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THE NATIONAL ASSEMBLY

TWELFTH PARLIAMENT
(THIRD SESSION)

	
THE NATIONAL ASSEMBLY PAPERS LAID	
DATE: 04 DEC 2019	DAY: WED
TABLED BY: CLERK OF PARLIAMENT	Hon. Kyweida obo, MP Vice chairperson Ar Shubuko

SELECT COMMITTEE ON REGIONAL INTEGRATION

REPORT OF THE PARLIAMENTARY DELEGATION TO TWELFTH
PAN-AFRICAN PARLIAMENTARY CONFERENCE ON WOMEN'S
RIGHTS

14 -15 OCTOBER, 2019, IN SOUTH AFRICA

Directorate of Committee Services
National Assembly,
Parliament Buildings,
Nairobi

December, 2019

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LIST OF ABBREVIATIONS

AU	-	African Union
AfCFTA	-	African Continental Free Trade Area
PAP	-	Pan African Parliament
UN	-	United Nations
UNHCR	-	United Nations High Commission for Refugees

CHAIRPERSON'S FOREWORD

On behalf of the Select Committee on Regional Integration and pursuant to provisions of Standing Order 199, it is my pleasant privilege and honor to present to this House the Report of the Committee on its participation in the 12th Pan –African Parliament Conference of Human Rights held in Midrand, South Africa from 14th to 15th October, 2019.

The conference brought together parliamentarians from African Union Member States, Members of Parliament of Pan African Parliament, Representatives of the United Nations and its agencies, particularly the United Nations High Commission for Refugees, representatives from development institutions, development partners. African Diplomatic Corps accredited to South Africa, academics, women and youth organizations.

The conference focused on the role of parliamentarians in finding durable solutions to forced migration to accelerate integration and development in Africa, opportunities for women towards the realization of the Continental Free Trade Area, evaluation of the African Women's Decade (2010-2020) specifically on the issue of violence against women as well as the promotion of economic empowerment for women.

The conference made various resolutions touching on Refugees and Internally Displaced Persons, women empowerment under the African Continental Free Trade Agreement (AfCFTA), and further called on AU Member States to sign, ratify, domesticate and or implement the Maputo Protocol and other AU legal instruments relating to the rights of women. The conference further appreciating the importance of internet accessibility called upon Parliamentarians to advocate in their member states for internet access as a basic right. The conference resolutions are annexed to this report.

The Committee wishes to thank the Office of the Speaker and the Clerk of the National Assembly for the support accorded to Members of the Committee in execution of its mandate

On behalf of the Select Committee on Regional Integration and pursuant to the provisions of Standing Order 199(6), it is my pleasant duty to present to this House the Report of the Parliamentary Delegation to twelfth Pan-African Parliamentary Conference on Women's Rights

Hon. Capt. Ruweida Mohamed, M.P
Vice Chairperson/Leader of Delegation

1.0 INTRODUCTION

1.1 Establishment and mandate of the Committee

1. The Committee on Regional Integration is established under the National Assembly Standing Order 212. It was constituted in December 2017 following adoption of a motion on membership of committees by the House.
2. As provided for in the Standing Order 212 (2), the Committee is mandated to;
 - (a) Enhance the involvement of the National Assembly in intensification and development of the integration process in the East African Community and the greater African region;
 - (b) Examine the records of all the relevant debates and resolutions of the meetings of the East African Legislative Assembly;
 - (c) Examine the Bills introduced in the East African legislative Assembly and Acts of the East African Community;
 - (d) Examine records of relevant debates and resolutions of Pan African Parliament, the African Caribbean and Pacific- European Union Joint Parliamentary Assembly and other regional bodies;
 - (e) Inquire into and examine any other matter relating to regional integration generally requiring action by the House;

1.2 Committee Membership

The Committee comprises of the following Members:

- | | |
|--|--|
| (1) Hon. Naisula Lesuuda, M.P, OGW –Chairperson,
Samburu West Constituency
Kenya African National Union Party | |
| (2) Hon. Capt. Ruweida Mo hamed, M.P – Vice Chairperson
Lamu County Women Representative
Jubilee Party | |
| (3) Hon. Christopher
Nakuleu, M.P, Turkana
North Constituency
Jubilee Party | (4) Hon. Dr. Gideon Ochanda,
M.P. Bondo Constituency
Orange Democratic
Movement |

- (5) Hon. Joyce Emanikor, M.P
Turkana County Women
Representative
Jubilee Party
- (6) Hon. Janet Ong'era, M.P.
Kisii County Women
Representative
**Orange Democratic
Movement**
- (7) Hon. Kubai Iringo, M.P
Igembe Central Constituency
Jubilee Party
- (8) Hon. Mathias Robi, M.P
Kuria West Constituency
Jubilee Party
- (9) Hon. Ezekiel Ombaki, M.P
Nyaribari Masaba
Constituency
NAPK Party
- (10) Hon. Abdi Mude Ibrahim,
M.P,
Lafey Constituency
**Economic Freedom Party
(EFP)**
- (11) Hon. Ali Wario Guyo,
M.P.
Garsen Constituency
**Wiper Democratic
Movement Party**
- (12) Hon. Elijah Memusi
Kanchory, M.P
Kajiado Central Constituency
**Orange Democratic
Movement**
- (13) Hon. Erastus Nzioka, M.P
Mbooni Constituency
ND Party
- (14) Hon. Eve Obara, M.P
Kabondo Kasipul
Constituency
**Orange Democratic
Movement**
- (15) Hon. Geoffrey Omuse,
M.P
Teso South Constituency-
**Orange Democratic
Movement**
- (16) Hon. Gideon Keter, M.P
Nominated
Jubilee Party
- (17) Hon. Janet Teiyaa, M.P
Kajiado County Women
representative
Jubilee Party
- (18) Hon. Kassim Tandaza, M.P
Matuga Constituency
ANC
- (19) Hon. Malulu Injendi, M.P
Malava Constituency
Jubilee Party
- (20) Hon. Ndindi Nyoro, M.P.
Kiharu Constituency
Jubilee Party
- (21) Hon. Nasri Sahal Ibrahim,
M.P, Nominated
FORD-K

(22) Hon. Rozaah Buyu, M.P
Kisumu County Women
Representative
**Orange Democratic
Movement**

(23) Hon. William Kamket,
M.P.
Tiaty Constituency
KANU

1.3 Committee Secretariat

3. The Committee secretariat comprises of:

(1) Mr. Aden Abdullahi	Senior Clerk Assistant
(2) Dr. Kefa Omoti	Principal Research Officer
(3) Mr. Sidney Lugaga	Legal Counsel I
(4) Ms. Ruth Mwihaki Gakuya	Clerk Assistant II
(5) Ms. Catherine Mukunyi	Serjeant At Arms
(6) Mr. Boniface Mugambi	Sergeant At arms

1.4 Members of the Delegation

4. The Committee was represented in the Conference by

Hon. Capt. Ruweida Mohammed, M.P – Vice-Chairperson/Head of Delegation and Hon. Eve Obara, MP. Ms. Ruth Mwihaki Gakuya - Second Clerk Assistant was the Delegation Secretary

2.0 BACKGROUND OF THE CONFERENCE

5. The Pan-African Parliament (PAP) conference on women's rights is an annual conference offering a platform to review women's issues in Africa. The conference has since become an avenue for ongoing monitoring and evaluation of women's issues; revisiting progress made by women in Africa; and deliberating on the planning, implementation and monitoring of gender-focused programmes, policies and activities of the African Union and the PAP.
6. The 12th PAP conference on Women's Rights took place on the 14th and 15th of October, 2019 and was held in line with the African Union (AU) theme for 2019 and the African Union agenda 2063 for the continent, "2019, the Year of Refugees, Returnees and Internally Displaced Persons: Towards Durable Solutions to Forced Displacement in Africa". The conference focused on the role of parliamentarians in empowering women, through the enforcement of legislations as well as devising ways to monitor the implementation of relevant instruments protecting and promoting the rights of women.
7. The Women's Caucus, including all women parliamentarians from 55 African national parliaments, are supporting AU Agenda 2063, which has provided an opportunity for the realization of commitments on gender equality through women's economic empowerment as well as the recently adopted AU Strategy on Gender Equality and Women's Empowerment (GEWE) that calls for inclusiveness and the implementation of key AU continental development projects on gender equality.
8. The mandate of the 2019 PAP Women's conference was to brainstorm on mechanisms to monitor the implementation of relevant instruments, especially those dealing with the protection and promotion of women's rights and women's empowerment towards sustainable development.
9. The overall objective of the conference was to brainstorm on mechanisms to monitor the implementation of relevant instruments, especially those dealing with the protection and promotion of women's rights and women's empowerment towards sustainable development. In addition, the significant role played by women in creating productive opportunities has a positive impact on the continent's socio economic development wither implicitly or explicitly.
10. Cognizant that Parliamentarians, as the people's representatives, have a critical role to play in supporting the implementation of international and regional treaties aimed at creating an enabling environment for women and girls and in promoting their rights, the PAP continually engages with stakeholders in discussions that contribute towards the advancement of women on the continent. The specific objectives of the conference were therefore aimed at achieving the following:
 - 1) Acquaint participants with the theme of the AU for 2019.
 - 2) Discuss the role of national parliaments in finding lasting solutions to the situation of refugees, returnees and internally displaced persons in Africa.
 - 3) Create an avenue for dialogue among stakeholders on ways to enhance women's participation towards economic development, relating to the implementation of the CFTA.

- 4) Create awareness among women legislators on the existing gaps between policy frameworks on women's rights and the specific rights of African women.
- 5) Review the African Women's Decade (2010-2020) and evaluate the commitments made to accelerate the implementation of agreed global and regional commitments of GEWE.
- 6) Review and implement the Protocol on the Rights of Women in Africa.
- 7) Discuss and make strong resolutions on violence against women in Africa.

2.1 CONFERENCE PROCEEDINGS

SESSION 1: Protocol to the African Charter on Human and people's rights on the Rights of Women in Africa (Maputo protocol)

"Promoting Women's Rights":- Discussions on strategies for the implementation of Women's Rights with particular reference to the Maputo protocol, the Situation of Women refugees, returnees and internally displaced persons, Women's health, with particular focus on violence against, challenges on domestication and implementation.

11. The AU is celebrating 2019 as the year of Refugees, Returnees and Internally displaced Persons: towards durable solutions to forced migration in Africa. This celebration commemorates the 15th anniversary of the adoption of the organization of African Unity (OAU) Convention on Refugees and the 10th anniversary of the adoption of the Kampala Convention. The AU Executive Council, at its 29th Assembly in July 2017 called on the AU to proclaim 2019, the year of Refugees, Returnees and Internally Displaced Persons and invited the AU and its organs to work with the office of the UN secretary- General, partners to organize a series of commemorative activities that will bring "global visibility to forced displacements in Africa".

The Protocol

12. The Maputo Protocol guaranteeing comprehensive rights to women was adopted by the AU on 11 July 2003, in Maputo, Mozambique. Following its adoption, AU Member States in the Solemn Declaration on Gender Equality in Africa adopted in July 2004, undertook to sign and ratify the Maputo Protocol by the end of 2004, support the launching of the public campaign aimed at ensuring its entry into force by 2005, and to usher in an era of domestication and implementation of the Protocol, as well as, other national, regional and international instruments on gender equality by all States Parties. In the AU Gender Policy, Member States undertook to achieve full ratification and enforcement of the Maputo Protocol by 2015 and its domestication by 2020.¹

¹ <https://au.int/en/treaties/protocol-african-charter-human-and-peoples-rights-rights-women-africa>

13. All countries that are parties to the protocol have to commit themselves to the Protocol's objectives by enacting appropriate domestic laws to harmonize their national laws with the Protocol, and taking necessary institutional and administrative measures to give effect to it.

Ratification

14. To date, out of 55 States that are members of the AU, 49 have signed and 40 ratified the protocol. Cameroon, Kenya, Namibia and South Africa have ratified the protocol with reservations.

Implementation of the Protocol

15. Several States Parties have adopted a Code of Persons and the Family reflecting gender equality, laws on reproductive health, the protection of women against HIV/AIDS, domestic and/or sexual violence, the prohibition of FGM, quotas, and the promotion of education for girls and female literacy.
16. Several governments also now have full-fledged Ministries to empower women, children and the family. Most countries have adopted and implemented national gender policies, national action plans for the promotion of the rights of women and the family, national action plans for implementing UN Resolution 1325, and relevant sectoral policies in the area of maternal and child protection.
17. With regard to socioeconomic achievements, several countries have adopted ambitious action plans to alleviate poverty among women by establishing funds for women's empowerment and initiating land reforms with the aim of promoting women's access to social housing , land and agricultural loans.

Current status

18. The commitment by States Parties has not been realized. Deadlines fixed in the AU Policy to achieve full ratification by 2015 and domestication by 2020 has not been met. Even in countries which have ratified the Maputo Protocol, women's rights are still being violated without the perpetrators being punished. Due to ignorance, many women still do not know their rights. Those who would love to prosecute violations of their rights lack financial means to do so.
19. In regard to strategies for the implementation of Women's Rights and particularly the Situation of Women refugees, returnees and internally displaced persons, the Conference called for support of men, women and children who are forced to flee their homes and countries because of armed conflict, persecution, the negative effects of climate change, human rights violations, inter-community tensions, natural disasters, terrorism, public health emergencies, political and socioeconomics discrimination and exclusions that continue to affect some countries and regions on the continent.

SESSION 2: African Continental Free Trade Area

“Economic empowerment of women in Africa”; Discussions on the challenges faced by women in the access and control of productive resources, education, use of ICT, mechanisms to access finance and particularly the ways to enhance women’s participation towards economic development relating to the implementation of the African Continental Free Trade Area.

20. The Agreement establishing the CFTA, adopted on 21 March 2018 in Kigali, entered into force on 30 May 2019 and was inaugurated on 8 July 2019 in Niamey, Niger. The CFTA is designed to bring together all 55 member States of the AU, encompassing a market of more than 1.2 billion people, with a growing middle class and a combined Gross Domestic Product (GDP) of more than US\$3.4 trillion. The goal of the CFTA is to boost intra-African trade to 15%, compared to around 47% in America, 61% in Asia and 67% in Europe. Thus, the CFTA will provide a great opportunity to realize gender commitments enshrined in AU and international frameworks for gender equality through women’s economic empowerment.²
21. In terms of numbers of participating countries, the CFTA will be the world’s largest free trade area since the formation of the World Trade Organization (WTO). Estimates from the UN Economic Commission for Africa (UNECA) suggest that the CFTA has the potential to boost intra-African trade by 52.3%, by eliminating import duties, and to double this trade if non-tariff barriers are also reduced.³

Architecture of the AfCFTA

- The AfCFTA Agreement is a framework agreement covering trade in goods and services, investment, intellectual property rights and competition policy. The protocols on Trade in goods, Trade in Services, Investment, intellectual property Rights and Competition Policy as well as dispute settlement form an integral part of the agreement. The protocols on Trade in goods and Trade in Services each have a number of annexes covering substantive disciplines.
22. Trade in goods and services are being negotiated in Phase 1 with negotiations on a number of issues (e.g. Tariff concessions, rules of origin for goods and specific commitments for services) still ongoing. Phase 2 of the negotiations will cover investment, competition policy and intellectual property rights. Phase 2 negotiations and the draft texts of the protocols on investment, Competition policy and intellectual property rights are expected to be complete by January 2021.⁴

Institutions of the AfCFTA

The Assembly of the Heads of State is the highest decision making organ and provides guidance on the AfCFTA.

23. The Council of African Ministers responsible for Trade has authority to take decisions on all matters under the AfCFTA agreement, and works in collaboration with the relevant AU organs and Institutions.

² Trade law Centre, The African Continental Free Trade Area, A tralac Guide, 5th Edition, June 2019.p 2

³ ibid

⁴ ibid

24. The Committee of Senior Trade official is a high level working group consisting of Permanent Secretaries/Principal Secretaries or other officials designated by each member state. It is responsible for the development of programmes and action plans for implementation of the AfCFTA agreement.
25. The AfCFTA secretariat is the administrative organ to coordinate the implementation of the AfCFTA. It works autonomously within the AU system but is supervised by the AU commission's chairperson and will receive funding from the AU budget⁵

Women in Intra African Trade

26. The integration of the economy has now led to more open borders, making for easier transactions, movement of people, goods, capital among other things. Cross-border trade remains a very important sector in Africa and contributes to economic growth, job creation and food security for most of the population.
27. Women are predominantly represented in trade and in Informal Cross-Border Trade (ICBT) which represents a significant volume of total trade. In some African countries, contribution of women informal traders to national GDP amounts to 64% of value added in trade in Republic of Benin, 46% in Mali and 41% in Chad (ILO, 2004). Up to 70% of informal cross-border traders are women in the Southern Africa Development Corporation (SADC) region (EAC, 2006). Trade is the most important source of employment among self-employed women in sub-Saharan Africa, providing 60% of non-agricultural self-employment (ILO 2004).⁶
28. Women informal cross border traders still suffer from invisibility, stigmatization, violence, harassment, poor working conditions and lack of recognition of their economic contribution. By ignoring women's informal trading activities, African countries are neglecting a significant proportion of their trade.
29. There is need for equal representation of women in all aspects of the African Continental Free Trade Area, including the technical committees that will be responsible for monitoring the implementation of the Agreement.

SESSION 3:

Agenda 2063 and the African Women's Decade (2010-2020)

'Gender equitable Africa' is set as a priority sector by the Agenda 2063 and overview on the implementation roadmap of the Africa Women Decade (2010-2020): Evaluation of the implementation of agreed global and regional commitments of gender equality and women empowerment.

30. A sustainable and gender-equitable Africa is set as a priority sector by Agenda 2063 and the African Women's Decade (AWD) (2010-2020). The

⁵ Trade law Centre, The African Continental Free Trade Area, A tralac Guide, 5th Edition, June 2019, p 2

⁶ <https://www.tralac.org/blog/article/13417-promoting-women-s-participation-in-the-afcfta.html>

Agenda identifies priority areas and strategies to fast track the continent's transformation while ensuring gender equality and parity in all spheres of life as well as women's access to opportunities that allow them to significantly contribute to the continent's development.

31. The aim of the African Women's Decade is reinvigorate the commitments to accelerate the implementation of agreed global and regional commitments on Gender Equality and Women's Empowerment (GEWE), advance gender equality by accelerating implementation of Dakar, Beijing and AU Assembly Decisions.
32. The African Women's Decade with specific focus on the following thematic areas⁷:
 - i. Fighting poverty and promoting economic empowerment of women and entrepreneurship
 - ii. Agriculture and food security
 - iii. Women's health, maternal mortality and HIV/AIDS
 - iv. Education, science and technology
 - v. Environment and climate change
 - vi. Peace and security and violence against women with particular focus on violence against women
 - vii. Governance and legal protection
 - viii. Finance and gender budgets
 - ix. Women in decision-making positions
 - x. Mentoring youth (men and women) to be champions of gender equality and women's empowerment

Achievements made over the Africa Women's Decade (2010 - 2020),

33. The conference deliberated and noted that some states have made considerable advancements in protecting women from sexual violence and encouraging women to participate in politics and election. Most have developed gender policies or some kind of national women's mechanism, such as a Ministry of Gender or Ministry of Women's Affairs.
34. It was noted that there are aspects of gender equality in many constitutions and some countries have passed other laws on different aspects of women's rights. All these initiatives have created a favorable environment for the advancement of women's right at national, regional and continental level.
35. In terms of political representation, women in many countries are finding their way into roles traditionally occupied by men with female leadership reflected in the top echelons of governments.
36. According to the 2012 data from the Inter-Parliamentary Union, women now occupy 20.2% of parliamentary seats in Sub-Saharan Africa, which is slightly higher than the world average of 19.5%.

⁷ The African Women's Decade; *Grassroots Approach to Gender Equality and Women's Empowerment (GEWE)*
<https://au.int/en/documents-43>

37. The maternal mortality ratio has also fallen over the last few years and across the region of Central Africa, high maternal mortality rates have gradually and consistently been dropping

Challenges

38. There is a challenge in implementation of various legislations touching on women. For instance, while some countries have passed laws and constitutional amendments to prohibit or at least curb gender-based violations, many still ignore the basic rights of women and even pass laws further expanding their legal mistreatment.
39. Gender-based violence remains a serious problem throughout the continent, perpetuated by cultural acceptance, lack of legal protection for women, and frequently weak law enforcement where legislation does exist.

SESSION 4 : Violence against women

"The role of Parliamentarians" in building the capacity of Members of Parliaments to put in place effective and functioning systematic structures and mechanisms to monitor and fast track ratification of AU protocols and Maputo protocol in AU member states that deal with women matters and also try to bridge the gap between policies and the inequality reality of women in Africa

40. Violence against women and girls takes many forms and essentially reinforces the inequality suffered by women and girls. It also limits their access to amenities and participation in society. Indeed, the fear of violence circumscribes their freedom as well as their rights to privacy, security and health.
41. The participants noted that few African governments have taken effective measures to domesticate and implement the Maputo Protocol and the African Charter on Democracy and Elections (ACDEG), among others, as Africa is one of the world's regions most affected by discrimination and violence against women.
42. Participants called for the ratification and implementation of such treaties as it will assist in establishing a culture of gender equality, democratic governance and citizens' participation, consistent with the Constitutive Act of the African Union.
43. It was noted that Parliamentarians, as the people's representatives, have a critical role to play in supporting the implementation of international and regional treaties aimed at creating an enabling environment for women and girls and in promoting their rights. It is therefore imperative that PAP continually engages with stakeholders in discussions that will contribute towards the advancement of women on the continent.
44. The Conference discussed issues pertaining to gender-based violence, especially femicide, and emerged with resolutions condemning violence against Women in Africa.

2.2 CONFERENCE RESOLUTIONS

45. The following recommendations were adopted by the Conference:⁸

(1) On the AU theme for 2019: The year of Refugees and Internally Displaced Persons:

- i. Urge Member States to put the concerns of refugees, internally displaced persons and stateless persons on the agendas of the African Union Peace and Security Council, Regional Economic Communities and relevant organs;
- ii. Call upon AU Member States to strengthen comprehensive mediation, peace building and conflict resolution mechanisms, including the full participation of women in all peace building activities and processes, to pursue national reconciliation through the African Peace and Security Architecture, to strengthen Africa's peacekeeping and enforcement capabilities and collaboration with the United Nations system;
- iii. Encourage AU Member States to employ an inclusive approach and foster the participation of women, refugees, and internally displaced persons in all decision-making processes affecting them.

(2) On the African Continental Free Trade Agreement (AfCTA):

- i. Urge Member States to ratify the AfCTA
- ii. Call upon Member States to put in place deliberate programmes to empower women to actively participate in the Free Trade and to opt for gender responsive policies to improve inclusiveness.
- iii. Call on member states to ensure access to Trade information, Services, Finance, ICT and markets opportunities
- iv. Call on Parliamentarians to monitor the negotiations, the implementation and impact of the AfCTA with a particular focus on the participation of women.
- v. Call on Member States to build the capacity of women so that they can add value to commodities with the view to increase production and supply of services.

(3) On African Women's Decade (2010 - 2020)

- i. Urge AU Member States to sign, ratify, domesticate and or implement the Maputo Protocol and other AU legal instruments relating the rights of women.
- ii. Congratulate member states that have passed and implemented the gender parity laws that include specific quota for women as well as encourage member states who are yet to pass such laws to do so as a matter of urgency.
- iii. Encourage member states to submit their periodic report to the African Union Commission for Beijing+25 to be submitted to the Convention on the Status of Women in New York in 2020.

⁸ Resolutions adopted by the 12th Pan African Parliament Conference on Women's Rights, 14-15 October, 2019 on 15th October, 2019

- iv. Encourage member states to develop programmes involving women and civil society organizations to access the Fund for the African Women Decade.
 - v. Creation of awareness, among women legislators, on the existing gaps between policy framework on women's rights and actual realities of African women's rights;
 - vi. For Women parliamentarians to lobby for Countries that have not yet ratified the Protocol to do so by 2020 and for Countries that has ratified the Protocol to send their report on progress made in implementation.
 - vii. Involve women parliamentarians to prepare and run effective advocacy campaigns for policy change in favour of women's economic empowerment in Africa
 - viii. Call on member states and civil society organizations to strengthen partnership between men and women in the inclusion of women into national programmes.
 - ix. Recommend that the media leads the campaign in changing the narrative of the rights of African women through the sensitization, promotion of laws, policies, and best practices.
 - x. Recommend the media to remain vigilant in the investigation and reporting of gender-based violence.
 - xi. Women parliamentarians should advocate for gender mainstreaming in all governance and development initiatives.
 - xi. Call upon the Pan African Parliament to enact a model law towards the elimination of child/early marriages, gender-based violence as well as the development of an inheritance model law.
- (4) On women and ICT
- i. Call upon Parliamentarians to advocate in their member states for internet access as a basic right.
 - ii. The integration of ICT into school curriculum and the elimination of barriers to enable young girls pursue programmes in the field of Science, Technology, Engineering and Mathematics (STEM).

3.0 COMMITTEE OBSERVATIONS

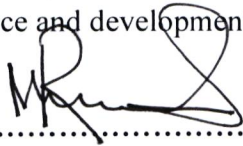
46. The Committee observed that;

- (1) Kenya ratified the Maputo Protocol on October 13, 2010, with two reservations to the Protocol. This is with regards to Article 10 (3) of the Protocol which relates to states reducing military expenditure significantly in favor of spending on social development in general and in the promotion of women in particular and Article 14(2)(c) which is inconsistent with the provisions of the Laws of Kenya on health and reproductive rights
- (2) The Kenya government has made commendable gains in creating an enabling environment that allows for the participation of, and inclusion of women in decision making. There was however need to ensure that the two thirds gender rule is implemented in order to mainstream gender representation in Parliament and other government bodies

4.0 COMMITTEE RECOMMENDATIONS

The Committee makes the following recommendations

- (1) That the Ministry of Interior and Coordination of National Government through the National Cohesion and Integration Commission strengthens comprehensive mediation, peace building and conflict resolution mechanisms, including the full participation of women in all peace building activities and processes, in pursuit of national cohesion.
- (2) That the Ministry of Trade and Industry puts in place deliberate programmes to empower women to actively participate in the Free Trade under the AfCFTA and to opt for gender responsive policies to improve inclusiveness and continually monitors the implementation and impact of the AfCFTA with a particular focus on the participation of women.
- (3) That women parliamentarians, through the Kenya Women Parliamentary Association (KEWOPA) continues to advocate for gender mainstreaming in all governance and development initiatives.

Signed.....

Hon. Capt. Ruweida Mohamed, M.P – Vice Chairperson/Leader of Delegation

Date.....4/12/2019.....

 THE NATIONAL ASSEMBLY PAPERS LAID	
DATE: 04 DEC 2019	DAY: WED
TABLED BY:	Hon. Ruweida abo Vice chairperson
CLERK-AT-THE-TABLE:	A. Shibuko

8/5/19

OF KENYA

THE NATIONAL ASSEMBLY
PAPERS LAID
DATE: 08 MAY 2019
TABLE
DAY
VED

ASSEMBLY
NT – THIRD SESSION
N CONSIDERATION OF THE
NEOUS AMENDMENT) BILL,
LS No. 21) BY THE FOLLOWING

1. ADMINISTRATION AND NATIONAL SECURITY
2. ENVIRONMENT AND NATURAL RESOURCES
3. FINANCE AND NATIONAL PLANNING
4. SPORTS, CULTURE AND TOURISM

DIRECTORATE OF COMMITTEE SERVICES
CLERK'S CHAMBERS
PARLIAMENT BUILDINGS NAIROBI

MAY, 2019

REPUBLIC OF KENYA



THE NATIONAL ASSEMBLY

**REPORT OF THE DEPARTMENTAL COMMITTEE ON SPORTS
CULTURE AND TOURISM ON THE CONSIDERATION OF STATUTE
LAW (MISCELLANEOUS AMENDMENTS) BILL, 2019 (NATIONAL
ASSEMBLY BILLS NO. 21)**

DIRECTORATE OF COMMITTEE SERVICES

CLERK'S CHAMBERS

NAIROBI

APRIL 2019

LIST OF ABBREVIATIONS AND ACRONYMS

CUE	-	Commission for University Education
TPA	-	Tourism Professional Association,
NAPUK	-	National Association of Private Universities in Kenya

LIST OF ANNEXURES

- Annexure 1:** Minutes of Committee sittings on the consideration of the Bill
- Annexure 2:** Newspaper advertisement inviting the public to submit memoranda on the Bill
- Annexure 3:** Written submission received from stakeholders following newspaper advertisement

CHAIRPERSON'S FOREWORD

On behalf of the Departmental Committee on Sports, Culture and Tourism and pursuant to provisions of Standing Order 207 (6), it is my pleasant privilege and honor to present to the Justice and Legal Affairs Committee the report of the Committee on its considerations of the Statute Law (Miscellaneous Amendments) Bill, 2019. The Bill was committed on 3rd April 2019, and it is on this basis that the Committee makes this report pursuant to Standing Order 127.

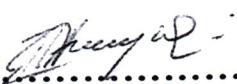
The Statute Law (Miscellaneous Amendments) Bill, 2019 (National Assembly Bills No. 21) was published on 29th March, 2019 and underwent First Reading in the National Assembly on 3rd April, 2019. After First Reading, the Bill was committed to relevant Departmental Committees for review and report to the House pursuant to the provisions of Standing Order 216(5)I.

The National Assembly through local daily newspapers of 10th April, 2019 invited the public to make representations on the Bill. Members of the public either individually or representing institutions and organizations submitted memoranda which the Committee took into account while reviewing the Bill.

The Committee held a total of one sitting considering the Bill. The Committee considered and unanimously adopted its report on 30th April, 2019. Minute of the sitting of the Committee on the review of the Bill is annexed to this report.

The Committee considered amendments to the Tourism Act (No. 28 of 2011) in the Statute Law (Miscellaneous Amendments) Bill, 2019 (National Assembly Bills No. 21).

I wish to appreciate the Committee Members for their valuable contributions in the consideration of the Bill. I also wish to thank the Speaker and Clerk of the National Assembly for facilitating the Committee during the process. Lastly, I thank the Committee's secretariat for their diligence in providing technical and logistical support to Committee.

Signed  Date 2nd May 2019

HON (DR.) VICTOR K. MUNYAKA, M.P.

**CHAIRPERSON, DEPARTMENTAL COMMITTEE ON SPORTS,
CULTURE AND TOURISM**

PART 1

1. PREFACE

1.0 Mandate of the Committee

The Departmental Committee on Sports, Culture and Tourism is one of the fifteen departmental committees of the House established pursuant to Article 124 of the Constitution of Kenya 2010 and Standing Order 216 of the National Assembly and mandated to—

- (a) Investigate, inquire into, and report on all matters relating to the mandate, management, activities, administration, operations and estimates of the assigned ministries and departments;
- (b) Study the programs and policy objectives of ministries and departments and the effectiveness of the implementation;
- (c) Study and review all legislation referred to it;

- (d) Study, assess and analyze the relative success of the ministries and departments as measured by the results obtained as compared with their stated objectives;
- (e) Investigate and inquire into all matters relating to the assigned ministries and departments as they may deem necessary and as may be referred to them by the House;

- (f) Vet and report on all appointments where the Constitution or any law requires the National Assembly to approve, except those under Standing Order 204 (Committee on Appointments); and
- (g) Make reports and recommendations to the House as often as possible, including recommendation of proposed legislation.

The Departmental Committee on Sports, Culture and Tourism oversees the following Ministries/Departments/Agencies:

1. State Department of Sports Development
2. State Department of Heritage; and
3. State Department of Tourism

1.1 Committee Membership

The Committee comprises the following Honourable Members-

The Hon. (Dr.) Victor Kioko Munyaka, M.P.

Member of Parliament for Machakos Town Constituency

Chairperson Departmental Committee on Sports, Culture and Tourism

Jubilee Party

The Hon. (Dr.) Korei Ole Lemein, M.P.

Member of Parliament for Narok South Constituency

Vice-Chairperson Departmental Committee on Sports, Culture and Tourism

Jubilee Party

The Hon. Christopher Omulele, M.P.

Member of Parliament for Luanda Constituency

Member Departmental Committee on Sports, Culture and Tourism

Orange Democratic Movement Party (ODM)

The Hon. (Dr.) Christine Ombaka, M.P.

Member of Parliament for Siaya County

Member Departmental Committee on Sports, Culture and Tourism

Orange Democratic Movement Party (ODM)

The Hon. Cyprian Kubai Iringo, M.P.

Member of Parliament for Igembe Central Constituency

Member Departmental Committee on Sports, Culture and Tourism

Jubilee Party

The Hon. Jones Mlolwa, M.P.

Member of Parliament for Voi Constituency

Member Departmental Committee on Sports, Culture and Tourism

Orange Democratic Movement Party (ODM)

The Hon. Daniel Wanyama Sitati, M.P.

Member of Parliament for Webuye West Constituency

Member Departmental Committee on Sports, Culture and Tourism

Jubilee Party

The Hon. Benard Masaka Shinali, M.P.

Member of Parliament for Ikolomani Constituency

Member Departmental Committee on Sports, Culture and Tourism

Jubilee Party

The Hon. (Prof.) Jacqueline Oduol, M.P.

Nominated Member of Parliament

Member Departmental Committee on Sports, Culture and Tourism

Orange Democratic Movement Party (ODM)

The Hon. (Dr.) Tecla Chebet Tum, M.P.

Member of Parliament for Nandi County

Member Departmental Committee on Sports, Culture and Tourism

Jubilee Party

The Hon. Jane Jepkorir Kiptoo Chebaibai, M.P.

Member of Parliament for Elgeyo Marakwet County

Member Departmental Committee on Sports, Culture and Tourism

Jubilee Party

The Hon. Lydia Haika Mnene Mizighi, M.P.

Member of Parliament for Taita Taveta County

Member Departmental Committee on Sports, Culture and Tourism

Jubilee Party

The Hon. George Risa Sunkuyia, M.P.

Member of Parliament for Kajiado West Constituency

Member Departmental Committee on Sports, Culture and Tourism

Jubilee Party

The Hon. Annie Wanjiku Kibeh, M.P.

Member of Parliament for Gatundu North Constituency

Member Departmental Committee on Sports, Culture and Tourism

Jubilee Party

The Hon. Sylvanus Maritim, M.P.

Member of Parliament for Ainamoi Constituency

Member Departmental Committee on Sports, Culture and Tourism

Jubilee Party

The Hon. Jeremiah Lomorukai, M.P.

Member of Parliament for Loima Constituency

Member Departmental Committee on Sports, Culture and Tourism

Orange Democratic Movement Party (ODM)

The Hon. Charles Ngusya Nguna, M.P.

Member of Parliament for Mwingi West Constituency

Member Departmental Committee on Sports, Culture and Tourism

Wiper Democratic Party (WDP)

The Hon. Titus Mukhwana Khamala, M.P. (Bishop)

Member of Parliament for Lurambi Constituency

Member Departmental Committee on Sports, Culture and Tourism

Amani National Congress Party (ANC)

The Hon. Charles Kamuren, M.P.

Member of Parliament for Baringo South Constituency

Member Departmental Committee on Sports, Culture and Tourism

Jubilee Party

1.2 Committee Secretariat

Helen Kina	-	Second Clerk Assistant
Fredrick Otieno	-	Third Clerk Assistant
Salem Lorot	-	Legal Counsel II
Vitus P.O Owino	-	Research Officer III
Catherine Gati	-	Fiscal Analyst
Martin Mutua	-	Media Relations Officer
Sheila Chebotibin	-	Sergeant At-Arms

PART 2

2. INTRODUCTION AND BACKGROUND

2.1 MEMORANDUM OF OBJECTS AND REASONS ON THE BILL

The Bill seeks to amend various statutes but the one that falls within the mandate of the Committee is the proposed amendment to the Tourism Act (No. 28 of 2011).

The Tourism Act (No. 28 of 2011)

The Bill seeks to amend the Act to include universities among institutions offering tourism-related courses.

The Bill does not concern county governments within the meaning of Article 110 of the constitution.

The enactment of the Bill shall not occasion expenditure of public funds.

2.2 PUBLIC PARTICIPATION IN THE REVIEW OF THE BILL

Article 118 (1) (b) of the Constitution of Kenya provides as follows: -

“Parliament shall facilitate public participation and involvement in the legislative and other business of Parliament and its Committees”

Standing Order 127(3) provides as follows-

“The Departmental Committee to which a Bill is committed shall facilitate public participation and shall take into account the views and

recommendations of the public when the Committee makes its recommendations to the House''

In line with the Constitution and Standing Orders, the National Assembly in the local daily newspapers of April 10th 2019 invited the public to make representations on the proposed amendments in the Bill as per annexure 2 of the report. Several members of the public either individually or representing institutions and organizations submitted their views to the Committee by way of written and oral submissions.

The Committee received written submissions on the proposed amendments to the Tourism Act (No. 28 of 2011).

The following stakeholders submitted written submissions –

- (i) Tourism Professional Association (TPA);
- (ii) National Association of Private Universities in Kenya (NAPUK)

The written submissions received are contained in Annexure 3 of the report.

PART 3

3. CONSIDERATION OF THE BILL BY THE COMMITTEE

Having considered the Bill, clause by clause, the Committee made the following recommendations including amendments to be moved during the Committee of the whole House -

3.1 THE TOURISM ACT (NO. 28 OF 2011)

3.1.1 Proposed amendment to section 2 of the Act

Insert the following new definition in its proper alphabetical sequence—

“university” has the meaning assigned to it under the Universities Act, 2012 (No. 42 of 2012).

(i) Stakeholders’ submissions

The National Association of Private Universities in Kenya proposed that section 2 of the Act be amended by deleting the definition of the term “College” and replace it with “institutions training hospitality and tourism”. The justification for the amendment is that the term “College” discriminates against universities and other institutions accredited to train hospitality and tourism programmes.

The Association has also proposed deletion of the definition of the term “Council” and substitution with “Councils of Accredited Institutions training hospitality and tourism programmes. The justification for the amendment is that the Kenya Utalii College is not the single accredited institution in training hospitality and tourism programmes. Further, the proposed amendment will introduce and recognize councils and other governance authorities of institutions accredited to train hospitality and tourism programmes.

The Association has also proposed an amendment to the definition of the term “tourism agencies” by deleting the word “College” and replacing it with the words “universities and institutions accredited to train hospitality and tourism programmes. The justification for the amendment is that recognizing the College which the Act implies the Kenya Utalii College discriminates against universities accredited to train hospitality and tourism programmes.

The Association has also proposed an introduction of accrediting authorities of universities and institutions accredited to train hospitality and tourism programmes. The justification for this is that training hospitality and tourism programmes in higher education is accredited and

regulated by various authorities including the Commission for University Education (CUE).

(i) Observation

The Committee made the following observations:

- (a) The purpose of the amendment is to define the term “University” since it is used in the subsequent proposed amendment to section 68(f) of the Act;
- (b) Section 17 of the Tourism Act (No. 28 of 2011) establishes the Kenya Utalii College and pursuant to section 18 the College undertakes tourism and hospitality training and capacity building for the tourism sector;
- (c) Universities and other colleges also offer tourism and hospitality training besides the Kenya Utalii College;
- (d) The term “College” cannot be deleted as proposed by the National Association of Private Universities in Kenya but their concerns can be addressed by amending section 2 of the Act by defining the term “technical and vocational college” with the meaning assigned to it under the Technical and Vocational Education and Training Act (No. 29 of 2013);
- (e) The proposal by the National Association of Private Universities in Kenya to delete the term “Council” and to substitute it with “Councils of Accredited Institutions training hospitality and tourism programmes” is a substantive amendment and will necessitate an amendment to section 20, 21, 22 and other similar provisions which falls outside the subject matter of the Bill contrary to standing order 133(5) and fundamentally alters the existing Act;
- (f) There is need to define the term “tourism hospitality training institutions” in order to cater for other institutions that offer training in tourism and hospitality apart from the Kenya Utalii College, universities and technical and vocational colleges which will relate to amendments to section 68(f).

(iv) Recommendation

The Committee recommends that the proposed amendment to section 2 of the Act be agreed to for the following reasons:

- (a) The purpose of the amendment is to define the term “University” since it is used in the subsequent proposed amendment to section 68(f) of the Act;
- (b) Universities and other colleges also offer tourism and hospitality training besides the Kenya Utalii College;

The Committee proposes an amendment to section 2 to insert the following new definitions in their proper alphabetical sequence-

“technical and vocational college” has the meaning assigned to it under the Technical and Vocational Education and Training Act (No. 29 of 2013);

“tourism hospitality training institutions” are institutions that are accredited to offer courses on tourism and hospitality and they don’t include the Kenya Utalii College, universities or technical and vocational colleges.

3.1.2 Proposed amendment to section 68(f) of the Act

Insert the expression “, university offering training in tourism hospitality” immediately after the word “College”.

Stakeholders’ submissions

The National Association of Private Universities in Kenya proposed that section 68(f) be amended by deleting the word “College”. The justification of the amendment is that the term “the College” implies “the Kenya Utalii College”.

(i) Observation

The Committee made the following observations:

- (a) Section 68 of the Act provides for the object and purpose of the Tourism Fund established under section 66 of the Act;
- (b) Section 68(f) of the Act provides for one of the purposes of the Tourism Fund as to “finance training and capacity development activities of the College and of such other tourism hospitality training institutions as may be established under this Act”;
- (c) The amendment seeks to include universities offering training in tourism hospitality as beneficiaries of the Tourism Fund since the purpose of the Fund is to finance training and capacity development activities of institutions offering training in tourism hospitality;

- (d) Owing to interpretational challenges that may arise on “tourism hospitality training institutions as may be established under this Act” as used in paragraph (f), an express inclusion of universities offering training in tourism hospitality cures the defect;
- (e) The proposal by the National Association of Private Universities in Kenya to delete the word “College” in section 68(f) would have the consequence of locking out the Kenya Utalii College from receiving the Tourism Fund to finance its training and capacity development activities yet the proposal does not give a position on the intended inclusion of universities offering training in tourism hospitality;
- (f) Section 68(f) needs to be amended—
 - (i) to include technical and vocational colleges offering training in tourism hospitality;
 - (ii) to delete the words “and of such other tourism hospitality training institutions as may be established under this Act” and substitute therefor with the words “and of tourism hospitality training institutions”.

(iv) Recommendation

The Committee recommends that the amendment be agreed to.

General stakeholder submissions

The Tourism Professional Association proposed amendments to the Tourism Act (No. 28 of 2011) to entrench the Tourism Professional Associations in the Act and to expressly lay out its mandate as a separate entity with distinct functions from other players within the sector. They indicate that currently the requirement for the establishment of such an association is provided for in the Tourism Regulatory Authority Regulations 2014. They further indicate that the proposed development of a substantive provision in the Tourism Act is critical in order to enable TPA operation line with international best practice for professional associations as self-regulating entities.

(i) Committee’s observations

The Committee made the following observations:

- (a) The proposed amendments are substantive and its merits should be considered in a substantive amendment bill to the Tourism Act (No. 28 of 2011);
- (b) The amendments expand the subject matter of the Bill contrary to Standing Order 133(5).

(ii) Committee's recommendation

The Committee recommends that the proposed amendment be rejected but be considered as a substantive amendment to the Tourism Act (No. 28 of 2011).

The National Association of Private Universities in Kenya has proposed amendments to section 67 (d) (ii) to provide as follows—

67. (d) (ii) four shall be persons qualified and competent in the field of tourism, financial accounting, management or marketing two of who shall be drawn from private universities.

The justification for the amendment is that private universities are significant players in human resource development and capacity building in the fields of hospitality and tourism. The absence of private universities representation in the Board of Trustees would negate their significance in training associated programmes and in contributing to prudent management of the Fund.

(iii) Committee's observations

The Committee made the following observations:

- (a) The proposed amendment refers to section 67(d)(ii) which is non-existent in the Act;
- (b) Despite the error in quoting the correct provision, the proposed amendments are substantive and its merits should be considered in a substantive amendment bill to the Tourism Act (No. 28 of 2011);
- (c) The amendments expand the subject matter of the Bill contrary to Standing Order 133(5).

(iv) Committee's recommendation

The Committee recommends that the proposed amendment be rejected but be considered as a substantive amendment to the Tourism Act (No. 28 of 2011).

**MINUTES OF THE 23RD SITTING OF THE DEPARTMENTAL COMMITTEE ON
SPORTS, CULTURE AND TOURISM HELD ON TUESDAY 30TH APRIL, 2019 IN THE
BOARD, 2ND FLOOR, PROTECTION HOUSE, PARLIAMENT BUILDINGS AT 10:15
AM**

PRESENT

- | | | |
|---|---|------------------|
| 1. The Hon. (Dr.) Victor Kioko Munyaka, MP. | - | Chairperson |
| 2. The Hon. (Dr.) Korei Ole Lemein, MP. | - | Vice Chairperson |
| 3. The Hon. Christopher Omulele, MP | | |
| 4. The Hon. Dr. Christine Ombaka, MP. | | |
| 5. The Hon. Kubai Iringo, MP. | | |
| 6. The Hon. Daniel Wanyama Sitati, MP. | | |
| 7. The Hon. (Prof.) Jacqueline Oduol, MP. | | |
| 8. The Hon. (Dr.) Tecla Chebet Tum, MP. | | |
| 9. The Hon. Titus Mukhwana Khamala, MP. | | |
| 10. The Hon. Charles Ngusya Nguna, MP. | | |
| 11. The Hon. Sylvanus Maritim, MP. | | |
| 12. The Hon. George Risa Sunkuyia, MP. | | |
| 13. The Hon. Lydia Haika Mnene Mizighi, MP. | | |
| 14. The Hon. Charles Kamuren, MP. | | |

APOLOGY

1. The Hon. Jones Mlolwa, MP.
2. The Hon. Benard Masaka Shinali, MP.
3. The Hon. Jeremiah Lomorukai, MP.
4. The Hon. Annie Wanjiku Kibeh, MP.
5. The Hon. Jane Jepkorir Kiptoo Chebaibai, MP

IN-ATTENDANCE

NATIONAL ASSEMBLY

- | | | |
|------------------------|---|------------------------|
| 1. Ms. Helen Kina | - | Second Clerk Assistant |
| 2. Mr. Fredrick Otieno | - | Third Clerk Assistant |
| 3. Mr. Salem Lorot | - | Legal Counsel |

- | | | |
|--------------------------|---|------------------|
| 4. Mr. Vitus Okech | - | Research Officer |
| 5. Ms. Sheila Chebotibin | - | Sergeant At-Arms |
| 6. Mr. Onesmus Kiragu | - | Sergeant At-Arms |

MIN.NO.NA/SCT/2019/093: PRELIMINARIES

The Chairperson called the meeting to order at fifteen minutes past ten O'clock followed by a prayer.

MIN.NO.NA/SCT/2019/094: CONFIRMATION OF MINUTES

Confirmation of the minutes of the previous sitting was deferred to the next meeting

MIN.NO.NA/SCT/2019/095: CONSIDERATION OF THE STATUTE LAW (MISCELLANEOUS AMENDMENT) BILL, 2019 AND ADOPTION OF ITS REPORT

The Committee considered the Bill and unanimously adopted its report with the following recommendations:

1. The Committee recommends that the proposed amendment to section 2 of the Act be agreed to for the following reasons:

- (a) The purpose of the amendment is to define the term "University" since it is used in the subsequent proposed amendment to section 689f of the Act;
- (b) Universities and other colleges also offer tourism and hospitality training besides the Kenya Utalii College;

2. The Committee proposes an amendment to section 2 to insert the following new definitions in their proper alphabetical sequence-

"technical and vocational college" has the meaning assigned to it under the Technical and Vocational Education and Training Act (No. 29 of 2013);

"tourism hospitality training institutions" are institutions that are accredited to offer courses on tourism and hospitality and they don't include the Kenya Utalii College, universities or technical and vocational colleges.

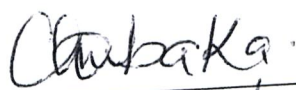
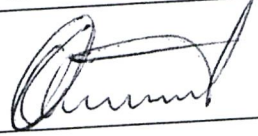
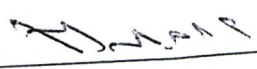
MIN.NO.NA/SCT/2019/096: ADJOURNMENT

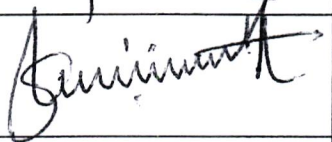
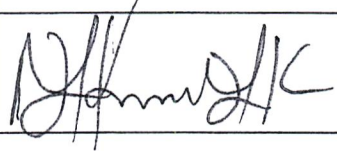
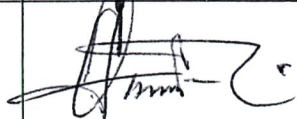
There being no other business, the meeting was adjourned at eleven O'clock.

SIGN: *Maya S.* DATE: *2nd May 2019*
CHAIRPERSON

**ADOPTION OF THE REPORT OF THE DEPARTMENTAL
COMMITTEE ON SPORTS, CULTURE AND TOURISM ON
THE STATUTE LAW (MISCELLANEOUS AMENDMENTS)
BILL, 2019**

We the Honourable Members of the Departmental Committee on Sports Culture and Tourism today Tuesday 30th day of April 2019, do hereby affix our signatures to this report on the Statute Law (Miscellaneous Amendments) Bill, 2019 (National Assembly Bills No. 21) to affirm our approval and support.

No.	NAME OF MEMBER	SIGNATURE
1.	Hon. (Dr.) Victor Kioko Munyaka, MP. – <i>Chairperson</i>	
2.	Hon. (Dr.) Korei Ole Lemein, M.P, M.P. – <i>Vice Chairperson</i>	
3.	Hon. Christopher Omulele, M.P.	
4.	Hon. (Dr.) Christine Ombaka, MP, M.P.	
5.	Hon. Cyprian Kubai Iringo, M.P.	
6.	Hon. Jones Mlolwa, M.P.	
7.	Hon. Daniel Wanyama Sitati, M.P.	
8.	Hon. Benard Masaka Shinali, M.P.	
9.	Hon. (Prof) Jacqueline Oduol, M.P.	
10.	Hon. (Dr.) Tecla Chebet Tum, M.P.	

11.	Hon. Jane Jepkorir Kiptoo Chebaibai, M.P.	
12.	Hon. Lydia Haika Mnene Mizighi, M.P.	
13.	Hon. George Risa Sunkuyia, M.P.	
14.	Hon. Annie Wanjiku Kibeh, M.P.	
15.	Hon. Sylvanus Maritim, M.P.	
16.	Hon. Jeremiah Lomurukai, M.P.	
17.	Hon. Charles Ngusya Nguna, M.P.	
18.	Hon. Titus Mukhawana Khamala, M.P.	
19.	Hon. Charles Kamuren, M.P.	

REPUBLIC OF KENYA



NATIONAL ASSEMBLY
TWELFTH PARLIAMENT – THIRD SESSION

In the matter of consideration by the National Assembly of the Statute Law (Miscellaneous Amendment) Bill (National Assembly Bill No. 21 of 2019)

SUBMISSION OF MEMORANDA

Article 118(1)(b) of the Constitution provides that, "Parliament shall facilitate public participation and involvement in the legislative and other business of Parliament and its Committees". The National Assembly Standing Order 127(3) provides that, "the Departmental Committee to which a Bill is committed shall facilitate public participation and shall take into account views and recommendations of the public when the Committee makes its report to the House".

The Statute Law (Miscellaneous Amendment) Bill, 2019 seeks to make various amendments to the statutes, which is in keeping with the practice of making various amendments that do not merit the publication of separate Bills and consolidating them into one Bill.

The Bill has undergone First Reading and pursuant to the provisions of Standing Order 127(1) of the National Assembly Standing Orders which provides that, "a Bill having been read a First Time shall stand committed to the relevant Departmental Committee", the proposed amendments to various Acts of Parliament stand committed to the following Departmental Committees of the National Assembly:

No.	Act to be amended	Relevant Committee
1.	The District and Provinces Act, 1992 (No. 9 of 1992)	Administration and National Security
2.	The Alcoholic Drinks Control Act, 2010 (No. 4 of 2010)	
3.	The Prevention of Terrorism Act, 2012 (No. 30 of 2012)	
4.	The Companies Act, 2015 (No. 17 of 2015)	
5.	The Insolvency Act, 2015 (No. 18 of 2015)	Justice and Legal Affairs
6.	The Court of Appeal (Organization and Administration) Act, 2015 (No. 28 of 2015)	
7.	The Kenya Law Reform Commission Act, 2013 (No. 19 of 2013)	
8.	The Legal Education Act, 2012 (No. 27 of 2012)	Finance and National Planning
9.	The Kenya School of Law Act, 2012 (No. 26 of 2012)	
10.	The Value Added Tax Act, 2013 (No. 35 of 2013)	
11.	The Microfinance Act, 2006 (No. 19 of 2006)	Sports, Culture and Tourism
12.	The Public Finance Management Act, 2012 (No. 18 of 2012)	
13.	The Tourism Act, 2011 (No. 28 of 2011)	
14.	The Merchant Shipping Act, 2009 (No. 4 of 2009)	Transport, Public Works and Housing
15.	The Wildlife Conservation and Management Act, 2013 (No. 47 of 2013)	
		Environment and Natural Resources

Following public participation and consideration by the respective Committees, the Departmental Committee on Justice and Legal Affairs shall thereafter consolidate the reports of the respective Committees and compile one report to the House on the said Bill.

Pursuant to the provisions of Article 118(1)(b) of the Constitution and Standing Order 127(3) of the National Assembly Standing Orders, the Committee invites members of the Public to submit representations they may have on the said Bill. The representations may be forwarded to the Clerk of the National Assembly, P.O. Box 41842-00100, Nairobi; hand delivered to the Office of the Clerk, Main Parliament Buildings, Nairobi; or emailed to clerk@parliament.go.ke; to be received not later than Tuesday, 16th April, 2019 at 5.00 pm.

MICHAEL R. SIALAL EDS
CLERK OF THE NATIONAL ASSEMBLY

The Standard
Ad Center
Open Weekdays 8.00am – 5.00pm
1&M Building, Banda Street, Ground Flr.
classifiedads@standardmedia.co.ke
0719 01 2555, 2909, 2910 @AdCentre

REPUBLIC OF KENYA



TWELFTH PARLIAMENT
THE SENATE

SESSIONAL COMMITTEE ON COUNTY PUBLIC
ACCOUNTS AND INVESTMENTS

NOTICE OF SITTINGS FOR THE MONTHS OF
APRIL AND MAY, 2019

Pursuant to the provisions of Articles 96 (3) and 229 (7) and (8) of the Constitution and standing order 220 of the Senate Standing Orders, in exercise of its mandate of oversight over county public accounts and investments, the Senate Sessional Committee on County Public Accounts and Investments informs and invites the Chief Executives of the entities listed in the Schedule below of the sittings for the months of April and May, 2019.

CONSIDERATION OF THE REPORT OF THE AUDITOR-GENERAL ON THE
FINANCIAL STATEMENTS FOR THE FINANCIAL YEAR 2017/2018

DAY/ DATE	TIME	ENTITY
Thursday, 25 th April, 2019	9.30am	Embu County Executive
Friday, 26 th April, 2019	9.30am	Lamu County Executive
Monday, 29 th & Tuesday, 30 th April, 2019	9.30am	Nairobi County Executive
Thursday, 2 nd May, 2019	9.30am	Kiambu County Executive
Friday, 3 rd May, 2019	9.30am	Wajir County Executive
Monday, 13 th May, 2019	9.30am	Migori County Executive
Tuesday, 14 th May, 2019	9.30am	Homabay County Executive
Wednesday, 15 th May, 2019	9.30am	Kisii County Executive
Thursday, 16 th May, 2019	9.30am	Taita- Taveta County Executive
Friday, 17 th May, 2019	9.30am	Murang'a County Executive
Monday, 20 th May, 2019	9.30am	Tana River County Executive
Tuesday, 21 st May, 2019	9.30am	Meru County Executive
Wednesday, 22 nd May, 2019	9.30am	Isiolo County Executive
Thursday, 23 rd May, 2019	9.30am	Turkana County Executive
Monday, 27 th May, 2019	9.30am	Kirinyaga County Executive
Tuesday, 28 th May, 2019	9.30am	Mombasa County Executive
Wednesday, 29 th May, 2019	9.30am	West Pokot County Executive
Thursday 30 th , May, 2019	9.30am	Kilifi County Executive

NOTES:

- All County Executives are requested to submit written responses (in hard and soft copy) and all supporting documents to the specific issues raised in the Auditor General's Report on Financial Operations of the respective County Executive for the Financial Year 2017/2018 to the relevant Auditor-General, Regional Hub Offices and to the Office of the Clerk of the Senate, First Floor, Main Parliament Buildings, within the timelines communicated in our previous letters; and
- Meetings will be held in Committee Room 5, First Floor, Main Parliament Buildings, Nairobi or such other venue as shall be communicated.

CLERK OF THE SENATE/ SECRETARY,
PARLIAMENTARY SERVICE COMMISSION.

REPUBLIC OF KENYA



THE NATIONAL ASSEMBLY TWELFTH PARLIAMENT - THIRD SESSION

In the matters of consideration by the National Assembly:-

1. The Narcotics Drugs and Psychotropic Substances (Control) (Amendment) Bill (National Assembly Bill, 2019)
2. The National Disaster Management (Authority) Bill (National Assembly Bill, 2019)

SUBMISSION OF MEMORANDA

Article 118(1)(b) of the Constitution provides that, "Parliament shall facilitate public participation and involvement in the legislative and of Parliament and its Committees". The National Assembly Standing Order 127(3) provides that, "the Departmental Committee to which a Bill is committed shall facilitate public participation and take into account the views and recommendations of the public when the Committee makes its report to the House".

The Narcotics Drugs and Psychotropic Substances (Control) (Amendment) Bill, 2019 seeks to amend the Narcotics Drugs and Psychotropic Substances (Control) Act No. 4 of 1994 in order to - enhance the penalties of the offence of trafficking narcotic drugs; define who law enforcement officers are in respect to the Act; and prescribe offences for a law enforcement officer who aids or abets or is an accessory to any offence under the Act.

The National Disaster Management (Authority) Bill (National Assembly Bill, 2019) seeks to establish a centralized system of responding to and managing disasters in the country. The above mentioned Bills have undergone First Reading pursuant to Standing Order 127(3) and stands committed to the Departmental Committee on Administration and National Security for consideration and thereafter report to the House.

Pursuant to Article 118 (1)(b) of the Constitution and Standing Order 127, the Committee invites interested members of the public to submit any representations they may have on the said Bills. The Submissions may be forwarded to the Clerk of the National Assembly, P.O. Box 41842-00100, Nairobi; hand-delivered to the Office of the Clerk, Main Parliament Building, Nairobi; or emailed to clerk@parliament.go.ke; to be received on or before Tuesday, 16th April, 2019 at 5:00 pm.

MICHAEL SIALAI, EBS
CLERK OF THE NATIONAL ASSEMBLY

REPUBLIC OF KENYA



THE NATIONAL ASSEMBLY TWELFTH PARLIAMENT - THIRD SESSION

In the matters of consideration by the National Assembly:-

1. The Employment (Amendment) Bill (National Assembly Bill, 2019)
2. The National Cohesion and Integration (Amendment) Bill (National Assembly Bill, 2019)

SUBMISSION OF MEMORANDA

Article 118(1)(b) of the Constitution provides that, "Parliament shall facilitate public participation and involvement in the legislative and of Parliament and its Committees". The National Assembly Standing Order 127(3) provides that, "the Departmental Committee to which a Bill is committed shall facilitate public participation and take into account the views and recommendations of the public when the Committee makes its report to the House".

The Employment (Amendment) Bill (National Assembly Bill, 2019) seeks to amend the Employment Act, 2007 in order to afford pre-adoptive leave to parents who apply for the adoption of children who are not their natural children born to them by birth.

The National Cohesion and Integration (Amendment) Bill (National Assembly Bill, 2019) seeks to amend section 17 of the National Cohesion and Integration Act, 2008 which deals with the procedure of appointing Commissioners.

The above mentioned Bills have undergone First Reading pursuant to Standing Order 127(3) and stands committed to the Departmental Committee on Labour & Social Welfare and the Select Committee on National Cohesion & Equal Opportunity respectively for consideration and thereafter report to the House.

Pursuant to the provisions of Article 118(1)(b) of the Constitution and Standing Order 127(3), the respective Committees invite members of the Public to submit representations they may have on the said Bills. The representations may be forwarded to the Clerk of the National Assembly, P.O. Box 41842-00100, Nairobi; hand-delivered to the Office of the Clerk, Main Parliament Buildings, Nairobi; or emailed to clerk@parliament.go.ke; to be received on or before Tuesday, 16th April, 2019 at 5:00 pm.

MICHAEL SIALAI, EBS
CLERK OF THE NATIONAL ASSEMBLY

REPUBLIC OF KENYA



NATIONAL ASSEMBLY TWELFTH PARLIAMENT - THIRD SESSION

In the matter of consideration by the National Assembly of the Statute Law (Miscellaneous Amendment) Bill (National Assembly Bill No. 21 of 2019)

SUBMISSION OF MEMORANDA

Article 118(1)(b) of the Constitution provides that, "Parliament shall facilitate public participation and involvement in the legislative and other business of Parliament and its Committees". The National Assembly Standing Order 127(3) provides that, "the Departmental Committee to which a Bill is committed shall facilitate public participation and take into account views and recommendations of the public when the Committee makes its report to the House".

The Statute Law (Miscellaneous Amendment) Bill, 2019 seeks to make various amendments to the statutes, which is in keeping with the practice of making various amendments that do not merit the publication of separate Bills and consolidating them into one Bill.

The Bill has undergone First Reading and pursuant to the provisions of Standing Order 127(1) of the National Assembly Standing Order which provides that, "a Bill having been read a First Time shall stand committed to the relevant Departmental Committee", the proposed amendments to various Acts of Parliament stand committed to the following Departmental Committees of the National Assembly:-

No.	Act to be amended	Relevant Committee
1.	The District and Provincial Act, 1992 (No. 9 of 1992)	Administration and National Security
2.	The Alcohol (Drinks Control) Act, 2010 (No. 4 of 2010)	
3.	The Preservation of Treeness Act, 2012 (No. 30 of 2012)	Justice and Legal Affairs
4.	The Companies Act, 2015 (No. 17 of 2015)	
5.	The Insolvency Act, 2015 (No. 18 of 2015)	
6.	The Court of Appeal (Organization and Administration) Act, 2015 (No. 26 of 2015)	
7.	The Kenya Law Reform Commission Act, 2013 (No. 19 of 2013)	
8.	The Legal Education Act, 2012 (No. 27 of 2012)	
9.	The Kenya School of Law Act, 2012 (No. 28 of 2012)	
10.	The Value Added Tax Act, 2013 (No. 35 of 2013)	Finance and National Planning
11.	The Microfinance Act, 2006 (No. 19 of 2006)	
12.	The Public Finance Management Act, 2012 (No. 18 of 2012)	Sports, Culture and Tourism
13.	The Tourism Act, 2011 (No. 28 of 2011)	
14.	The Merchant Shipping Act, 2009 (No. 4 of 2009)	Transport, Public Works and Housing
15.	The Wildlife Conservation and Management Act, 2013 (No. 47 of 2013)	Environment and Natural Resources

Following public participation and consideration by the respective Committees, the Departmental Committee on Justice and Legal Affairs shall thereafter consolidate the reports of the respective Committees and compile one report to the House on the said Bill.

Pursuant to the provisions of Article 118(1)(b) of the Constitution and Standing Order 127(3), the Committee invites members of the Public to submit representations they may have on the said Bill. The representations may be forwarded to the Clerk of the National Assembly, P.O. Box 41842-00100, Nairobi; hand-delivered to the Office of the Clerk, Main Parliament Buildings, Nairobi; or emailed to clerk@parliament.go.ke; to be received not later than Tuesday, 16th April, 2019 at 5:00 pm.

MICHAEL R. SIALAI, EBS
CLERK OF THE NATIONAL ASSEMBLY

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16th April 2019
Mr. Michael Sialai, EBS
The Clerk of the National Assembly
Office of the Clerk, Main Parliament Buildings
P.O. Box 41842-00100
Nairobi



① 91 Carter
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Dear Mr. Michael Sialai, EBS

Submission of Memoranda in the Matter of Miscellaneous Amendment of
Tourism Act NO. 28 of 2011

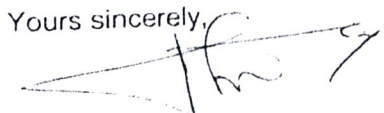
The above matter refers,

The National Association of Private Universities (NAPUK) in Kenya being a forum for Private Universities Founders/Sponsors wishes to introduce Miscellaneous Amendments in the Tourism Act NO. 28, of 2011.

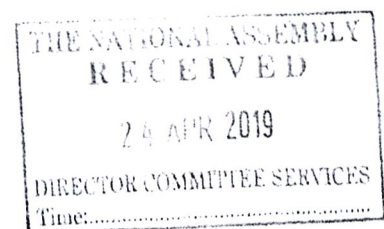
The proposed Amendments are considered necessary for the purpose making the Act inclusive and nondiscriminatory among institutions accredited to train hospitality and tourism programmes in Kenya.

It is the prayer of NAPUK members that this proposal will receive the highest consideration possible

Yours sincerely,



Dr. Vincent G. Gaitho
Secretary General
National Association of Private Universities in Kenya
+254722536902
Ggaitho.foundation@gmail.com



MEMORANDUM ON THE PROPOSED MISCELLANEOUS AMENDMENT OF TOURISM ACT
NO. 28 OF 2011

INTERPRETATION OF THE ACT		
The ACT	Proposed Amendments	Justification
'College'	Delete "college" Replace with "Institutions training Hospitality and Tourism"	The term "College" discriminates against "Universities" and other institutions accredited to train hospitality and tourism programmes
"College" means the Kenya Utalii College established by section 17 of this Act;	Delete "The Kenya Utalii College" to be consistent with proposed amendment above	The Kenya Utalii College is not the single accredited institution in training hospitality and tourism programmes
"Council" means the Council of the Kenya Utalii College established by section 20 of this Act;	"Delete" the Council of the Kenya Utalii College and replace with Councils of Accredited Institutions training hospitality and tourism programmes	Proposed amendment will introduce and recognize councils other governance authorities of institutions accredited to train hospitality and tourism programmes
"Tourism Agencies"	"Delete" the College by replacing with Universities and Institutions accredited to train hospitality and tourism programmes	Recognizing the College which in the Act implies the Kenya Utalii College discriminates against Universities accredited to train hospitality and tourism programmes
	Introduce :Accrediting Authorities of Universities and Institutions accredited to train hospitality and tourism programmes"	Training hospitality and tourism programmes in Higher Education is accredited and regulated by various authorities including the Commission for University Education (CUE)
ESTABLISHMENT OF BOARD OF TRUSTEES		
67 (d) (ii) four shall be persons qualified and competent in the field of tourism, financial accounting, management or marketing.	67 (d) (ii) four shall be persons qualified and competent in the field of tourism, financial accounting, management or marketing "two of who shall be drawn from private universities"	Private Universities are significant players in human resource development and capacity building in the fields of hospitality and tourism. The absence of private universities representation said Board would negate their significance in training associated programmes and in contributing to prudent management of the Fund
OBJECT AND PURPOSE OF THE FUND		
(f) finance training and capacity development	Delete "the College"	"the College" in the Act implies "the Kenya Utalii College".

activities of the College and of such other tourism hospitality training institutions as may be established under this Act;		Mobilize resources for capacity development activities for a single intuition in a field where universities and other institutions are accredited to train programmes is discriminative.
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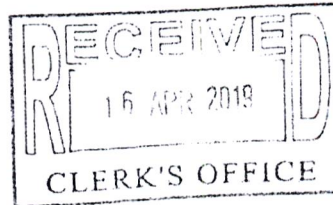


TOURISM
PROFESSIONAL
ASSOCIATION

15th April 2019

Tourism Professional Association,
P.O. Box 46987 - 00100
Nairobi, Kenya

The Clerk,
Kenya National Assembly
P.O. Box 41842 - 00100
NAIROBI, KENYA



RE: SUBMISSION OF MEMORANDA ON THE TOURISM ACT, 2011 (No. 28 of 2011)

INTRODUCTION

Tourism Professional Association (TPA) is a self-regulating professional association for professionals in the Tourism and Hospitality sector. Drawing its membership from Tourism and Hospitality professionals both in practice and academia, TPA exists to promote the highest professional standards of Tourism and Hospitality Practice and Education in Kenya. It was officially registered under the Societies Act (section 10) on 29th July 2016 in fulfillment of Tourism Act 2011 and Tourism Regulations (TRA) Act. This was after complying with all the requirements of registration of an association. Like many professions the world over, this development is significant in realizing the full potential of the tourism industry in Kenya by getting the involvement of the professionals in the industry.

The Tourism Act 2011 is the legislation responsible for the development, management, marketing and regulation of sustainable tourism and tourism-related activities and services in Kenya. Section 3 of the aforesaid statute establishes the Tourism Regulatory Authority. In Section 11 of the Tourism Regulations Act- TRA, it further establishes a Tourism Professional and Practitioner's Body known as **Tourism Professional Association**. Though the move towards the establishment of TPA began way back before the enactment of these legislations, their enactment led to the realization of the dream to have a professional association for the industry.

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☐ info@tpa.co.ke
☐ www.tpa.co.ke

☐ Tourism Professional Association
P.O Box 46987-00100
Nairobi, Kenya.

Prior to registration of TPA, adequate public participation was undertaken through forums held in different regions within the country in which different stakeholder expressed support for establishment of a self-regulating professional body for Tourism and Hospitality sector. These forums were sponsored by the Ministry of Tourism and Wildlife through the Tourism fund. Upon registration, the association under the leadership of an interim executive committee launched an online platform www.tpa.co.ke for recruitment and registration of sector professionals. To date, a total of 400 professionals of different cadres have signed up as members. A number of students in different colleges and universities have also been recruited and linked to HOSCO-the largest international networking platform created in 2011 with one idea in mind: to unite, inspire, and provide opportunities to all hospitality professionals worldwide who have built a unique network that connects qualified talent, companies, and schools around the globe.

On 1st March 2018 TPA had its formal launch and first annual general meeting at Utalii College Nairobi. During the 1st AGM, an executive committee consisting of 6 officials was elected to steer the Association for three years in line with the association's constitution. To be able to serve its members more efficiently, a functioning secretariat is being set up and capacity built. The second AGM was held on 29th March 2019 at the Boma Hotel, Nairobi. TPA has also submitted its yearly returns to the AG as required by law.

TPA has sought formal recognition from a number of state and non-state actors with a view of establishing strategic partnerships aimed at enhancing a united platform for ALL tourism and hospitality professionals and practitioners. The concrete results of this phase of engagement are:

- a) Establishment of programs that seeks to build a strong collaborative partnerships between government, industry and academia.
- b) Realization of TRA's mandate through TPA as provided for in TRA Regulations Section 11.

The association has signed, registered and is now a Member of the Code. The Code (short for "The Code of Conduct for the Protection of Children from Sexual Exploitation in Travel and Tourism") is a multi-stakeholder initiative with the mission to provide awareness, tools and support to the tourism industry to prevent the sexual exploitation of children. This was necessitated by the need to position professionals at the centre of preservation of culture and community empowerment which is in itself a key pillar to the development of tourism and the destination Kenya.

To facilitate the realization of TPA's Mandate, the association established different levels of membership to represent the diversity of the sector. Continuous Professional Development (CPD) policy, was developed, approved by the board and has since been guiding the Association towards professional development programs for its membership. From November, 2018 over 200 professionals have undertaken the 1st CPD training in the coastal, Rift valley, Nyanza, Central and Nairobi regions of the country.

The issue: TPA's Proposals on the amendments of the Tourism Act 2011.

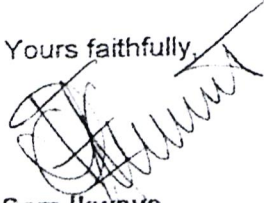
With these developments and many more that are anticipated, and after operating for the past two years, TPA is of the opinion that it is time for the association to be entrenched in the substantive Tourism Act. In amending the current Tourism Act, there is need to develop a substantive provision establishing the Tourism Professionals Association expressly laying out its mandate as a separate entity with distinct functions from other players within the sector. Currently, the requirement for the establishment of such an association is provided for in the Tourism Regulatory Authority Regulations 2014. The proposed development of a substantive provision in the Tourism Act is critical in order to enable TPA operation line with international best practice for professional associations as self-regulating entities.

It is in this regard that we write to request the committee of Sports, Culture and Tourism to consider, in the process of amending the Tourism Act 2011, to anchor TPA in the Tourism Act, with clear mandate of organizing sector professionals into a well-structured program for development and growth. This has been the missing link in the management of the diverse tourism sector in Kenya. For example, all other professions have a near definite knowledge of the number of its professionals locally and in diaspora. This has made planning and development of relevant policies and programs for these professions possible. However, in the tourism industry, which is one of the largest sectors, employing over 20,000 Kenyans directly and many more indirectly, this is missing. The sector probably having operated for so long without a professional body is not well organized, both at training and practice levels. Currently in Kenya, it is common to find tourism and hospitality training being offered at every corner college in all towns across the country. Worse, there is no standardized or agreed curriculum for the different levels of professional and manpower development. Then there are those training institutions including universities that ordinarily will never be allowed to offer certain programs if they lack specific training infrastructure including laboratories and practical facilities. In the case of tourism and hospitality training, we have many colleges and universities training for example in food production without kitchens and related requisite facilities. The presence of TPA with requisite legal backing will provide the requisite professional foundation for checking training standards and practice.

In addition, the sector is plagued by human capital management gaps in need of attention. Whereas, Kenya is considered one of the countries within the region and globally with some of the best human resource capacity credited for providing world class services locally, regionally and internationally, there are investors within the country who still prefer bringing in expatriates to engage in jobs that have adequate Kenyan capacity. This according to some observers has been attributed to lack of a clear human capital transfer policy framework. Currently, the agencies concerned appear to lack the level of engagements expected before expatriates are allowed in Kenya to serve in strict adherence to best practices. A self-regulating professional association would provide the required expertise thus the need to entrench TPA in the legislation.

While the existing legislation provided for the background and registration of TPA, we believe it is ill equipped to anchor the association as self-regulating professional association. *It is our hope that as you make provisions for amending the Tourism act 2011, we can take advantage of this timely process to institutionalize and facilitate the establishment of the instruments and subsequently facilitate the realization of the vision through the National Assembly. We are available to make any such presentations and expound on these proposals if called upon by the committee.*

Yours faithfully,



Sam Ikwaye
Secretary

TOURISM PROFESSIONAL ASSOCIATION