men. It is important that the Government sets aside funds which will be used to construct the centres. This can begin from all the sub-counties to divisions, locations

and finally sub-locations to ensure that anyone who suffers post-traumatic stress after violence, or whatever other form of injury, is treated medically and in a manner that is befitting.

It is important to stress that we are going through very trying moments and this is discernible from the social media and mainstream media where we read and hear about a lot of gender-based violence. It is not just the case of Nzomo that we should be talking about, because soon after that, we had the other incident where some lady assaulted some man for non-payment of a bill of Kshs200. In Nzomo's case, there was hue and cry from every corner of the country that the man had violated the rights of the lady and deserved to be arrested immediately and put in jail. However, when it came to the case of the man being assaulted, there was a lot of mockery that came, again from every corner of the country, where most men were despising the man and wondering how he could actually be battered by a lady and why he did not pay the bill.

I do not think that gender-based violence should be justified in any way nor should it be directed towards women or men. It should be an act that is against the law, as we have enacted many Acts of Parliament dealing with it. What is important is how the person affected by the violence is treated especially after the act—the post-traumatic effects of that violence. This is why this Motion has been brought to the House, so that the Government is urged and this House does resolve that funds are set aside for these centres to be constructed. In my constituency of Tharaka, we do not have a centre such as what is being proposed here.

Therefore, when anyone suffers any form of violence or post traumatic effect, they go to a normal hospital where they will get drugs and then they are sent away.

The net effect is that, possibly, that person is totally destroyed emotionally and may never recover or do anything useful in life because of what one has gone through and especially the sexual offences which relate to ladies most of the time. It is important that those persons are not only treated medically, but are also counselled and given further treatment that is psychological for the benefit of that person fully recovering.

So, in my own view, I support the Motion and urge the Government to set aside sufficient funds so that we can move to our constituencies to put up those centres for our citizens.

I support.

**The Temporary Deputy Speaker** (Hon. Patrick Mariru): Very well. Before I give Hon. Bunyasi, Member for Nambale, allow me to recognise three schools at the Public Gallery. They are: Kipyebo Primary School, Marakwet East Constituency, Elgeyo Marakwet County; California PAG, Kamukunji Constituency, Nairobi County and Shekina Primary School Kimilili, Bungoma County. They are welcome. Let us have Hon. Bunyasi John.

**Hon. Sakwa Bunyasi** (Nambale, ANC): Thank you Hon. Deputy Speaker. I support this Motion.

First, I highly commend Hon. Jessica Mbalu for bringing this Motion before the House. It is presumed that most of the violence is by men on women, although there are exceptions to it. If you think about post-trauma centres - I am thinking about rescue centres for women, even though there may be the old guy who has run away because the wife has been teaching him a lesson many times. Many of our cultures, because of their strong patriarchal nature, men may not show up after they have been beaten by women.

It is going to be largely gender biased with the victims being women. Some of the actions that are done against women such as sexual violence, physical and verbal violence are really horrible and are put under the rug on grounds that it is cultural. If for, example, you get a case of rape of an underage child and the parents accept a goat or a cow or some sort of compensation, it gets settled. Much worse still, the victim is sent to get married to the oppressor.

These are serious violations of human rights which are condemned under our Constitution and are things that we should look at under great disfavour. We cannot move forward as a society, if we tolerate this kind of defiance and aggression in society of one set of citizens against another. I strongly support not only the physical construction of a centre but, more importantly, the acceptance by the police, the judicial system and administration that this is wrong. We should punish administrators and police who make jokes of those kinds of things. As they say, at times, after a woman has undergone an ordeal such as that of rape, you find the police making a joke out of it and taking it lightly.

That must be punished. I would like to see beyond the physical infrastructure, a big effort to retrain and increase awareness in great detail as per what it is that tortures women beyond the physical, and how they can refrain from making such situations worse. We have had a situation even in this city where it is alleged that, in one of our leading schools in Nairobi, teachers insist that the girls have a shower instead of taking them straight away to the women's hospital, so that they can have DNA test done. That is collusion in crime and it is those kinds of things that we must truly punish. We have seen in a few situations where people have caught on camera men "disciplining" their wives. This is so barbaric, but the poor woman still has to go around and face the ridicule that comes from the law enforcement agencies.

Secondly, police may not take action if there is no complainant. The victim may not want to be the complainant because she does not know about her safety. There must be a way in which the police and law enforces can pick up cases of this nature once they are aware it has happened. You cannot be sitting in a police station and something happens 50 meters away and say you have not been told officially. It is that kind of attitude that has led to the impunity that you see in this regard.

I strongly feel that this is a very timely Motion that will follow through with the infrastructural side, but we also need to get the soft side also done so that the training and awareness is increased.

With those few remarks, I strongly support this and hope that Nambale will become one of the first centres to be built. Thank you very much.

**The Temporary Deputy Speaker** (Hon. Patrick Mariru): Shall we have Hon. Manje.

**Hon. Joseph Manje** (Kajiado North, JP): Thank you, Hon. Temporary Deputy Speaker for giving me this chance. I would like to look at it differently and oppose the Motion by the Hon. Member. I tend to think that creating those institutions is agreeing that, that is the way to go. That is because if you create an institution somewhere, it is as if you have said those are the correct values and we should accommodate them.

I tend to think that, as a country, we should try to increase the value systems that we have. We have structures on the ground such as the children's department that can cater for that line. If you find somebody who has been raped and you put that person in an institution, that institution by itself will be traumatising. We should have a department in our hospitals that we can be referring such cases. They can be referred there by the police. There will always be cases of violence in nature and if somebody reports to the police station, then the person will be directed to that institution. If the person goes to the hospital, after that, he or she can be directed to that institution.

I am trying to figure out the management of that institution. Trauma to some extent is personal. It means you will have so many counsellors because trauma is different in nature. For example, the person who has been raped is different from the one that suffers violence from the husband and so, you require different counsellors in that institution. We are going to burden this

Government with institutions that we can cater for at a different level. We also know we have churches that alleviate those kinds of issues where people go to church and they are talked to. Trauma is for a short term period. You are traumatised at this particular time, counselled and then you are integrated to the mainstream.

When you talk of an institution, you require a curriculum. Imagine what will be taught at that post-trauma institution. You can imagine the sort of curriculum that will be introduced. I tend to think that we should view it in that way and ensure that we strengthen our value units. We should ensure that we do not discriminate them by putting them in one spot.

With those few remarks, I oppose and say that we can create some institutions in our hospitals where those people can be referred to. Also, remember we have homes where we can refer children who have been mistreated in their places. So, I oppose this particular Motion.

**The Temporary Deputy Speaker** (Hon. Patrick Mariru): Obviously, from my screen, many more Members would have loved to speak to this important Motion, but the time allocated for it has lapsed. In the circumstances, I call upon the Mover to reply.

**Hon. (Ms.) Jessica Mbalu** (Kibwezi East, WDM-K): Thank you, Hon. Temporary Deputy Speaker. As I reply, I would wish to be philanthropic enough to donate two minutes each to the Member for Kuria West and Hon. Cecily Mbarire. I will remain with my six minutes. Another one is Hon. Otiende.

**The Temporary Deputy Speaker** (Hon. Patrick Mariru): You have five minutes.

**Hon. (Ms.) Jessica Mbalu** (Kibwezi East, WDM-K): I donate one minute to the Member for Kuria West, one minute to Hon. Otiende and another minute to Hon. Cecily Mbarire.

**The Temporary Deputy Speaker** (Hon. Patrick Mariru): We shall start with the Member for Kuria West. You have the Floor.

**Hon. Mathias Robi** (Kuria West, JP): Thank you, Hon. Temporary Deputy Speaker, for giving me this opportunity. First, let me take this opportunity to congratulate the Hon. Member who brought this Motion in the House. I stand to support this Motion because it is very important to the society. As we know, gender violence happens in every constituency. As we have been watching in the media, many cases have come up and this can rescue women who get into such cases. We understand this is a normal circumstance where people or men cause problems or infect women. If these facilities...

**The Temporary Deputy Speaker** (Hon. Patrick Mariru): The next minute was donated to Hon. Otiende Amollo. The screen reads Dr. Otiende Amollo. Your minute starts running.

**Hon. (Dr.) Otiende Amollo** (Rarieda, ODM): I have to move and I hope my movement does not deduct my minutes. Yes, indeed. That is the title. In my one minute, I support this Motion and I urge only three quick things. One, in all the words that read “women” in this Motion, let us have a purposive reading to mean men or women for the word “gender” is both masculine and feminine. Two, even as we urge national Government to take this intervention, let us also urge our county governments to take necessary interventions for all this whole edifice falls within the ambit of health, which is actually devolved. Thirdly, let us also not forget our family values. Traditionally, persons who found themselves in these circumstances were accommodated within the neighbour’s family setting. Therefore, I urge that we put that responsibility for national Government, but we also assume it. Lastly, let us not forget the most important thing: In every such instance, it is a criminal offence. We must prosecute all those who engage in these matters even as we seek to protect the victims. I support.

**The Temporary Deputy Speaker** (Hon. Patrick Mariru): The next one was Hon. Cecily Mbarire. Hon. Cecily Mbarire is an old Member in this House, but I can tell she has breached

one or two rules of the House as I watched. Hon. Cecily Mbarire, please proceed. You seem to be redemptive.

**Hon. (Ms.) Cecily Mbarire** (Nominated, JP): I am sorry, Hon. Temporary Deputy Speaker. I take this opportunity to first congratulate Hon. Jessica Mbalu for seeing it fit to bring this Motion before the House. It is a Motion whose time has come. It is coming at a time when we see an increased rise of cases on gender-based violence. Although in the past we saw more of gender-based violence against women and the girl-child, we are also seeing an increased number of it against the boy-child and men. Therefore, it is important that we pass this Motion not just to rescue women and girls, but also men and boys who are becoming the latest victims of gender-based violence. It is important for people to know that gender-based violence is any form of physical, sexual or psychological trauma on anybody. We are seeing an increased number of cases being reported. These cases are also happening on men and women and they are not reported. We need to report them more. We need to have centres where urgent treatment can happen and where P3 forms can be given to the victim so that those who have done it may be taken to court as quickly as possible. But, more importantly, that counselling may take place especially for our girls in schools.

It is also important to note that under the Convention on the Elimination of All Forms of Discrimination Against Women (CEDAW) that was signed in 1979, FGM is identified as one of those gender-based violence practices.

With those few remarks, I beg to support.

**The Temporary Deputy Speaker** (Hon. Patrick Mariru): Hon. Jessica Mbalu, you have the reminder of the minutes.

**Hon. (Ms.) Jessica Mbalu** (Kibwezi East, WDM-K): Hon. Temporary Deputy Speaker, there is one Member who just wants to say he supports. He wants to go on record. He is Hon. Marselino. Please give him half a minute.

**The Temporary Deputy Speaker** (Hon. Patrick Mariru): Hon. Jessica, you seem to be extending your graciousness.

**Hon. Marselino Arbelle** (Laisamis, JP): Thank you, Hon. Temporary Deputy Speaker. I also rise to support this Motion which has been brought by Hon. Jessica Mbalu on the construction of post-trauma care facilities throughout our constituencies. Many people have suffered in this country. Many women have suffered in this country in the past - also including men. As you are aware, there is a lot of gayism and lesbianism the world over. Such practices take place in our country and institutions. So, I support the Motion. Thank you.

**The Temporary Deputy Speaker** (Hon. Patrick Mariru): Hon. Jessica Mbalu.

**Hon. (Ms.) Jessica Mbalu** (Kibwezi East, WDM-K): Hon. Temporary Deputy Speaker, thank you. I can see the Members really want you to put the Question. So, I want to take my two or three minutes.

Allow me to reply to the Motion on the construction of post-trauma care facilities for survivors of sexual and gender-based violence. I also thank the Members who have contributed to the Motion. Around 26 Members have contributed to the Motion with all of them supporting, apart from Hon. Lekumontare who seemed not to have understood the Motion and the need for special care for the gender-based violence victims.

It came out very well that gender-based violence affects men, women, girls and boys. Last week, when I was moving my Motion, I gave statistics on the numbers. I thank the Members who have appreciated that the construction of trauma care centres will bring healing and reconciliation for the victims. It will also bring psychological support in terms of the

availability of doctors. Legal help will be given from the trauma centres. It will help in treating of emotions. It is a temporary care measure for the victims. It is also a centre for the survivors to have some time for healing.

As you are aware - and that is why I tabled the Motion - in Kenya, we do not have a centre that takes care of that, apart from the one in Kilifi. It is Government-constructed and does not meet the standards. Most of the shelters are constructed by NGOs and individuals. This Motion seeks to urge the Government to provide shelters, rescue centres and safe houses for victims of sexual and gender-based violence which remain a crucial link in national efforts to prevent and mitigate gender-based violence. There are several cases of domestic violence. Those centres are for the whole country, and not just for Mr. Nzomo, a case that has brought a lot of anxiety. There is a case of the other lady who was fighting with a man.

Allow me to announce to the House that the court in Makueni has slapped Mr. Nzomo with a jail term of 12 years. It has just happened at the Makueni Law Courts. This is a move to ensure that women, men, kids, girls and boys are protected.

Those centres will provide safety to victims as well as other forms of assistance which include legal, medical and psychosocial support. Similarly, they may provide an avenue for reconciliation between the violent husband and the wife. They will also be a proactive measure. I can imagine if a woman or a man experiences such violence, he or she will be able to rush there to get the necessary legal assistance.

We have seen violence in schools. Even men are being violated. Last week, Hon. Kioni, who did very well in seconding the Motion, said that when men are beaten, sometimes they are silent. The numbers will increase, I am sure. He gave a good example of some of the benefits that they have gotten. The rape cases are very disturbing. There is a man in Kawangware who committed suicide after discovering that he had impregnated his daughter.

With that, I thank the Members. I will move ahead with the information that I got from the Members to make sure that we amend the necessary laws to ensure that all this is achieved.

Hon. Temporary Deputy Speaker, I request you to defer putting of the Question pursuant to Standing Order No.53, if the necessary has not been achieved.

**The Temporary Deputy Speaker** (Hon. Patrick Mariru): Hon. Jessica, I am completely well-guided on that one. In the circumstances - and as you have quoted the Standing Orders - I will pend putting the Question on that particular Motion.

*(Putting of the Question deferred)*

Let us move to the next Order.

## BILL

### *Second Reading*

#### THE CONSTITUTION OF KENYA (AMENDMENT) (No.2) BILL

**The Temporary Deputy Speaker** (Hon. Patrick Mariru): Let us have Hon. Chris Wamalwa. Hon. Chris Wamalwa being absent... What is it Hon. Olago?



**Hon. Olago Aluoch** (Kisumu West, FORD – K): Thank you, Hon. Temporary Deputy Speaker. I see my colleagues in the Departmental Committee on Justice and Legal Affairs, Hon. Murugara, Hon. Wambugu and Hon. Jennifer Shamalla in the Chamber. This matter came before the Committee yesterday. We approved the Report and signed it. The Chairman has not yet tabled the Report. He was here in the morning and I did not get the chance to talk to him. I request that we put this aside so that I can contact the Chairman of our Committee to establish whether or not he has tabled the Report.

**The Temporary Deputy Speaker** (Hon. Patrick Mariru): Very well. Over and above the Report, Hon. Chris Wamalwa, who should move for the Second Reading, is also absent. We will step down that business.

Let us move to the next Order.

*(Bill deferred)*

## MOTIONS

### ESTABLISHMENT OF SPECIAL NEEDS UNITS IN EVERY PRIMARY AND SECONDARY

**The Temporary Deputy Speaker** (Hon. Patrick Mariru): Before I give a chance to Hon. Mishi Mboko, allow me to again recognise the presence of students from Makini School Kibos from Muhoroni Constituency, Kisumu County in the Speaker's Gallery. They are welcome to watch and follow the proceedings of the House. Hon. Mishi Mboko, you have the Floor.

**Hon. (Ms.) Mishi Mboko** (Likoni, ODM): Hon. Temporary Deputy Speaker, I beg to move the following Motion:

THAT, aware that Article 53(b) and 54 of the Constitution guarantees the right to free and compulsory basic education for every child and provides for persons with disabilities respectively in that persons with disability have a right to access educational institutions and facilities that are integrated into society to the extent compatible with their interests and needs; further aware that the government provides for education to children living with disabilities through integrated units in primary schools; cognisant of the fact that the lack of a clear implementation framework of the Special Needs Education policy, inadequate funding, and inadequate teachers with the right skills to teach children with disabilities across the various regions of country hampers access by children with disabilities; deeply concerned that there are few designated special education schools in the country hampering access by those children living with various disabilities including and not limited to autism, dyslexia, down syndrome, cerebral palsy and physical disabilities and therefore there is need to provide special attention to these children; this House urges the Government, through the Ministry of Education, to establish a special needs unit in every primary and secondary school.

Hon. Temporary Deputy Speaker, education is a fundamental right enshrined in the 1948 Universal Declaration of Human Rights and reaffirmed at the Jomtein World Declaration of Education for All Conference in 1990. The Conference emphasised that every person, child, youth and adult should benefit from educational opportunities designed to meet their learning needs. The global efforts to champion the needs of children living with disabilities were also

emphasised at the Convention on the Rights of Persons with Disabilities in 2006. The Convention resolved that persons with disabilities should be guaranteed the right to inclusive education at all levels, regardless of age, without discrimination and on the basis of equal opportunity.

In this regard, State parties should ensure that:

1. Children with disabilities are not excluded from free and compulsory primary education or from secondary education;
2. Persons with disabilities receive the necessary support within the general education system to facilitate their effective education; and,
3. Effective individualised support measures are put in place to maximise academic and social development.

The Constitution of Kenya guarantees the right to education for every person under Article 43. More importantly, the Basic Education Act, 2012 and the Children Act of 2001 enacted by Parliament provide that every child shall be entitled to free and compulsory basic education. Furthermore, Sessional Paper No.1 of 2005 underscores the importance of special needs education as human capital development to empower the marginalised. Progress has been made in access to education globally. However, millions of children living with disability are still out of school.

According to a study which was conducted by the World Health Organisation (WHO) in 2011 in 51 countries, only 50.6 per cent of males living with disabilities had completed primary school. Compare that with 61.3 per cent of their counterparts without disability. On the other hand, only 41.7 of female students completed primary school while 52.9 per cent of those without disability did. Furthermore, the study found that even in the countries with high school enrolment rates such as those in Eastern Europe, many children with disability did not attend school at all. The education for all, global monitoring report, United Nations Educational, Scientific and Cultural Organisation (UNESCO) also estimates that 77 million children are not in school and more than one-third are disabled. For instance, about 100,000 children living with disabilities are not in school in our country. The percentage of pupils living with disabilities by 2007 was estimated at 10 per cent of the total population in Kenya. That is about 38.6million of our population. Approximately 25 per cent of these were children of school going age.

Kenya's earliest effort for organised care and provision of special needs education dates back to the late 1940s with much involvement of the religious institution in establishing special schools and institution for children with visual...

**The Temporary Deputy Speaker** (Hon. Patrick Mariru): Order, Hon. Mishi Mboko. I can see that Hon. Manje Wathigo has an intervention. What is out of order?

**Hon. Joseph Manje** (Kajiado North, JP): Hon. Temporary Deputy Speaker, I am standing on a point of order. I have been in the education sector for some time. I was also a Member of the Departmental Committee on Education and Research in the 11<sup>th</sup> Parliament. There is an Act that is contradicted by this Motion. It contradicts an Act of Parliament that was established, which is the Education for Persons with Special Educational Needs Act, 2004. It states that a child with educational needs shall be educated in an inclusive environment. It should have another normal primary school. After assessment, that kid is taken to a special class which is attached to an ordinary school, so that after sometime he is integrated to the normal school.

I want a ruling on this Motion because it contradicts an Act of Parliament. You cannot establish a single primary school somewhere for people living with disabilities because it will be discriminative in nature.

**Hon. (Ms.) Mishi Mboko** (Likoni, ODM): Hon. Temporary Deputy Speaker, can I intervene?

**The Temporary Deputy Speaker** (Hon. Patrick Mariru): Order, Hon. Mishi Mboko. I will give you a chance to contribute. I want clarity from the Member who has raised an intervention on the provisions of the law. Did you say that the Act provides that there should be no separate school for special needs? It should be part and parcel of the mainstream school? I am sure you have looked at that Motion.

**Hon. Joseph Manje** (Kajiado North, JP): Hon. Temporary Deputy Speaker, there is an Act called the Education for Persons with Special Educational Needs Act, 2004. This is what is practised in our primary schools. That is where the issue of integration is. A kid is taken to a special unit in a school system and when he can cope with what is being taught, he is integrated into the mainstream section. So, the special school cannot be separate from the mainstream school.

**The Temporary Deputy Speaker** (Hon. Patrick Mariru): Hon. Mishi Mboko, take your seat. I want to give an opportunity to one or two Members on what the Member has just said. Hon. Olago Aluoch, contribute on that particular issue.

**Hon. Olago Aluoch** (Kisumu West, FORD-K): Hon. Temporary Deputy Speaker, Hon. Manje has missed the point. Hon. Mboko is asking for an integrated system in our primary schools and secondary schools. What Hon. Manje is talking about is exclusive. That is what we are trying to get rid of. We say that these children are abled differently but living with disabilities. The Motion is asking for the children to be integrated with others but not put in an exclusive situation. That is what is in the Act.

**Hon. (Ms.) Odhiambo-Mabona** (Suba North, FORD-K): On a point of order, Hon. Temporary Deputy Speaker.

**The Temporary Deputy Speaker** (Hon. Patrick Mariru): I will give the opportunity to a few other Members. We are on a point of order, Hon. Millie, and I will give you a chance.

Hon. Cecily Mbarire.

**Hon. (Ms.) Cecily Mbarire** (Nominated, JP): Hon. Temporary Deputy Speaker, unless I am reading this Motion wrongly, Hon. Mishi Mboko is attempting to push this House to pass exclusive schools for children with special needs in every constituency. In every constituency, we have a special needs primary and secondary school. The Act we passed was integrating special needs children into existing mainstream primary or secondary schools. As the Member for Runyenjes, I have put up special classes in most of the primary schools for children with special needs. I made sure that there is infrastructure that enables them to be part of the mainstream primary schools.

We need guidance on that because if there is an Act for integration, then we cannot go to exclusivity. They went against exclusivity, so that these kids may grow up feeling part and parcel of society and allow other children to accept them as part of society. Exclusivity enhances the practice which we normally see with parents. They hide their children who have special needs. We want them to be part and parcel of the society. I want to confirm what Hon. Manje has raised.

**Hon. (Ms.) Odhiambo-Mabona** (Suba North, FORD-K): On a point of order, Hon. Temporary Deputy Speaker.

**The Temporary Deputy Speaker** (Hon. Patrick Mariru): Hon. Millie Odhiambo, I can see that you have pressed the intervention button. You have the Floor now.

**Hon. (Ms.) Odhiambo-Mabona** (Suba North, FORD-K): Thank you, Hon. Temporary Deputy Speaker. Even though I have not read the Motion, I was listening to Hon. Mishi. I agree with Hon. Mbarire. That is what Hon. Mishi is proposing. Nonetheless, that is not my issue.

When a Member brings a Motion, the Speaker should intervene only if it is unconstitutional. What Hon. Mishi is bringing is not unconstitutional. She is trying to persuade Members to move away from that position in the law. Once the Motion is passed, she can bring a substantive amendment. If the other Members are not persuaded, then they can bring a further amendment or ask Hon. Mishi to amend the Motion. You cannot stop Hon. Mishi's Motion based on the fact that there is an Act. It is more like what my good sister has brought here about the Sexual Offences Act. She proposed an addition to something which is in the Sexual Offences Act. However, Hon. Mishi is saying that what we are doing now does not work. So, we need to be persuaded to move to another direction. When you are giving the direction, you should guide as to whether it is unconstitutional. It is not. What the Member is relying on is legislation but not the Constitution.

Thank you.

**The Temporary Deputy Speaker** (Hon. Patrick Mariru): I will give the opportunity to one Member and then I will give direction on this particular matter. As I said earlier, the screen reads Hon. (Dr.) Otiendo Amollo.

**Hon. (Dr.) Otiendo Amollo** (Rarieda, ODM): Hon. Temporary Deputy Speaker, that microphone seems to have a problem. As I confirmed earlier, indeed, that is the proper reading.

I join my colleagues who indicate that on the face of Motion, there is nothing unconstitutional about it. Not only because of the reason stated, that you cannot quote legislation to claim it is unconstitutional, but also for the reason that on its very face, all that the Motion seeks to do is to replicate whatever has been done, but now in every constituency without necessarily questioning the basis. Therefore, no matter what the basis of that legislation is, let us have it in every constituency, at least, one primary and one secondary school. That is what it says.

When we come to debating, how can it be implemented? We can look at the legislation that exists and determine whether the integrated method is the better one or the exclusive one is better. But on its very face, there is nothing on it that even contradicts the Act.

I urge that we allow the Mover to proceed.

Thank you.

**The Temporary Deputy Speaker** (Hon. Patrick Mariru): I need to give direction on this so that we get to the substantive part.

First of all, the Hon. Member is in order to have raised a point of order on this one just to be clear that we are not engaged in a Motion that contradicts express law. But as Hon. Millie Odhiambo has said, the major issue is to check whether the Motion is unconstitutional or not. I think that is not on the Floor today because its constitutionality is clear. The Member wanted it to be made clear that it is not contradicting an express law that has been passed by this House.

Hon. Members, if you take time and read the text of the Motion, not the title, you can clearly tell that there is a variance. If you read the text of the Motion, it is not asking for exclusive primary and secondary schools. It is asking for units within existing primary schools. That is very instructive. The Member who raised this issue may have looked at the title of the Motion which is a valid issue because the subject of the Motion seems to be asking for exclusive

special needs primary and secondary schools. But when you read the text of the Motion, it is addressing itself to units within existing primary and secondary schools. To that extent the Motion is properly and rightly here and does not contradict any law in that case. But, it was good for the Hon. Member to raise that because as you can tell he is hawk-eyed on the Motion.

Hon. Mishi Mboko, please, proceed.

**Hon. (Ms.) Mishi Mboko** (Likoni, ODM): Thank you, Hon. Temporary Deputy Speaker and also thank you for the guidance. It is good to be in the same page when we are moving such a Motion.

Kenya's earliest effort for organised care and provision of special needs education dates back to the late 1940s with much involvement of religious institutions in establishing special schools and institutions for children with visual, hearing, physical and mental disabilities in various parts of the country where they had missions. The management of most of these institutions has however been taken over by the Ministry of Education, Science and Technology while the Kenya Institute of Special Education established in 1986 built the capacity of special needs education services provided through teacher training and in servicing and research.

Special needs education is currently provided in special schools through the integration processes and special units attached to regular schools. This is in line with universal primary school education to embrace inclusive practices by keeping special needs children in ordinary classrooms where they learn with their peers. Although we have the policy of integrating children with disabilities in schools, there are few public primary and secondary schools which have implemented this policy. For instance in my constituency, there is only one primary school called Mtongwe Primary School which has implemented that policy. They have integrated children with disabilities. That shows that despite having the policy in place, still our public schools have not embraced it. You can even imagine transition from one level to another needs to be addressed because we have few Early Childhood Development Education (ECDE) centres for pupils with disabilities. We also have few primary schools and secondary schools. That is why we have only few students who enrol in our public universities. For instance, we have only 645 students with disabilities in more than 70 public and private universities in our country.

The few schools which have integrated students with disabilities in their schools do not have equipment. There are no ramps so that children can access classrooms. We also do not have adapted desks because children with disabilities cannot use normal desks. We also need to have special toilets. In the many schools we visit to ascertain whether children with disabilities can access toilets, we find that they cannot access them. They are wanting. The visually and hearing impaired students do not have functional devices to assist them in the learning processes.

According to school mapping data set of 2008, there are only 3,464 special needs institutions, 38.2 per cent ECDE, 3.4 per cent alternative provision of basic education, 54.1 per cent primary and 4.3 per cent secondary schools, in a country with 2,713 integrated institutions and 751 special schools. Eastern Province recorded the most number of special needs education units with 734, while North Eastern had the lowest with 56 units. Among these, there were 10 public secondary schools for learners with hearing impairment, three for learners with physical handicaps and four for learners with visual impairment making a total of 17 secondary schools for learners with disabilities throughout the country.

There is a lot of stereotyping and some of the traditions of some of our communities mean they cannot take children with disabilities to normal schools because of the stereotypes. That is why I urge the Government to have a secondary school, for instance, for students with visual impairment. In my constituency we have a school for the visually impaired, the only one

in the entire Mombasa County. It has a primary and a secondary school for the visually impaired. These students need braille for them to access teaching and learning processes and this is not happening. Every time we are talking about including children with disabilities in terms of access to education, but in real terms, we are doing very little. There is a big population of these children with different types of disabilities who do not go to school. The few who go to school are those with physical challenges. Those with autism, hydrocephalus, spina bifida and cerebral palsy are still at home. Some of them are chained and hidden in homes and they do not go to school.

This is a very important Motion. I urge and request my colleagues to support it so that we ensure our children with disabilities also access education so that we implement what the Constitution has provided for especially in the Bill of Rights.

I beg to move and request Hon. Lusweti Mukwe to second the Motion. Thank you.

**The Temporary Deputy Speaker** (Hon. Patrick Mariru): Hon. Lusweti.

**Hon. James Mukwe** (Kabuchai, FORD-K): Thank you, Hon. Temporary Deputy Speaker. I know Hon. Mishi visited my constituency last month to see a school for special needs education both for primary and secondary school. That is why she was the first to bring the Motion in this Parliament.

When we talk of special schools we must consider those children who are blind and those who are deaf. We must have a special school in every constituency for the blind and the deaf. Take for instance when they are doing examinations, we had one student who was writing using his leg. If they are not given special attention and extra time, it will be impossible for them to compete with those who are normal. For instance, those writing with a leg need a special desk and a special place. They must be given extra time so that they can compete with those ones who are normal. We have Mumias School for the Deaf and Thika School for the Blind. These are special schools that will help our children who are hidden at home.

I saw on *WhatsApp* a man who was making dresses for women. It was interesting to see him use the legs to make dresses for women. There is a lady in Kenya who has a child but she cooks and washes clothes with her legs. The Motion is timely. We want to assist our children to access education. Those who are disabled must be assisted to access education because it is their right as per the Constitution.

There have been suggestions that we mix normal children and the disabled ones. We need to appreciate the difficulties, say, visiting the toilet, the pupils who do not have hands face. So, we must have special toilets for them. We must also have devices for the blind and the deaf. Sign language is used in schools for the deaf. We have Special Education teachers who are trained to cater for the special needs of the disabled children. So, the best thing is to train teachers who are going to assist our children with disability. I know of a girl who cannot write using hands. She writes using her mouth because she does not have legs and hands.

This Motion is timely. I beg to second.

*(Question proposed)*

**The Temporary Deputy Speaker** (Hon. Patrick Mariru): Hon. Members, before we proceed, allow me to recognise at the Public Gallery, four schools that are visiting: Gagra Primary School in Rarieda Constituency, Siaya County; Nyabera Primary School in Rarieda Constituency, Siaya County; Kenyenia Junior Academy, Bomachoge Borabu Constituency, Kisii County; and Rianjeru Primary School, Mbeere South Constituency, Embu County.

Hon. Wetangula Wanyonyi.

**Hon. Tim Wanyonyi** (Westlands, ODM): Thank you, Hon. Temporary Deputy Speaker, for giving me a chance to contribute to this Motion. I support it. Indeed, we need special units in every school for children with special needs. There are schools that are specially designated for children with disability. The special schools are meant for children with severe disability who may not be able to be integrated in the normal schooling system. That is allowed. It has been the trend before. The trend today is to have an integrated system of education where children with disability and the children without disability learn together.

Recently, I toured the USA. I visited a school which has an integrated system of education. It is very interesting how they run such schools because you may not notice the difference between the disabled children and the normal ones. What is important to note from their integrated system are the facilities and the infrastructure that have been incorporated. There is no hindrance for the children with disability. They move around easily. The place is properly done. They have ramps everywhere. Doors are wide and the washrooms are properly done for them to fit in. In this system, the children with special needs are made to feel comfortable. For children who need some extra special care, their parents volunteer to go and sit with them in school just to assist. We are also trying to emulate this kind of system where we have an integrated education system. In the process, they will appreciate that there are people who are abled differently. They can also just participate like any other child. We have seen children with disability playing together with children who are normal. This is the way to go. That is why we are moving away from the way of doing things to the right way of doing things so that we recognise the rights of children with disability.

The Government must also move in to train teachers who can impart education to these children with special needs. I have seen most teachers of special education train themselves. My constituents have started some units in primary schools. Those students exist but we do not have teachers. The Government can employ in this sector. Sometime teachers who are there volunteer themselves and are paid by parents. For example, we have a school of children with cerebral palsy. It is sponsored by the parents. There is nothing that the Government has done for them. The parents have come together. Some parents who are not able are paid for by the other parents who are able. In most cases, we find ourselves contributing to such. We would like to support this Motion that these units are established in every constituency and they must also be supported by the Government. We must give funds even through the National Government Constituencies Development Fund (NG-CDF). We can have a special vote for that so that we can support special units within our own primary schools in order to have them integrated.

The other thing is the transition from primary to secondary schools. We find that secondary schools are not prepared to take these children from primary schools. Also, there is a challenge during examination time. The children are sometimes given the same time with the normal children. We need to look at it comprehensively so that we deal with the issue. That is so that nobody is discriminated when it comes to education.

**The Temporary Deputy Speaker** (Hon. Patrick Mariru): Next is Hon. Yussuf Haji.

**Hon. Yussuf Adan** (Mandera West, EFP): Hon. Temporary Deputy Speaker, I support Hon. Mishi's Motion. It is very timely. We have so many children all over and very few schools which are able to cater for children who are abled differently. If I may take Mandera County as an example, we have one special school in the whole county. The children who are there are abled differently: some are deaf; others are blind; and others have autism. They have only one school. Even in that school, we still need sections for different types of disabilities. It is not only

the facilities or structures that we need to put in place but also personnel. Teachers should be trained specifically for those disabilities and be available in all those schools. We also need special tools for each type of disability that is within that area.

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

*[The Temporary Deputy Speaker (Hon. Christopher Omulele) took the Chair]*

Some of you must have seen in social media a farmer who has no hands; both hands are cut off. He was a potato farmer. He uses his two legs to dig using a *jembe*, to harvest, pack his potatoes in *gunias*. It is just fantastic. We cannot say that person is disabled, that person is only abled differently. Therefore, all these children we call “disables” are not disables; they are abled differently. We need to support them and give them necessary facilities to make sure they get what they want. Currently, from my experience, I know so many of them do not go to school. From the time the child is born and the parents realise that the child is disabled in a way or another, that child is kept in the home. Some of them are even hidden. When visitors come, some of them are even chained so that they do not crouch and come to be seen by the visitors.

This is a true situation. This Motion is very timely. I support it.

We may start with the constituency level depending on the availability of resources. If you look at the serious needs, these facilities are required in almost every school whether it is at national, county, sub-county or ward level. Every school requires this.

Thank you.

**The Temporary Deputy Speaker** (Hon. Christopher Omulele): Hon. Odege Mboya, Member for Nyatike. He is not in the House.

Hon. (Dr.) Otiende Amollo, Member for Rarieda. Has he also left? Hon. Ochieng Awuor, Member for Migori, you have the Floor.

**Hon. (Ms.) Pamela Ochieng** (Migori CWR, ODM): Thank you Hon. Temporary Deputy Speaker for allowing me to add my voice to this important Motion brought by my sister Mishi. Aware of that Act that my Hon. Member was quoting the other time, we agree that there is a serious need of, once again, looking at the educational plight of the children and people with disability and special needs all over the country. That is so that they can learn in one way or the other.

I want to bring it to the attention of the House that much as all the speakers have been concentrating on thinking about physical disabilities like blindness, limbs affected in one way or the other, deafness and things like that, I want to let the House know that there are people who are looking normal in every other way but have special needs. In a normal classroom, for example, having been a teacher over a number of years, I am aware there could be some children who have serious intelligence quotient (IQ) that make them abnormal. Even the teachers cannot cope with their learning speeds. That is also a special interest group that may need to be taken care of in our secondary and primary schools.

There are others who are even physically normal in every way but their learning capacity and ability is very slow. Again, this is a special needs group that needs to come to the attention of Kenyans. It is not only those who have some physical impairment that can be categorised as people with special learning needs.



If you read the Motion that Hon. Mishi brought forth, you will realise that there are a number of challenges. That truth is that if that Act or policy was implemented and I know it has been implemented in some areas, there is a lot that is lacking. The area of teaching is a problem in most of these schools. You will find that a school has been declared as able to accommodate pupils with special learning needs but there are no personnel. This cuts across the country.

In Migori County where I come from, the only well-established school that can take care of special needs and it is only the deaf is Kuja School for the Deaf. The rest of the children are usually taken to Kisumu or Siaya to get schools to learn in. Imagine the distance. Even the parents or whoever is their guardian is never able to visit them and make them feel part of the family. Some of our counties are so vast that if you only have one special needs school, you cannot make all the children reach this school. Therefore, it is imperative that we or the Government make sure every primary and secondary school is equipped to take care of the interests of people with special learning needs.

The numbers have increased over the years. I am aware that, culturally, as it has been stated, some of our communities or parents would be shy to bring forth these children, bring them out and make them part of the community. With the civic education, the advocates and the campaigns to let people know that these children are just like any other, there should be no problem. Their numbers have increased. Therefore, we need to increase the number of special schools, the facilities, the teachers and every other equipment required to make these people learn effectively.

With those few remarks, I support this Motion. Thank you.

**The Temporary Deputy Speaker** (Hon. Christopher Omulele): Members, I would like to remind you that you have five minutes each to contribute in this Motion. We shall have Hon. Wachira Kabinga, Member for Mwea.

**Hon. Josphat Kabinga** (Mwea, JP): Thank you, Hon. Temporary Deputy Speaker. I rise to fully support the intention of this Motion with full recognition that we as a country need to take care of our brothers and sisters who are blessed differently; those who have different abilities.

Having done so, I am lost on this Motion because I am wondering whether we are urging the Government to implement the existing policy and Act or we are bringing in a new thing. When I read the text of this Motion, I realise that the Mover recognises that there is a policy and that, that policy is lacking a clear implementation framework. That framework was characterised by lack of qualified teachers and lack of facilities hence making it not to be implemented as intended. That being the case, I am wondering whether this Motion should not have urged the Government to put in more resources, to ensure that the framework is reviewed and implemented. I have also listened to a number of contributions by Hon. Members and it is also not very clear.

As alluded to by the Speaker before you, the heading and the text of this Motion are not in tandem. It is therefore not clear whether the Motion is talking about establishment of special schools in each constituency or we are urging the Government through the Ministry of Education, Science and Technology to establish a special unit in every primary and secondary school as provided in the last paragraph of the Motion. These things are not clear. Since this is a very important Motion and we would not want it to pass when it is not clear, we want to make it clear because it is one of the very important Motions that we have in this House.

**The Temporary Deputy Speaker** (Hon. Christopher Omulele): Hon. Wachira, you are making a very important confession which is very fundamental. You have an opportunity to

make an amendment to it so that it is aligned. It is true there is a disconnect between the last part and the heading. You have an opportunity which is available to you, if you are willing to go that direction. Have you finished making your contribution?

**Hon. Josphat Kabinga** (Mwea, JP): Hon. Temporary Deputy Speaker, I need your guidance. We have existing policy and an Act on this particular matter. Is it that the Government has not been able to implement it? What is it that is not there that we need this House to then urge the Government to do?

**The Temporary Deputy Speaker** (Hon. Christopher Omulele): We shall now have the Member for Suba North, Hon. Millie Odhiambo.

**Hon. (Ms.) Odhiambo-Mabona** (Suba North, ODM): Thank you, Hon. Temporary Deputy Speaker for giving me this opportunity. First of all, let me take this opportunity to congratulate my sisters. The women Members of Parliament have done very well today. The first Motion that was discussed today was brought by Hon. Jessica Mbalu and this one has been brought by Hon. Mishi Mboko. So, I want to congratulate my sisters for an excellent job touching on very special issues that touch on our society and things that people do not want to talk about.

Hon. Jessica spoke about issues of sexual violence that people do not want to talk about and Hon. Mishi is talking about issues of special needs that most of us do not talk about. I will not say much, I just want to indicate that what we are discussing here could be a case of asking that special units be put in each school or it could be a case for setting up special schools. Either way, we are realising that there is a need. If you look at the Act that is being referred to, it was an Act of 2004 and time changes very fast. I would want to encourage the Ministry responsible that we need to do a research and determine whether we are ready for putting or integrating the children. I know the ultimate standard should be to integrate the children but as other Members have said, do we have teachers who are skilled to be in every single school? I have almost 112 primary schools and 34 secondary schools in my constituency. With 112 primary and 34 secondary schools how many special needs teachers do we have? When we look at the issue of disability, we have different cases as Members have said. Some are mental, others are physical. Even with the mental disability category, there are very many different cases. I have heard many Members say they do not have special schools in their constituencies. I want to congratulate myself and my constituency because we have several special schools. They include Nyamuga Special Primary School, Obaluanda Special School for mentally challenged, Hope Special School for the mentally handicapped and Lambwe Christian School for the deaf. For primary schools, we already have four. The only one we do not have is for secondary schools. So other Members can learn from us. Use NG-CDF funds and establish such schools, if you are talking about special schools.

The reason I am saying that for me at this point in history we need special school, I have visited each and every of those schools; I have visited every single school in my constituency. When you look at the special schools, because most parents fear taking their children there, most times you find that the circumstances and situations in those schools are not very good. A lot of time if you do not give support, especially through NG-CDF, they tend to lag behind. Because the needs they have are very many, children with special needs tend to suffer more than the children in the other categories. We also forget that children with special needs also need to be involved in co-curricular activities, just like in every other school. I have a very special and interesting case study: a special needs school that is integrating children without special needs.

That is also something for us to think about. That you can have a special needs school that integrates children who do not have special needs.

Otherwise, Hon. Temporary Deputy Speaker, I want to once again congratulate Hon. Mishi for an excellent Motion. I encourage her to move forward and bring an appropriate amendment, once we agree on the policy direction we want to take. Whether we want to put them up in every school, and I doubt we have the resources, or whether we go the special needs way. I support.

**The Temporary Deputy Speaker** (Hon. Christopher Omulele): The Member for Suba North, unlike the lizard that fell from the *iroko* tree in Chinua Achebe's seminal book *Things Fall Apart* and said that, "If nobody praises me, I will praise myself," we must praise you. We congratulate you for the good job that you do for the people of Suba North.

We shall now have Hon. Adan Haji, Member for Mandera South.

**Hon. Ali Adan** (Mandera South, JP): Thank you, Hon. Temporary Deputy Speaker. At the outset, I would like to also add my voice in support of this important Motion, particularly where it urges the Government, through the Ministry of Education, Science and Technology to establish a special needs unit in every primary and secondary school. This Motion is very timely. As my colleague has already said, in the whole County of Mandera, we have only one unit. In Mandera South we have none.

Special needs education is a broad term to describe especially designed constructions that meet the unique needs of children who have disabilities. Articles 53(b) and 54 of the Constitution guarantee free and compulsory basic education for every child and provide right of every person with disability. Learning disabilities should not be limited but must cover a wide spectrum of disorders ranging from mild to severe. They can include mental, physical, behavioural and emotional disabilities. Special needs primary schools must therefore cover as many as those who are able differently, such as autism, visual impairment, emotional disturbances, hearing disorders, intellectual disability as well as orthopedic impairment. It must also cover speech or language impairment, as this is becoming all too often in Kenya today. There are also areas like thrombotic brain injuries that need special attention.

Hon. Temporary Deputy Speaker, special education makes it possible for a child to achieve academic success in the least restrictive environment despite the child's disabilities. We, therefore, need to improve the state of facilities before we think of establishing units in each primary and secondary school. The schools will provide specific programmes or classes for the children. They will also access specialists who will help children with special needs to achieve their goals and reach their full potential in life. Modification in the education programme is also very necessary, for instance, modification of curricula and teaching methods.

In Kenya today, owing to the fact that there is a lot of stress, we have many people with special needs. This Motion that seeks to establish a unit in each primary and secondary school in each constituency is very timely. I support it.

Thank you very much.

**The Temporary Deputy Speaker** (Hon. Patrick Omulele): Very well. Let us have Hon. Sankok.

*(Loud consultations)*

I have allowed Hon. Sankok to speak to this Motion. It is out of my discretion. Hon. Sankok, kindly proceed.

**Hon. David ole Sankok** (Nominated, JP): Thank you very much Hon. Temporary Deputy Speaker. At the outset, I am very happy that Hon. Mishi, who is not even a person living with disability, has decided to consider people who have been prejudiced, marginalised for a long time in this country. Thank you very much Hon. Mishi Mboko.

We come from a background where persons with disability are hidden. In some communities, birth attendants are given specific instructions to kill them at birth. We are coming from a background where children with disability struggle so much to go through the normal education system. I wish to bring the House up to speed with regard to the challenges that we go through as PLWDS while attending schools. We have disabled children who do not have arms and so they have to use the mouth or leg to write. I am sure if I asked my colleagues here to write something using their mouth or legs, they will only manage to write very few words and which will fill a whole foolscap. Children with disability are given the same duration of answering questions as the normal ones! Imagine a child on a wheelchair in day school. That child has to travel, say, for three kilometres. If there are rains early in the morning, this child will be rained on and so he will take much of his time during the first lesson in class to drying up.

Some of our disabled children break their crutches and are forced to crawl into classrooms and the dirty pit latrines. When they go for lunch, they use the same hands to feed. This brings down their self-esteem. In fact, their first lesson is to interrogate their abilities and humanity in general. These challenges present great problems to the disabled children during their education life. I thank Hon. Mishi because she has brought this Motion at the right time.

There are forms of disabilities which can be integrated in normal schools. These include physical disabilities like those who are on crutches or wheelchairs and those persons with albinism. Their education system can be integrated in normal schools because what we have to do is just have some little adjustments like building of ramps so that wheelchairs can access properly and reduce slippery floors so that those with crutches can have an easy movement from one class to another. However, there are those which we cannot integrate like visual impairment, intellectual disability and also those who have mental disability.

While I was coming to this House to debate this particular Motion, I interacted with a few leaders who are persons with disabilities from an organisation of persons with disabilities nationally and internationally. They told me to come to the 12<sup>th</sup> Parliament and say to Hon. Mishi, together with the 12<sup>th</sup> Parliament: “Thank you so much. We may not have gold, silver, any flower or any gift to give you.” They gave me a basket full of blessings for Hon. Mishi and the 12<sup>th</sup> Parliament.

Thank you very much. God bless you.

**The Temporary Deputy Speaker** (Hon. Christopher Omulele): Hon. Oluoch Tom, Member for Mathare.

**Hon. Anthony Oluoch** (Mathare, ODM): Thank you very much, Hon. Temporary Deputy Speaker. I join Hon. Sankok for recognising that Hon. Mishi, who is not a person with disability, has done well to bring this Motion and also to say that there are persons such as Hon. Sankok who were not born disabled. That means that anybody can be disabled. I am one such person and this I say in the context of temporary disability. This is one thing that brings you to the realisation of the difficulty that persons with disability go through. There are very basic things like going to the toilet or even being able to take a shower. At the age of 49, I had to take a shower through the aid of a nurse. You can see how much that does to the dignity of a man. This Motion is very important. In supporting it, I just want, because this matter keeps coming again... There is the issue that direction had been given about. The question has come again as to whether

this Motion seeks to do something that is unconstitutional or at variance. I just remembered that questions of substance or the mis-description of a title should not distract us from the substance of this Motion.

Hon. Temporary Deputy Speaker, you will remember when we debated the 2018/2019 Appropriations Bill which then was passed into an Act, there was the question as to whether the Bill was properly before this House by mis-description of an Act that was either archaic or had not been used for about 50 years. With the guidance of Members such as Hon. Kimunya, the House was properly guided and we were able to go to the substance of the Committee of Supply and we dealt with it. So, I ask that we look at the substance of what Hon. Mishi has brought and not the technicalities therein.

My second point is that as we urge in this Motion, this House should also consider that adequate funding and financing is very key. We may be able to establish special units in these various primary or secondary schools but unless they are backed with proper funding that is anchored in programmes that have continuity, we will be able to expose these persons to funding that either dries up after sometime – and they have been able to get used to it – or funding that is intermittent the way we heard about free primary school education textbooks appearing one time and the next time there are no text books. This will expose these vulnerable people in a manner that we do not want.

In terms of the learning facilities and access, I have spoken about things like toiletries. We should think very clearly how these children live in a school that upholds their dignity. The Constitution talks about non-discrimination. It also talks about every person has the right to dignity. It also talks about the fact that every person has a right to dignity. We should think like Hon. Sankok. When a child with disability crawls to a toilet, what is it doing to the dignity of this person? That is important in terms of the facilities and learning.

I also support the issue of examinations. We should look and re-evaluate the regulations that govern the amount of time and how we conduct examinations so that we do not subject this category of persons to the same standards and time as we do with able persons.

My second last point is on the issue of transport and how they go to and from school. That is also important. We need to equip those schools with buses that specifically pick and drop persons with disabilities. There was a Motion about school feeding programmes. This is specifically important for persons with disabilities. They cannot go to their homes and back within one hour under the circumstances they are in.

I thank Hon. Mishi and the Hon. Members who have found it fit to remain behind to support this Motion.

**The Temporary Deputy Speaker** (Hon. Christopher Omulele): Let us have Hon. Chepkoech Joyce, Member for Bomet.

**Hon. (Ms.) Joyce Korir** (Bomet CWR, JP): Thank you very much, Hon. Temporary Deputy Speaker. Let me take this opportunity to congratulate Hon. Mishi for tabling this very timely Motion.

As it was said by one of the Hon. Members seated here, there are already regulations pertaining to the issue of integration of those schools. So far in this country, there are 97 special schools that are integrated at both primary and secondary levels.

The main challenge we face in this country is materials or access to devices. There is also lack of teachers. There is also the issue of infrastructure in terms of washrooms and the structures where they are supposed to learn. It becomes a problem. I congratulate the Hon.

Member and urge the Government to move with speed in terms of actualising the issue of integrating all primary and secondary schools that we have around.

There are a number of students and pupils who are still locked in their houses and cannot access education. We should also bear in mind that it is difficult for them to walk long distances. It would have been prudent for the Government to make sure that it provides boarding facilities so that once in a while, they can be in their homes and while they are in school, they are given full attention.

I do not want to say much. I support the Motion.

**The Temporary Deputy Speaker** (Hon. Christopher Omulele): Let us have Hon. Jayne Kihara, Member for Naivasha.

**Hon. (Ms.) Jayne Kihara** (Naivasha, JP): Thank you, Hon. Temporary Deputy Speaker.

I wish to thank Hon. Mishi for tabling a Motion which is very dear to my heart. It is a reality that we have a problem in this country. As leaders, we are the ones who are approached by people who need those facilities or who need our help.

In the 9<sup>th</sup> Parliament, I put up a facility for persons with disabilities. It is called the Disability Resource Information Centre (DRIC). It is working and people come to get the resources they need. Unfortunately, it did not take up with the vibe I would have wished it to by the time I left office. Now I have come back and during Easter, we organised a half-marathon to fundraise for the disability cause. We are in the process of finishing a technical institution for people living with disabilities where we will integrate other students.

Hon. Temporary Deputy Speaker, this thing is real. On Monday – it is my usual day of visiting my constituents - I was confronted by six deaf persons. It is very difficult to communicate with them. We know that sign language is an official language in the Constitution, but we have not taken the trouble to try to learn it. It is something that we should take up.

I used to have a Christmas caravan which would take me to the ridges as I looked for children living with disabilities to give them Christmas gifts. It was a course I had undertaken. I would go to a certain ridge and find people who would tell me that there is, say, one disabled kid in the neighbouring ridge. It is because they had seen that I was interested in the course of helping disabled children.

We need to structure our schools in such a way that they can accommodate the disabled children. Hon. Sankok said it. We need to assure our children that it is possible for them to be integrated in the mainstream schools. Of course, there are those cases we cannot integrate in the mainstream schools. Members who give bursaries to children living with disabilities know how those schools are expensive to run. So, this Motion is timely. It should actually be transformed into a Bill so that we discuss it. I can speak about people living with disabilities the whole day because it is a subject which is very dear to me. There is a child who was living among chicken in Naivasha whom I rescued. The mother has so many other children. This child became a problem and she did not mind him. So, he was left alone. He was living with chicken. We took him up. He would crow in the morning like a cock because that is the only language he knew. Congratulations Hon. Mishi for bringing this important Motion. Thank you very much.

Dealing with disability is a matter that has been left for the Non-Governmental Organisations (NGOs) in this country. The Government should step in and make sure that every child who is able to learn, at whatever level, is taught. It is a problem to get teachers with the special skills to teach the disabled children because even schools for the normal children lack enough teachers. The teachers meant for special education are very important. I support the Motion. Like I said, I can speak the whole day about persons living with disabilities.

Thank you.

**The Temporary Deputy Speaker** (Hon. Christopher Omulele): Hon. Noor Sophia, Member for Ijara.

**Hon. (Ms.) Sophia Noor** (Ijara, PDR): Thank you, Hon. Temporary Deputy Speaker, for giving me this chance to contribute to this very important Motion. I want to take this chance to congratulate my sister for bringing this very important Motion.

Disability is not inability. From the backgrounds that we come from, we know what happens to children with special needs. There are places where children are hidden. In other places, they are given up for sacrifice when they are born. We have come a long way. The Motion says that there is lack of policy implementation framework. I agree totally with that. There is a serious gap in implementation of policies and laws that we have in this country. It is important for the Ministry of Education, Science and Technology to take this Motion very seriously and put in place a framework that can be implemented to the letter on the issues of persons with special needs. For example, Garissa County has only one special school and whose situation is wanting. There are inadequate teachers. If you look at the kind of infrastructure that is in place in that special school, you will sympathise with the situation. The school has worn out beddings, an old dining hall, and the classrooms are in bad shape. Honestly, we cannot call it a special school.

As a House, we must support the Motion by Hon. Mishi in terms of implementation and putting proper facilities in place for children with special needs.

Hon. Temporary Deputy Speaker, the Government is not serious with special needs programmes. They have been left to the NGOs. Any proper facilities you see anywhere in this country, they have been set up by NGOs. We want our Government to be very serious and committed to support children with special needs, particularly in terms of providing them with facilities and the kind of resources they put into special needs education programmes.

When we do not have a budget line for special needs education programmes, how will such children compete equally with children in normal schools? Resourcing and financing special needs education programmes is a responsibility of the Government, and is a right.

## ADJOURNMENT

**The Temporary Deputy Speaker** (Hon. Christopher Omulele): Hon. Members, debate on this Motion began at 11.46 a.m. It is expected to last for two hours. It is now 1.00 p.m. Therefore, there is a balance of 46 minutes. It will, therefore, continue next time the Motion appears on the Order Paper. The Member for Ijara will have two minutes next time it is on the Order Paper for deliberation.

Hon. Members, the time being 1.00 p.m., the House stands adjourned until this afternoon at 2.30 p.m.

The House rose at 1.00 p.m.