

INTERNAL MEMO

TO: Clerk of the Senate

THRO' Deputy Clerk (M.A)

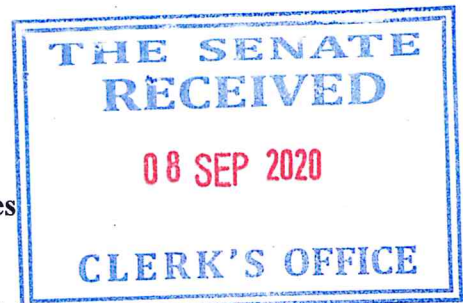
THRO' Director, Legislative and Procedural Services

THRO Deputy Director, Legislative and Procedural Services

THRO' Principal Clerk Assistant

FROM: Clerk Assistant II

DATE: 3rd September, 2020



SUBJECT: REPORT OF THE COMMITTEE OF POWERS AND PRIVILEGES ON THE INQUIRY INTO THE CONDUCT OF SENATORS DURING THE ELECTION OF THE CHAIRPERSON AND VICE-CHAIRPERSON OF THE STANDING COMMITTEE ON HEALTH

Attached is the report on the above subject matter for your approval and forwarding to Hon. Speaker.



Lillian Osundwa

PARLIAMENT OF KENYA



12TH PARLIAMENT

THE SENATE

Rt. Hon. Speaker

*You may approve
for tabling.*

0002

09/09/20

Approved
[Signature]

16/09/2020

**REPORT OF THE COMMITTEE OF POWERS AND
PRIVILEGES
ON THE INQUIRY INTO THE
CONDUCT OF SENATORS DURING THE ELECTION OF
THE CHAIRPERSON AND VICE-CHAIRPERSON OF THE
STANDING COMMITTEE ON HEALTH**

Clerk's Chambers
The Senate
Parliament Buildings
NAIROBI

25th August, 2020

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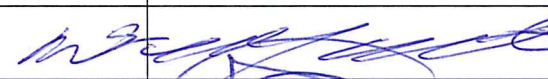

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ADOPTION OF THE REPORT

S/NO	NAME	SIGNATURE
1.	Sen. Kenneth M. Lusaka, EGH, MP (Chairperson)	
2.	Sen. (Dr.) Alice Milgo, MP	
3.	Sen. Kimani Wamatangi, MP	
4.	Sen. Kipchumba Murkomen, EGH, MP	
5.	Sen. Victor Prengei, MP	
6.	Sen. Rose Nyamunga, MP	
7.	Sen. (Arch.) Sylvia Kasanga, MP	

1. EXECUTIVE SUMMARY

On Wednesday, 24th June, 2020, pursuant to Standing Order 189, the Senate approved Motions that reconstituted Committees. Following the approval of the Motions, pursuant to Standing Order 193, the Clerk of the Senate published a schedule for the election of Chairpersons and Vice Chairpersons of Standing and Sessional Committees.

Consequently, during the election for the positions of Chairperson and Vice Chairperson of the Standing Committee on Health held on 1st July, 2020, the Chairperson of the Standing Committee was elected unopposed. However, the election of the Vice Chairperson could not proceed and had to be postponed as a result of a dispute arising during the election. A report of the events surrounding the election of the Vice Chairperson was submitted to the office of the Speaker explaining why the election could not be held.

Upon reviewing the report, the Speaker directed that the matter be referred to the Committee of Powers and Privileges for its consideration in accordance with its mandate as set out in the Act.

In addition, there were reports in the media that some Senators were involved in a scuffle after the Committee was adjourned.

Subsequently, the Ethics and Anti-Corruption Commission (EACC) wrote a letter dated 2nd July, 2020 (Ref. EACC.7/10/1 VOL.XXXVII (146)) to the Speaker of the Senate drawing the attention of the Speaker to reports appearing in both the print and electronic media of an alleged scuffle within the precincts of the Senate.

The EACC advised the Speaker to inquire into the conduct of the two Senators named therein and to take appropriate action in accordance with Section 15 (5) of the Parliamentary Powers and Privileges Act, 2017, Rule 12 of the Code of Conduct for Members of Parliament and the relevant Standing Orders of the House.

Section 15 (5) of the Parliamentary Powers and Privileges Act, 2017 provides that-

“The Committee of Powers and Privileges shall, either of its motion or as a result of a complaint made by any person, inquire into the conduct of a Member whose conduct is alleged to constitute breach of privilege in terms of Section 16, within fourteen days of receipt of complaint.”

Pursuant to this provision, the Speaker of the Senate and Chairperson of the Committee of Powers and Privileges convened meetings of the Committee to deliberate on the matter.

Following deliberations, the Committee-

- i) observed that the allegations on the conduct of the two Senators were serious and were suitable for inquiry by the Committee within the meaning of Section 15(5) of the Parliamentary Powers and Privileges Act, 2017 when presented with adequate evidence on the basis of which to commence an inquiry;
- ii) agreed to invite the Chairperson of the Standing Committee on Health as well as the two Senators to a meeting to hear evidence on what had transpired on 1st July, 2020;
- iii) following the meetings in (ii) above, noted that the two Senators had confirmed that the scuffle had indeed occurred as reported and had taken measures to ensure that this does not recur;
- iv) further noted that there was currently no animosity between the Senators as they continued to work in harmony; and
- v) determined that the two Senators committed a breach of privilege contrary to section 16 (e) of the Parliamentary Powers and Privileges Act, 2017.

Accordingly, the Committee of Powers and Privileges recommends that pursuant to section 17(3)(b) and (c) of the Parliamentary Powers and Privileges Act, 2017, Sen. Beatrice Kwamboka, MP and Sen. Mary Seneta, MP, be reprimanded for breach of privilege and be ordered to apologize to the House from the Bar by reading a written statement of apology approved by the Speaker.

I take this opportunity to thank the Members of the Committee for their diligence in undertaking the inquiry. I also thank the Office of the Clerk for extending the necessary logistical and procedural support to facilitate the Committee to undertake its work and to make the preparation of this report possible.

It is now my pleasant duty and privilege to commend this report to the House for adoption.

.....
SEN. KENNETH M. LUSAKA, EGH, MP
SPEAKER OF THE SENATE AND CHAIRPERSON OF THE COMMITTEE

Date:.....

2. INTRODUCTION

I) *Mandate of the Committee*

The Committee of Powers and Privileges is established under section 15(1) of the Parliamentary Powers and Privileges Act, No. 29 of 2017. The functions of the Committee are provided under Section 15(4) of the Act as follows-

The functions of the Committee of Powers and Privileges shall be to—

- (a) inquire into the conduct of a member whose conduct is alleged to constitute breach of privilege in terms of section 16;*
- (b) perform such other functions as may be specified in this Act.*

Section 15 (5) of the Parliamentary Powers and Privileges Act, 2017 provides that-

“The Committee of Powers and Privileges shall, either of its motion or as a result of a complaint made by any person, inquire into the conduct of a Member whose conduct is alleged to constitute breach of privilege in terms of section 16, within fourteen days of receipt of complaint.”

II) *Membership*

The Powers and Privileges Committee was reconstituted by a resolution of the Senate on 24th June, 2020 and comprises the following Senators-

1. Sen. Kenneth M. Lusaka, EGH, MP – Speaker of the Senate (**Chairperson**)
2. Sen. Kipchumba Murkomen, EGH, MP
3. Sen. Kimani Wamatangi, MP
4. Sen. Rose Nyamunga, MP
5. Sen. (Dr.) Alice Milgo, MP
6. Sen. (Arch.) Sylvia Kasanga, MP
7. Sen. Victor Prengei, MP

III) *Report on conduct of Senators during the election of the Vice Chairperson of the Standing Committee on Health*

On Wednesday, 24th June, 2020, pursuant to Standing Order 189, the Senate approved Motions for the re-constitution of Committees. Thereafter, pursuant to Standing Order 193, the Clerk of the Senate published a schedule for the election of Chairpersons and Vice Chairpersons of Standing and Sessional Committees.

The election of the Chairperson and Vice Chairperson of the Standing Committee on Health was scheduled for 1st July, 2020. During the election, the Chairperson of the Standing Committee, Sen. (Dr.) Michael Mbiti, MP, was elected unopposed.

However, the election of the Vice Chairperson could not proceed and had to be postponed as a result of a dispute that arose during the election.

A report of the events surrounding the election of the Vice Chairperson was submitted to the office of the Speaker explaining why the election could not be held (**Annex 1**).

Upon reviewing the report, the Speaker directed that the matter be referred to the Committee of Powers and Privileges for its consideration in accordance with its mandate as set out in the Parliamentary Powers and Privileges Act, 2017.

In addition, there were reports in the media that some Senators had been involved in a scuffle after the Committee was adjourned.

Subsequently, the Ethics and Anti-Corruption Commission (EACC) wrote a letter dated 2nd July, 2020 (Ref. EACC.7/10/1 VOL.XXXVII (146)) to the Speaker of the Senate drawing the attention of the Speaker to reports appearing in both the print and electronic media of an alleged scuffle within the precincts of the Senate (**Annex 2**). The Commission noted that the allegations constituted serious ethical issues that would amount to a serious breach of the integrity and ethical requirements governing the conduct of State officers as laid out under Chapter Six of the Constitution, the Leadership and Integrity Act, 2012, the Public Officer Ethics Act, 2003 and the Parliamentary Powers and Privileges Act, 2017.

The EACC advised the Speaker to inquire into the conduct of the two Senators named therein, Sen. Beatrice Kwamboka, MP and Sen. Mary Seneta, MP and to take appropriate action in accordance with Section 15 (5) of the Parliamentary Powers and Privileges Act, 2017, Rule 12 of the Code of Conduct for Members of Parliament and the relevant Standing Orders of the House.

3. CONSIDERATION OF THE MATTER BY THE COMMITTEE

The Committee held three meetings to consider the matter, on 11th August, 2020, 18th August, 2020 and 1st September, 2020. The Committee considered the documentation received (**Annex 1 and Annex 2**). The Committee further invited the Chairperson of the Standing Committee on Health and the two Senators who appeared before the Committee on 18th August, 2020 and made the following submissions-

- a) **Sen. (Dr.) Michael Mbiti, MP, Chairperson, Standing Committee on Health:** Sen. (Dr.) Mbiti informed the Committee that after attaining quorum, the election for the position of Chairperson commenced and that he was elected unopposed as Chairperson. The position of the Vice Chairperson, however, attracted two (2) candidates, necessitating a secret ballot vote. He also stated that trouble begun during the election of the Vice Chairperson after a Senator, Sen. Farhiya Haji, MP, presented a letter from the Senate Majority Whip nominating her to vote on behalf of Sen. Millicent Omanga, MP, a member of the Committee who was not present at the meeting but who, upon being called on cellphone by one of the Members present, allegedly denied having nominated any Senator to vote on her behalf. It was at this point that things degenerated as the Senators disputed the election and he, therefore, decided to adjourn the meeting as it would not have been possible to proceed with the election under the prevailing circumstances.

Sen. (Dr.) Mbiti further confirmed that his attention was thereafter drawn to the fact that two Senators, namely Sen. Beatrice Kwamboka, MP and Sen. Mary Seneta, MP, were involved in a scuffle right outside the Committee meeting venue and that by the time he arrived at the scene, the orderlies had already separated the two Senators.

- b) Sen. Beatrice Kwamboka, MP:** Sen. Kwamboka started her presentation by informing the meeting that she had been informed that some Members of the Committee were not comfortable with having Sen. Mary Seneta, MP, as the Vice Chairperson of the Committee. She then recounted what transpired during the election of the Vice Chairperson.

The Senator further informed the meeting that there had been an exchange of words between her and Sen. Seneta, MP, but that she had been provoked into the physical confrontation by Sen. Seneta, MP.

- c) Sen. Mary Seneta, MP:** informed the meeting that she had shown interest in being elected as the Vice Chairperson of the Committee and that she had campaigned among the Committee members. She also stated that there had been a disagreement concerning who should be allowed to vote for an absent member of the Committee.

She concluded by expressing regret at the unpleasant turn of events and stated that after the incident, she and Sen. Kwamboka, MP, had continued to work together in a cordial manner.

4. OBSERVATIONS AND FINDINGS OF THE COMMITTEE

The Committee made the following observations-

- 1) That, the allegations on the conduct of the two Senators were serious and were suitable for inquiry by the Committee within the meaning of Section 15(5) of the Parliamentary Powers and Privileges Act, 2017.
- 2) That, in terms of Section 15(4) and (5) of the Parliamentary Powers and Privileges Act, 2017, it fell upon the Committee to determine whether there had been a breach of privilege in the matter.
- 3) That, Section 16 of the Act provides for conduct that constitutes breach of privilege as follows-

The Committee of Powers and Privileges may find a Member to be in breach of privilege if the Member—

- (a) contravenes sections 25, 26 or 28;
- (b) commits an act mentioned in section 27(1)(a), (b) or (2) and (3)(d), (e), (f) or (g);
- (c) willfully fails or refuses to obey any rule, order or resolution of Parliament;
- (d) contravenes any provision of the Speaker's orders issued under section 38 of this Act; or
- (e) conducts himself or herself in a manner which, in the opinion of the Committee on Powers and Privileges, is intended, or is likely to reflect

adversely on the dignity or integrity of Parliament, or of the Members or to be contrary to the best interests of Parliament or its Members.

- 4) That, in their submissions, the three Senators who appeared before the Committee had confirmed that there was, indeed, a scuffle that had occurred between Sen. Beatrice Kwamboka, MP and Sen. Mary Seneta, MP, in the precincts of Parliament on 1st July, 2020.
- 5) That, the two Senators had conducted themselves in a manner which reflected adversely on the dignity and integrity of the Senate.

The Committee, therefore, found Sen. Beatrice Kwamboka, MP and Sen. Mary Seneta, MP, to be in breach of privilege in terms of Section 16(e) of the Parliamentary Powers and Privileges Act, 2017 for conducting themselves in a manner which, in the opinion of the Committee, reflected adversely on the dignity and integrity of Parliament and its Members and was contrary to the best interests of Parliament and its Members.

5. RECOMMENDATIONS OF THE COMMITTEE

Section 17(3) of the Act provides that-

Where the relevant House of Parliament finds that a Member has committed a breach of privilege, the relevant House of Parliament may, in addition to any other penalty to which the Member may be liable under this Act or any other law, impose any or more of the following penalties—

- a) a formal warning;
- b) a reprimand;
- c) an order to apologize to the House or a person in a manner to be recommended by the Committee of Powers and Privileges;
- d) the withholding, for a specific period of time, of the member's right to the use or enjoyment of any specified facility provided to Members by Parliament;
- e) the removal or suspension for a specified period of time of the Member from any parliamentary position occupied by the Member;
- f) such fine in terms of the Member's monthly salary and allowances as the House may determine;
- g) the suspension of the Member for such period as the House may decide, whether or not Parliament or any of its committees is scheduled to meet during that period;
- h) vacation of seat pursuant to Articles 75(2)(b) and 103(1)(c) of the Constitution.

Accordingly, the Committee of Powers and Privileges recommends that, pursuant to Section 17(3)(b) and (c) of the Powers and Privileges Act, Sen. Beatrice Kwamboka, MP and Sen. Mary Seneta, MP, be reprimanded for breach of privilege and be ordered to apologize to the House from the Bar by reading a written statement of apology approved by the Speaker.

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ANNEXES

Annex 1: Report of the events surrounding the election of the Vice Chairperson of the Standing Committee on Health.

Annex 2: Letter dated 2nd July, 2020 (Ref. EACC.7/10/1 VOL.XXXVII (146)), from the Ethics and Anti-Corruption Commission to the Speaker of the Senate.



12TH PARLIAMENT

FOURTH SESSION

POWERS AND PRIVILEGES COMMITTEE

MINUTES OF THE SEVENTH SITTING OF THE SENATE COMMITTEE OF POWERS AND PRIVILEGES, HELD VIRTUALLY ON TUESDAY, 1ST SEPTEMBER, 2020 AT 11:00 A.M.

PRESENT

1. Sen. Kenneth Lusaka, MP - Speaker of the Senate (Chairperson)
2. Sen. (Dr.) Alice Milgo, MP
3. Sen. Rose Nyamunga, MP
4. Sen. Kimani Wamatangi, MP

ABSENT WITH APOLOGIES

1. Sen. (Arch.) Sylvia Kasanga, MP
2. Sen. Victor Prengei, MP
3. Sen. Kipchumba Murkomen, MP

SECRETARIAT

1. Mr. Jeremiah Nyegenye - Clerk of the Senate
2. Ms. Eunice Gichangi - Deputy Clerk
3. Mr. Njenga Ruge - Director, Legislative and Procedural Services
4. Ms. Roselynn Omollo - Director, Speaker's Office
5. Mr. Zakayo Mogere - Deputy Director, L&P Services
6. Ms. Marya Adjibodou - Principal Clerk Assistant I
7. Ms. Josephine Kusinyi - Principal Legal Counsel
8. Mr. Innocent Mbaya - Clerk Assistant I
9. Mrs. Lillian Osundwa - Clerk Assistant II

MIN. NO. 36/2020

PRAYER

The sitting commenced at 11:14 a.m. with a prayer said by the Chairperson.

MIN. NO. 37/2020

ADOPTION OF THE AGENDA

The Committee adopted the agenda of the Sitting, having been proposed by Sen. (Dr.) Alice Milgo, MP and seconded by Sen. Rose Nyamunga, MP.

MIN. NO. 38/2020

CONFIRMATION OF MINUTES

The Minutes of the 6th Sitting which was held virtually on Tuesday, 18th August, 2020 were confirmed as a true record of the deliberations by the members present and signed by the

Chairperson having been proposed by Sen. (Dr.) Alice Milgo, MP and seconded by Sen. Rose Nyamunga, MP.

MIN. NO. 39/2020 **MATTERS ARISING**

Under Min. No. 34/2020 regarding the consideration of the Report of the Committee of Powers and Privileges on the conduct of Senators during the election of the Chairperson and Vice Chairperson of the Standing Committee on Health on 1st July, 2020

The meeting was informed that following a resolution of the Committee on 18th August, 2020, that a report be prepared, as required by the Parliamentary Powers and Privileges Act, to be tabled before the Senate within the stipulated timelines, the draft report was ready for consideration by the Committee.

MIN. NO. 40/2020 **CONSIDERATION OF THE DRAFT REPORT OF THE COMMITTEE ON AN INQUIRY INTO THE CONDUCT OF SENATORS DURING THE ELECTION OF THE CHAIRPERSON AND VICE CHAIRPERSON OF THE STANDING COMMITTEE ON HEALTH**

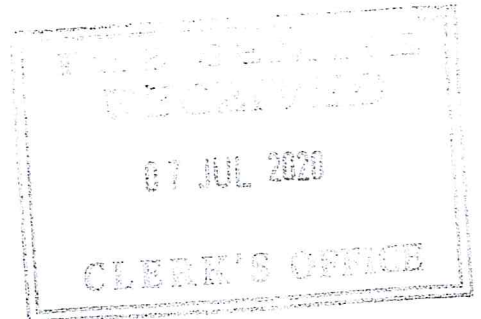
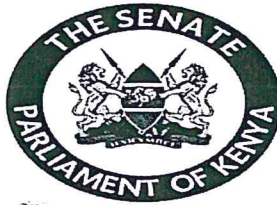
The meeting was taken through the draft report of the Committee. Upon concurrence by the Members present that it was a true reflection of the deliberations, the Committee adopted the report and recommended that it be tabled before the Senate and that a Notice of Motion for its consideration be given.

MIN. NO. 41/2020 **ADJOURNMENT**

There being no other business, the Chairperson adjourned the meeting at thirty-three minutes past Eleven O'clock.

SIGNED:
(CHAIRPERSON)

DATE:



2) DC (MA)
Please deal urgently.
0000
07/07/20

INTERNAL MEMO

TO: THE HONOURABLE SPEAKER OF THE SENATE



THROUGH: THE CLERK SENATE OF THE SENATE

1) ~~Rt-Hon. Speaker~~ Rt-Hon. Speaker
It should be the Power and Privileges Committee if you approve.
0000
07/07/20
THROUGH: DEPUTY CLERK (EG) to seek your information and directions.
0000
07/07/20

Forwarded and recommended for consideration and further directions.

THROUGH: DIRECTOR, COMMITTEE SERVICES

2) Egi Clerk
07/06/2020
Let the matter be taken to rules and powers committee for arbitration

FROM: DEPUTY DIRECTOR - COMMITTEE SERVICES

DATE: 1ST JULY, 2020

COMM 17/20
REPORT

RE: REPORT ON THE ELECTION OF THE VICE CHAIRPERSON OF THE STANDING COMMITTEE ON HEALTH

At a sitting of the Senate held on Wednesday, 24th June, 2020, the Senate approved Motions for the approval of Senators to serve in various Committees. Following the approval of the Motions, pursuant to standing order 193 of the Senate Standing Orders,

4) DKPS
Let us convene the Committee URGENTLY.
0000
7/7/20

5) Mr. Amado
pls arrange for this meeting urgently. You may revert for a proposed date.
0000
7/7/20

the Clerk of the Senate published a schedule for the election of Chairpersons and Vice Chairpersons of Standing and Sessional Committees.

The election for the Standing Committee on Health Committee was scheduled to be held on Tuesday, 30th June, 2020. However, a request was made by the members of the Committee to defer the election to Wednesday, 1st July, 2020 at 11:00 a.m.

The meeting, which was held in the Senate Chamber, started at 11:02 a.m. I presided over the election of the Chairperson and Sen. (Dr.) Michael Mbiti, MP, was elected unopposed, after being proposed by Sen. Farhiya Haji, MP, (who was standing in for Sen. Beth Mugo, EGH, MP, pursuant to the provisions of standing order 206 of the Senate Standing Orders) and seconded by Sen. Beatrice Kwamboka, MP.

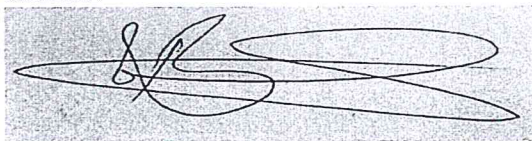
I then embarked on the election of the Vice Chairperson which attracted two candidates, namely; Sen. Ledama Olekina, MP, who was nominated by Sen. Fred Outa, MP and seconded by Sen. Beatrice Kwamboka, MP and Sen. Mary Senata, MP, who was nominated by Sen. Farhiya Haji, MP and seconded by Sen. (Dr.) Michael Mbiti, MP. I informed the Senators that pursuant to standing order 193 of the Senate Standing Orders, there being two candidates, we would proceed to an election by secret ballot. Ballot papers were issued and voting started.

In the middle of the voting exercise, two Senators, Sen. Farhiya Haji, MP, and Sen. Mary Senata, MP, left the meeting. When the Senators returned, Sen Farhiya Haji, MP, presented a letter from the Senate Majority Whip nominating Sen Farhiya Haji, MP, to vote on behalf of Sen. Millicent Omanga, MP. On receipt of the letter, I informed Senators that I required to obtain further directions and clearance from the Office of the Speaker on the letter in order to confirm whether the permission of the Speaker had been granted as required under standing order 206 of the Senate Standing Orders.

As I was making necessary consultations, there was disputation amongst the Senators on the election and I advised and requested the Chairman to adjourn the meeting as it was evident that it would be difficult to proceed with the election in the prevailing circumstances.

Thereafter, as Senators left the Chamber, a physical confrontation ensued and I called upon the Sergeant-at-Arms to intervene. I left the scene and walked to my office.

This is the account of the events. We seek your directions on the way forward in the matter.



B.L. LENAIRUSHI



ANNEX 2

ps let
letter and action being
taken by the Commission
of Privileges July 20

ETHICS AND ANTI-CORRUPTION COMMISSION

INTEGRITY CENTRE (Jakaya Kikwete/Valley Road Junction) P.O. Box 61130 - 00200, NAIROBI, Kenya
TEL: 254 (020) 4997000. MOBILE: 0709 761000; 0730 997000
FAX: 254 (020) 2240954 EMAIL: eacc@integrity.go.ke WEBSITE: www.eaccs.go.ke

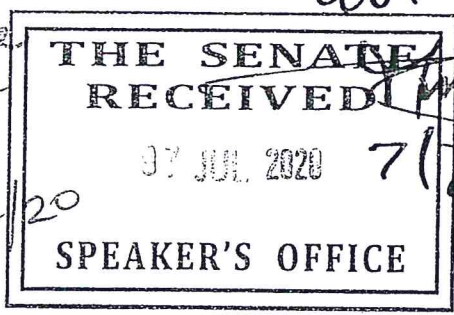
When replying please quote:

1 Clerk - let us
re-write
back on what
we are
doing.
2nd July, 2020

OUR REF: EACC.7/10/1 VOL.XXXVII (146)

Hon. Keneth M. Lusaka, CBS
Speaker of the Senate
Parliament Buildings
P.O. Box 41842-00100
NAIROBI

MA
Let us draft response
informing on what we
are doing.
2/7/20



Dear Hon Lusaka -

RE: ALLEGATIONS OF UNETHICAL CONDUCT BY SENATORS BEATRICE KWAMBOKA AND MARY SENETA DURING THE ELECTION OF THE SENATE HEALTH COMMITTEE ON 1ST JULY 2020

The Ethics and Anti-Corruption Commission is established under Section 3 of the Ethics and Anti-Corruption Commission Act, 2011 pursuant to Article 79 of the Constitution with the mandate of combating and preventing corruption and unethical conduct in Kenya. Under Section 4 of the Leadership and Integrity Act 2012, the Commission is mandated to oversee and enforce implementation of the Leadership and Integrity Act which seeks to ensure that State and Public Officers uphold high standards of integrity and ethical conduct while discharging public duty.

The Commission's attention has been drawn to reports appearing in both the print and electronic media of an incident that happened within the precincts of the Senate on the 1st July 2020 where Senators Beatrice Kwamboka and Mary Seneta are alleged to have differed over the election of Narok Senator Ledama Ole Kina as Deputy Chairperson of the Senate Health Committee. It is alleged that the two legislators were involved in a scuffle.

The Commission notes that these allegations constitute serious ethical issues and would amount to a serious breach of the integrity and ethical requirements governing the conduct of State officers as laid out under Chapter Six of the Constitution, the Leadership

3 DLPS

Tuangamize Ufisadi, Tuijenge Kenya

Please capture this
in the discipline committee
with the discipline committee

and Integrity Act, 2012, the Public Officer Ethics Act, 2003 and the Parliamentary Powers and Privileges Act, 2017.

The Commission wishes to particularly draw your attention to the provisions of Article 73(1) (a)(i)(ii)(iii)(iv) and Article 75 (1)(c) of the Constitution and Sections 11(a) and (b) of the Leadership and Integrity Act which bind State officers to carry out their duties in a manner that maintains public confidence in the integrity of their respective offices.

Article 73(1) (a) (i) of the Constitution states: *Authority assigned to State officer is a public trust to be exercised in a manner that;*

Article 73(1) (a) (ii) *demonstrates respect for the people;*

Article 73(1) (a) (iii) *brings honour to the nation and dignity to the office;*

Article 73 (1) (a) (iv) *promotes public confidence in the integrity of the office;*

Article 75(1) (c) *A State officer shall behave, whether in public and official, in private life, or in association with other persons, in a manner that avoids demeaning the office the officer holds;*

Section 11(b) of Leadership and Integrity Act, 2012 states that *A State officer shall treat members of the public and other public officers with courtesy and respect;*

The Commission further wishes to draw your attention to Section 37(3) of the Parliamentary Powers and Privileges Act, 2017 which provides in the Fourth Schedule of the Act and in particular Rules 7,8,10,11 and 12 of the Code of Conduct for Members of Parliament which states *inter alia*:

Rule 7: that a member of the House shall uphold the dignity and integrity of the House;

(a) By promoting respect for the House and its institutions at all time

(b) Ensuring that the member's non-parliamentary activities do not interfere with or compromise the member's official duties or bring the House into disrepute.

Rule 8: *that a member of the House shall treat other members with respect and strive to have cordial relations with all other members;*


Rule 10: *members undertake to abide by this Code upon taking the oath of office and at the start of each Parliament;*

Rule 11: provides that a member of the House shall comply with the requirements imposed under the General Leadership and Integrity Code set out in Part II of the Leadership and Integrity Act, 2012.

To this end, the Commission advises that you inquire into the conduct of the two Senators and take appropriate action pursuant to Section 15(5) the Parliamentary Powers and Privileges Act, 2017, Rule 12 of the Code of Conduct for Members of Parliament and the relevant standing Orders of the House.

Kindly share with us your findings and action taken.

Yours



TWALIB MBARAK, CBS
SECRETARY/CHIEF EXECUTIVE OFFICER
EKI/tnm

